

	Resources & Public Realm Scrutiny Committee 5 November 2024
	Report from the Corporate Director of Neighbourhoods & Regeneration
	Lead Member - Cabinet Member for Regeneration, Planning, & Growth (Councillor Shama Tatler)
Strategic Community Infrastructure Levy and Section 106 Overview	

Wards Affected:	All, excluding parts of Alperton, Harlesden and Kensal Green, Stonebridge and Tokyngton where Old Oak and Park Royal Development Corporation is the Local Planning Authority
Key or Non-Key Decision:	Not Applicable
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
List of Appendices:	Three: Appendix A: Brent Annual CIL Rate Summary 2024 Appendix B: Brent S106 Commissioning Application Support Form Appendix C: S106 Funds Available to Allocate
Background Papers:	None
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1.0 Executive Summary

- 1.1. The purpose of the report is to provide an update on the collection, allocation, and spend of Strategic Community Infrastructure Levy (SCIL) and Section 106 Agreement contributions made pursuant to the of the Town and Country Planning Act 1990 (S106) over the last 10 years, including information on any unallocated funds and spending priorities.
- 1.2. This report does not consider the collection, allocation and spend of the Neighbourhood Community Infrastructure Levy which is overseen by the Community Grants team in the Partnerships, Housing and Residents Services directorate.

2.0 Recommendation(s)

2.1 For Scrutiny Committee to note the content of this report and appendices A, B & C and provide relevant feedback for improvements or further review.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

3.1.1 The Borough Plan includes commitments to providing affordable housing, tackling climate change, air quality, employment and training, skills, and education.

3.1.2 New development can assist in delivering the Borough Plan priorities in a variety of ways, including through S106 planning obligations and infrastructure delivered through CIL contributions. The council produces an Infrastructure Funding Statement (IFS) every year. This demonstrates how the Council is meeting the priorities through showcasing the collection and subsequent allocation of contributions received from development to projects around the borough, improving the lives of current and future residents.

3.1.3 The allocation and spending of SCIL and S106 contributions, as set out in the IFS annually, also links to and aligns with the priorities and ambitions of several other Council plans and policies including:

- Affordable Workspace Strategy (in relation to S106)
- Brent Local Plan
- Climate and Ecological Emergency Strategy
- Inclusive Growth Strategy
- Long Term Transport Strategy

3.2 Background

3.2.1 Brent uses two key mechanisms to secure funding for infrastructure improvements and community benefits from new developments; S106 and CIL. Both mechanisms are essential in providing local infrastructure in response to the demands created by new development.

3.2.2 While both S106 and CIL are designed to ensure that developments contribute to infrastructure and community services, there are key differences in how they function:

- S106 is negotiated on a case-by-case basis and focuses more on addressing specific impacts of individual developments, such as affordable housing.
- CIL is a fixed charge that applies to most developments and is more broadly used to fund general infrastructure improvements across the borough.

3.2.3 Prior to the adoption of Brent's CIL on 1 July 2013, S106 contributions also covered generic financial contributions such as '*X amount to be spent on*

education, sustainable transport and open space/sports'. This was negotiable per development and could address borough wide issues. The majority of the infrastructure projects which this style of obligation could be spent on is now covered by SCIL however, SCIL requires the money to be spent on physical infrastructure, a restriction which may not have been in the old pre 2013 S106's.

3.3 CIL

What is CIL?

- 3.3.1 CIL is a standardised charge levied on new developments, introduced by the Planning Act 2008 and the CIL Regulations 2010. It is intended to provide a predictable and transparent method for local planning authorities to secure funding for infrastructure improvements.
- 3.3.2 Brent adopted its own CIL on 1 July 2013. CIL is calculated based on the size (measured in square metres) of new developments. Developers pay a fixed amount per square metre of additional floorspace. The levy is charged on most types of new buildings, with some exceptions, such as affordable housing, buildings used by charities and some smaller developments. Brents charging schedule is attached within the 2024 CIL Rate Summary within Appendix A.
- 3.3.3 Once a CIL liable planning permission is granted, the council will issue the developer a Liability Notice which sets out the amount of CIL they will need to pay. If eligible, a developer can then chose to apply for a CIL relief such as social housing, self build or charity relief, which must be submitted prior to the commencement of the scheme or it is void. Once the developer knows their commencement date, they must submit a Commencement Notice to the council prior to commencing. The council will then acknowledge this and send a Demand Notice and an Invoice setting out the payment and the date(s) by which it is due. If the payment date is missed, statutory Late Payment Interest (LPI) is due along with a surcharge.
- 3.3.4 CIL receipts can be broken down into three distinctive portions – the Strategic CIL (SCIL), the Neighbourhood CIL (NCIL) and the Administration CIL. In addition, all London planning authorities are required to collect a Mayoral CIL (MCIL). This is set by the Mayor of London and is required to be passed on to TfL on a quarterly basis to pay for the Elizabeth Line.

Table 1: CIL Portions Description

Portion	% of Receipts	Process
Brent Strategic CIL	70% plus	Spend decided by the Council according to its strategic infrastructure priorities. Spend must support development in Brent, although does not have to be spent by Brent.
Neighbourhood CIL	15% to neighbourhoods or 25% where a neighbourhood plan is in place	A round of bids inviting communities to suggest projects for NCIL funding.

Portion	% of Receipts	Process
CIL Administrative expenses portion	Up to 5%	Spend applied to administrative expenses for collection and enforcement in line with legal restrictions on the use of this funding. Any CIL Admin which is not spent within the year it is received is moved to SCIL.
Mayoral CIL Administrative expenses portion	Up to 4% of MCIL received	

3.3.5 Strategic CIL must be used to fund the improvement or replacement of physical infrastructure (e.g. education, transport facilities, medical facilities, schools, sporting, and open space/recreation facilities) that supports development in the borough. Whilst it cannot be used to resolve pre-existing deficiencies, it can secure improvements to existing infrastructure if it is shown that this supports development and is eligible for CIL funding in line with CIL regulations.

3.3.6 While SCIL is allocated and spent on capital projects, NCIL is allocated to community bids which currently go out annually. The community can bid for projects that meet the above infrastructure requirements but can also be spent on *“anything else that is concerned with addressing the demands that development places on an area.”* However, it must be spent on physical infrastructure. NCIL is usually used for more local interventions.

SCIL Governance

3.3.7 The current SCIL governance arrangements were agreed by Cabinet on 7th September 2020. This set out the requirement that strategic projects are submitted to an Infrastructure Officer Working Group (IOWG) that considers whether each project is eligible for SCIL. It ensures that the projects meet the legal test set out in the CIL regulations 2010 as amended. If eligible, the project manager takes the project to the relevant service board followed by the Capital Programme Board (CPB) for final approval. If the request is for more than £250,000, the decision to agree the SCIL allocation is made by Cabinet.

3.3.8 SCIL can only be spent on physical infrastructure that supports development. It cannot be spent on revenue or feasibility reports. It also cannot be used to repair existing failing infrastructure which is not related to development i.e. potholes, pavement repairs and existing infrastructure deficiencies.

Collection, Allocation and Impact of SCIL Spend

3.3.9 SCIL has been allocated to 26 projects across the borough with a total value of £102,371,676.37. This has had a significant impact on the borough and its residents from providing improved transport connectivity, medical centres, public realm improvements, community centres and libraries. The projects are listed within the tables below.

3.3.10 Table 2 shows the SCIL collected, allocated and spent per ward since Brent started collecting its own CIL. With both Table 2 and Table 3, it should be stated

that we do not have the spend figures for 24/25 as this are provided at the end of the financial year.

Table 2: SCIL Collection, Allocation and Spend per Ward

Ward	SCIL Collected	SCIL Allocated	SCIL Spent
Alperton	£20,627,495.98	£8,537,799.33	£0
Barnhill	£1,202,568.69	£0	£0
Brondesbury Park	£3,436,787.73	£0	£0
Dollis Hill	£2,555,657.35	£200,000.00	£0
Cricklewood & Mapesbury			
Dudden Hill	£4,007,590.44	£0	£0
Fryent	£3,790,840.36	£0	£0
Harlesden	£971,512.11	£3,959,100.00	£542,939.30
Harlesden & Kensal Green	£40,908.37	£0	£0
Kensal Green	£1,593,929.05	£0	£0
Kenton	£480,864.24	£0	£0
Kilburn	£7,739,009.13	£8,608,495.33	£53,512.18
Kingsbury	£122,899.25	£500,000.00	£0
Mapesbury	£621,141.37	£0	£0
Northwick Park	£9,265,974.17	£13,900,621.00	£3,213,323.85
Preston	£2,488,448.06	£1,615,684.77	£1,615,684.77
Queensbury	£3,333,732.47	£0	£0
Queens Park	£2,343,790.09	£0	£0
Roundwood	£2,699.65	£0	£0
Stonebridge	£6,583,968.34	£15,926,427.26	£2,615,579.17
Sudbury	£1,326,635.36	£0	£0
Toykngton	£81,131,269.41	£32,770,333.33	£24,926,853.85
Welsh Harp	£352,839.40	£0	£0
Wembley Central	£16,351,655.35	£0	£0
Wembley Hill	£1,064,631.59	£11,230,000.00	£0
Wembley Park	£9,190,968.85	£0	£0
Willesden Green	£4,662,720.45	£5,123,215.35	£5,123,215.35
Total:	£185,290,537.26	£102,371,676.37	£38,128,608.47

3.3.11 Table 3 shows the projects allocated SCIL, their spend to date, the type of infrastructure and the ward which they took place in.

Table 3 – SCIL Allocated Projects

Project	Infrastructure Type	Ward	SCIL Allocated	SCIL Spent	Project Status
Olympic Way Public Realm Improvements	Public Realm	Tokyngton	£17,800,000.00	£17,800,000.00	Complete
Wembley Two Way Working	Transport	Tokyngton	£1,696,986.38	£1,696,986.38	Complete
North End Road	Transport	Tokyngton	£5,203,013.62	£4,656,610.13	In Progress
Morland Gardens	Community Facilities and Public Realm	Stonebridge	£15,200,000.00	£2,513,151.91	Cancelled
CIL Contribution to Three Medical Centres - Wembley	Health	Tokyngton	£1,157,333.33	£701,596.00	Complete

Project	Infrastructure Type	Ward	SCIL Allocated	SCIL Spent	Project Status
CIL Contribution to Three Medical Centres - Alperton	Health	Alperton	£1,157,333.33	£0	Not Started
CIL Contribution to Three Medical Centres - South Kilburn	Health	Kilburn	£1,757,333.33	£0	In Progress
United College Group (UCG)	Education	Tokyngton	£6,500,000.00	£0	Not Started
Northwick Park Spine Road, HIF Underwriting	Transport	Northwick Park	£10,000,000.00	£213,323.85	Complete
Neville House, Winterleys, Carlton House and Carlton Hall	Public Realm	Kilburn	£4,900,000.00	£0	In Progress
Wembley Hostile Vehicle Measures	Transport	Tokyngton	£413,000.00	£71,661.34	In Progress
Harlesden Library	Community Facilities	Harlesden	£559,100.00	£542,939.30	Complete
Carlton Vale Boulevard	Public Realm	Kilburn	£1,951,162.00	£53,512.18	Not Started
Stonebridge Redevelopment - New Community Café and External Amenity Space	Community Facilities and Public Realm	Stonebridge	£102,427.26	£102,427.26	Complete
Preston Community Library Redevelopment - New Community Facility	Community Facilities	Preston	£1,615,684.77	£1,615,684.77	Complete
Learie Constantine Centre Redevelopment - New Community Centre	Community Facilities	Willesden Green	£2,643,445.04	£2,643,445.04	Complete
Brent Indian Community Centre Redevelopment - New Community Centre	Community Facilities	Willesden Green	£2,479,770.31	£2,479,770.31	Complete
Grand Union Canal Bridge	Transport	Alperton	£6,855,000.00	£0	Not Started
Alperton Housing Zone Parks Improvements at	Public Realm	Alperton	£525,466.00	£0	In Progress

Project	Infrastructure Type	Ward	SCIL Allocated	SCIL Spent	Project Status
One Tree Hill and Mount Pleasant Open Spaces					
Picture Palace	Community Facilities	Harlesden	£3,400,000.00	£0	In Progress
Neasden Town Centre Connectivity and Place Strategy	Transport	Dollis Hill	£200,000.00	£0	In Progress
Grove Park Pavilion Refurbishment	Community Facilities	Kingsbury	£500,000.00	£0	Not Started
Northwick Park Mortuary Expansion	Health	Northwick Park	£900,621.00	£0	Not Started
Northwick Park Spine Road	Transport	Northwick Park	£3,000,000.00	£3,000,000.00	Complete
Wembley Housing Zone	Community Facilities and Public Realm	Wembley Hill	£11,230,000.00	£0	In Progress
Roy Smith Community Space Fit Out	Community Facilities	Stonebridge	£624,000.00	£0	Not Started
Total:			£102,371,676.37	£38,128,608.47*	

*Includes £37,500 of spend on the Decommissioned Onside Youth Zone project

Strategy for Unallocated SCIL

3.3.12 The Brent Local Plan sets the vision and framework for Brent's development up to 2041. Over this time, the borough will continue to see a significant increase in its population, with around 2,300 new homes each year currently required in order to meet identified housing need together with new industrial and warehousing space and associated physical and social infrastructure. This is expected to increase in the forthcoming London Plan review, with updated government calculations for housing (currently subject to consultation) identifying an increase in the requirement for new homes to approximately 2,900 homes per year.

3.3.13 The infrastructure that is required to support this development is identified within the Council's Infrastructure Delivery Plan (IDP). The IDP examines the infrastructural needs and indicative costs for short, medium, and long-term projects and will help guide decisions on future SCIL allocations. A number of sources are normally required to fund the delivery of infrastructure including SCIL, S106 contributions, capital spend by the Council and income from other sources (e.g. DfE, GLA grant funding, etc).

3.3.14 The Council focuses the spending of SCIL on essential infrastructure to support the level of growth outlined in the Local Plan and the projects identified in the IDP. This is undertaken jointly with partners such as TfL and the NHS through effective and ongoing engagement, ensuring key infrastructure is delivered at the right time and in the right place to support growth and development.

3.3.15 The Council will soon start updating its IDP to inform the future planning of infrastructure across the borough to ensure that it aligns with the growth anticipated to come forward in the Local Plan and Borough Plan priorities, and with the capital pipeline. This provides transparency to residents, members, infrastructure providers and the wider development industry on the type of infrastructure required to support long-term growth and development of the borough.

3.3.16 The proposed updated governance strategy for SCIL, as mentioned above, will help to guide the future allocation of SCIL, ensuring the council can properly plan for future infrastructure needs to facilitate and support growth.

3.4 S106

What is S106

3.4.1 Section 106 (S106) of the Town and Country Planning Act 1990 is a mechanism in UK planning law that allows local authorities to enter into legally binding agreements with developers. These agreements capture "planning obligations" which are used to mitigate the impact of new developments on local communities and infrastructure.

3.4.2 Planning obligations can only be used to mitigate the impact of development that would otherwise be unacceptable. To meet legal tests, they must be:

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

3.4.3 S106 obligations are focused on site-specific mitigation of the impact of development such as securing affordable housing or requiring improvements to an access road. CIL, on the other hand, is designed to raise funds for infrastructure needed generally as a result of an increase in development in an area and is spent on infrastructure projects across the borough.

3.4.4 While both S106 and CIL are designed to ensure that developments contribute to infrastructure and community services, there are key differences in how they function:

- S106 must be negotiated on a case-by-case basis and focuses more on addressing specific impacts of individual developments, such as affordable housing.
- CIL is a fixed charge that applies to most developments and is more broadly used to fund general infrastructure improvements across the borough.

3.4.5 S106 and SCIL are used in a complementary manner. For larger developments, both mechanisms are likely to be used, with S106 addressing specific local impacts (e.g., affordable housing and site-specific infrastructure), and CIL contributing to broader borough-wide needs.

3.4.6 Financial contributions are commonly sought through S106 towards the implementation of Controlled Parking Zones (CPZ), Affordable Housing or Affordable Workspace (where it can't all be provided on site), Carbon Offsetting for schemes which can't hit the savings target or Employment and Training contributions. Any other financial contribution will have a specific mitigation which it must be spent or contributed towards.

S106 Governance

3.4.7 S106 financial contributions must be spent in accordance with the precise wording within the S106 legal agreement. In some cases, the wording is specific, in other cases it enables some localised discretion. For example 'Contribution towards the upgrade of Northwick Park Pavillion'. This is more general – 'Street tree planting in the locality of the land'.

3.4.8 The current allocation and bid process for S106 financial contributions is set out below:

- Each Quarter a spreadsheet showing all available to allocate S106 contributions, their purpose and the area they must be spent in is sent out across the council to teams and individuals that project manage or are in teams where S106 money which has been collected needs to be spent.
- Teams have three weeks to submit a bid which includes how the project meets the S106 clause. The S106 bid template is included in Appendix B.
- If the project meets the S106 clause and other elements of the bid form, and there are not any competing bids, the project is sent to finance for final approval.

3.4.9 The full details of all of the S106 contributions that have been collected, allocated and spent each year is provided within the annual IFS, along with the affordable housing secured and a list of all S106 agreements that have been agreed that year. This is also reported to the Lead Member each quarter. [Link to current and previous Brent IFS](#)

S106 Collection, Allocation and Spend

3.4.10 Table 4 shows the S106 contributions that have been collected, broken down by ward, for the last 10 years between 1st October 2014 and 30th September 2024.

Table 4 - S106 Collection by Ward Over 10 Years

Ward	S106 Collected
Alperton	£3,460,721.43
Barnhill	£270,246.77
Brondesbury Park	£142,743.58
Cricklewood & Mapesbury	£0

Ward	S106 Collected
Dollis Hill	£3,942,275.87
Dudden Hill	£190,801.00
Fryent	£757,126.06
Harlesden	£366,791.21
Harlesden & Kensal Green	£8,000.00
Kensal Green	£30,093.94
Kenton	£65,014.54
Kilburn	£3,246,759.21
Kingsbury	£17,500.00
Mapesbury	£703,834.90
Northwick Park	£627,025.17
Preston	£668,102.12
Queensbury	£5,660,186.16
Queens Park	£1,612,990.77
Roundwood	£49,030.40
Stonebridge	£1,285,377.35
Sudbury	£227,745.42
Toykngton	£7,541,208.94
Welsh Harp	£0
Wembley Central	£2,484,402.91
Wembley Hill	£199,038.27
Wembley Park	£17,500.00
Willesden Green	£657,099.54
Total:	£34,231,615.56

3.4.11 Table 5 shows the S106 contributions that have been collected and allocated, broken down by ward, for the last five years from 1st April 2019 to 30th September 2024. We do not have ward data recorded for each project before 2019/20. We also do not have the spend per project as the ward data has only been recorded on allocation. However, of the **£22,167,554.78** allocated in this period, **£8,222,093.80** has been spent.

Table 5 – S106 Collected, Allocated & Spent per Ward Over Five Years

Ward	S106 Collected	S106 Allocated
Alpertton	£3,292,657.82	£265,469.12
Barnhill	£262,746.77	£106,000.47
Brondesbury Park	£117,269.02	£40,474.56
Dollis Hill	£3,942,275.87	£37,637.10
Cricklewood & Mapesbury	£0	£0
Dudden Hill	£173,066.29	£1,375,887.29
Fryent	£700.00	£226,600.00
Harlesden	£10,351.81	£92,186.84
Harlesden & Kensal Green	£8,000.00	£0
Kensal Green	£0	£0
Kenton	£0	£75,810.31
Kilburn	£1,608,815.75	£1,795,930.46
Kingsbury	£17,500.00	£0
Mapesbury	£0	£36,458.29
Northwick Park	£567,840.05	£58,000.36
Preston	£537,363.20	£658,701.36
Queensbury	£4,186,502.92	£936,673.57

Ward	S106 Collected	S106 Allocated
Queens Park	£1,060,176.62	£145,760.99
Roundwood	£49,030.40	£0
Stonebridge	£65,796.54	£232,416.83
Sudbury	£100,435.35	£0.00
Toykngton	£5,368,684.49	£4,403,539.53
Welsh Harp	£0	£0
Wembley Central	£1,244,764.93	£492,772.68
Wembley Hill	£199,038.27	£1,189,343.76
Wembley Park	£17,500.00	£188,852.72
Willesden Green	£280,495.61	£2,910,000.00
Borough Wide	N/A	£6,899,038.54
Total:	£23,111,011.71	£22,167,554.78

3.4.12 Table 6 shows the S106 contributions that have been collected, allocated and spent per obligation type for the last 10 years between 1st October 2014 and 30th September 2024. It is important to note that we will have collected money that was secured within S106 agreements that were agreed prior to the adoption of CIL in Brent and some of these could be used for multiple uses.

Table 6 – S106 Collected, Allocated & Spent per Type Over Ten Years

Contribution Type	S106 Collected	S106 Allocated	S106 Spent
Affordable Housing	£8,268,731.20	£8,228,731.20	£4,993,297.14
Affordable Workspace	£860,186.53	£654,882.22	£143,037.82
Amenity or Recreation	£72,461.33	£67,455.55	£65,958.90
Art	£7,500.00	£2,838.20	£894.20
Carbon Offset	£5,547,277.34	£1,995,909.98	£129,118.34
Community	£213,576.29	£163,576.29	£153,215.78
Education in Ealing*	£216,207.18	£216,207.18	£216,207.18
Education	£177,979.61	£177,979.61	£177,979.61
Education, Open Space or Transport	£210,968.99	£210,968.99	£196,712.97
Employment & Skills	£1,351,030.78	£892,610.21	£687,375.97
Environment	£1,227,536.76	£763,811.31	£617.91
Environmental Health	£10,617.91	£10,617.91	£7,255.97
Landscape	£713,653.56	£480,811.53	£248,263.49
Parking & Lighting	£14,750.83	£14,750.83	£14,750.83
Parks	£1,020,642.65	£674,176.94	£545,580.18
Schools	£1,130,610.73	£1,130,610.73	£1,041,796.60
Social	£39,335.45	£39,335.45	£29,641.22
South Kilburn Regeneration	£1,431,294.97	£1,431,294.97	£66,835.49
Sports	£12,250.00	£12,250.00	£12,250.00
TfL	£2,590,511.97	£1,985,035.58	£1,985,035.58
Transportation	£9,114,491.48	£7,800,035.67	£5,908,486.96
Totals:	£34,231,615.56	£26,953,890.35	£16,624,312.14

*This is from a 2012 permission in Park Royal

Strategy for Unallocated S106

3.4.13 S106 financial contributions must be allocated in accordance with the requirements within the individual S106 legal agreement. Relevant teams must

identify specific projects which meet those requirements and those teams require sufficient capacity to create and deliver the projects. In some instances this can result in longer periods between the receipt of the funding and the delivery of projects. Where there are unallocated S106 contributions, we work with the relevant teams to find projects or earmark contributions for future projects to ensure they can be spent within the timeframes set out in the legal agreement. Additionally, some smaller sums may remain after projects have been completed and decommissioned.

3.4.14 We have allocated £22,167,554.78 amount of S106 contributions to 92 projects over the last five years, demonstrating the proactive allocation of the available monies.

4.0 Stakeholder and ward member consultation and engagement

4.1 Quarterly reporting on infrastructure priorities and projects, as well as the SCIL and S106 allocation, expenditure and income, is provided to the Cabinet Member for Regeneration, Planning & Growth.

5.0 Financial Considerations

5.1 Projects applying for SCIL and s106 funding are proposed via the capital pipeline with a spend profile spanning 2 – 5 years. In the first instance they are reviewed by the Infrastructure Officer Working Group (IOWG) before progressing through approval stages via relevant programme sub-board, the Capital Programme Board then finally Cabinet. Proposals presented from the pipeline must have a viable business case and will deliver value for money (VfM) for the Council.

5.2 The IOWG was established to standardise the approach to how the Council manages its governance processes concerning the application of strategic CIL (SCIL) to ensure that priorities within the Local Plan and Infrastructure Delivery Plan are met.

5.3 The s106 and SCIL teams work closely with finance to monitor available reserve funding for projects, which are commissioned/decommissioned by Finance depending on available funding.

5.4 Actual spend for s106 and SCIL is already covered in detail elsewhere within this paper.

6.0 Legal Considerations

6.1 Following the adoption of CIL in Brent on 1 July 2013, S106 planning obligations are only considered if the planning obligation assists in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

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

6.2 These tests are set out as statutory tests in regulation 122 of the CIL Regulations (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area. Any financial contribution received must be spent in accordance with the S106 to which it relates.

6.3 The SCIL can be used to fund a wide range of physical infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (for further details, see section 216(2) of the Planning Act 2008, and regulation 59, as amended by the 2012 and 2013 Regulations). This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan and the London Plan in London). It is up to the Council to decide where to apply CIL in relation to infrastructure in the Borough.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

7.1 The public sector equality duty set out in Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 The report does not have a direct impact on EDI. Each project that comes forward for funding would need to be subject to EDI considerations prior to applying for SCIL or S106 funding.

8.0 Climate Change and Environmental Considerations

8.1 The Council declared a climate and ecological emergency in 2019 and set out to do all reasonable in the Council's gift, within available resources and competing priorities, to aim for carbon neutrality for the borough by 2030. The Council has subsequently adopted a Climate and Ecological Emergency Strategy (2021-2030) which sets out the council's route map to achieve this aim.

- 8.2 The IFS demonstrates Brent's commitment to the Brent Climate & Ecological Emergency Strategy through showcasing the use of SCIL and S106 allocations which meet the Key Themes of the document, in particular:
- Key Theme 2 - '1. Supporting and Encouraging Active Travel' through the Neasden Town Centre Connectivity and Place Strategy SCIL project;
 - Key Theme 3 - '1. Improving Energy Efficiency' through the Social Housing Decarbonisation S106 project;
 - Key Theme 4 - '1. Enhancing Green Spaces and Biodiversity' through the Chalkhill Parks Improvements, Heather Park Dog Station, Lawrence Avenue Open Space Improvements, and One Tree Hill Paths S106 projects; and
 - Key Theme 5 – '3. Brent Carbon Offset Fund' through the collection of Carbon Offset S106 contributions throughout the financial year.
- 8.3 Since 1 October 2016, all developments must be carbon neutral achieved through a combination of on-site carbon reduction measures together with a financial contribution to a Carbon Offset Fund. Both the on-site carbon reduction measures and the financial contributions are secured through S106 obligations. The contributions are used to fund local carbon reduction projects, thereby offsetting the development's carbon emissions shortfall.
- 8.4 Brent is a Local Planning Authority (LPA), and the London Plan requires LPAs to:
- Set up a Carbon Offset Fund that is ring-fenced to secure delivery of carbon savings within the relevant LPA;
 - Set a price for carbon, i.e. price per annual tonne of carbon, that developers pay to make up any shortfall in on-site carbon savings, securing contributions through S106 agreements;
 - Identify a suitable range of projects that can be funded through the Carbon Offset Fund; and
 - Put in place suitable monitoring procedures to enable reporting to the GLA.
- 8.5 The GLA has specific guidance on the Carbon Offset Fund, which is available online, but the fundamental purpose of the fund is that it should be used for tangible carbon reduction projects in homes and buildings, although education projects are also eligible. There are specific criteria related to the amount of carbon reduction achieved.
- 8.6 Since Cabinet agreement was obtained in October 2022, the Council has allocated its Offset Fund via a three-way split between Council Housing (60%), Community Schools (30%), and other (10%). A decision was made by Brent's Cabinet at its meeting on 14 October 2024 to remove this existing allocation split, and for the fund to be utilised in a more agile and flexible way going forward. The expenditure and allocation to date following the previous policy is set out below:

Category	Percentage Allocated	Total Allocation	Expenditure to Date	Amount Remaining
Housing	60%	£2,774,716	£900,000	£1,874,716
Schools	30%	£1,387,358	£595,910	£791,449
Other	10%	£462,453	£139,503	£322,950
Total	100%	£4,624,527	£1,635,412	£2,989,115

- 8.7 The figures provided on current SCIL allocations within this report reflect figures up until Q2 (end of Sept 2024). At a meeting of Brent's Cabinet on 14 October 2024, Cabinet agreed approved a capital budget allocation of £3mil of SCIL to implement the Church End and Roundwood Green Corridors Scheme. This scheme affects Roundwood and Harlesden & Kensal Green wards, as part of the council's Church End & Roundwood Green Neighbourhood scheme and will be reflected accordingly in the Q3 breakdown.

9.0 Communication Considerations

- 9.1 The IFS is published on the Brent Council website annually before 31st December as required the CIL regulations (as amended, 2019) and sets out all the SCIL and S106 money which has been collected, allocated and spent within the previous financial year, along with the total amount available to allocate.

Report sign off:

Alice Lester

Corporate Director of Neighbourhoods & Regeneration