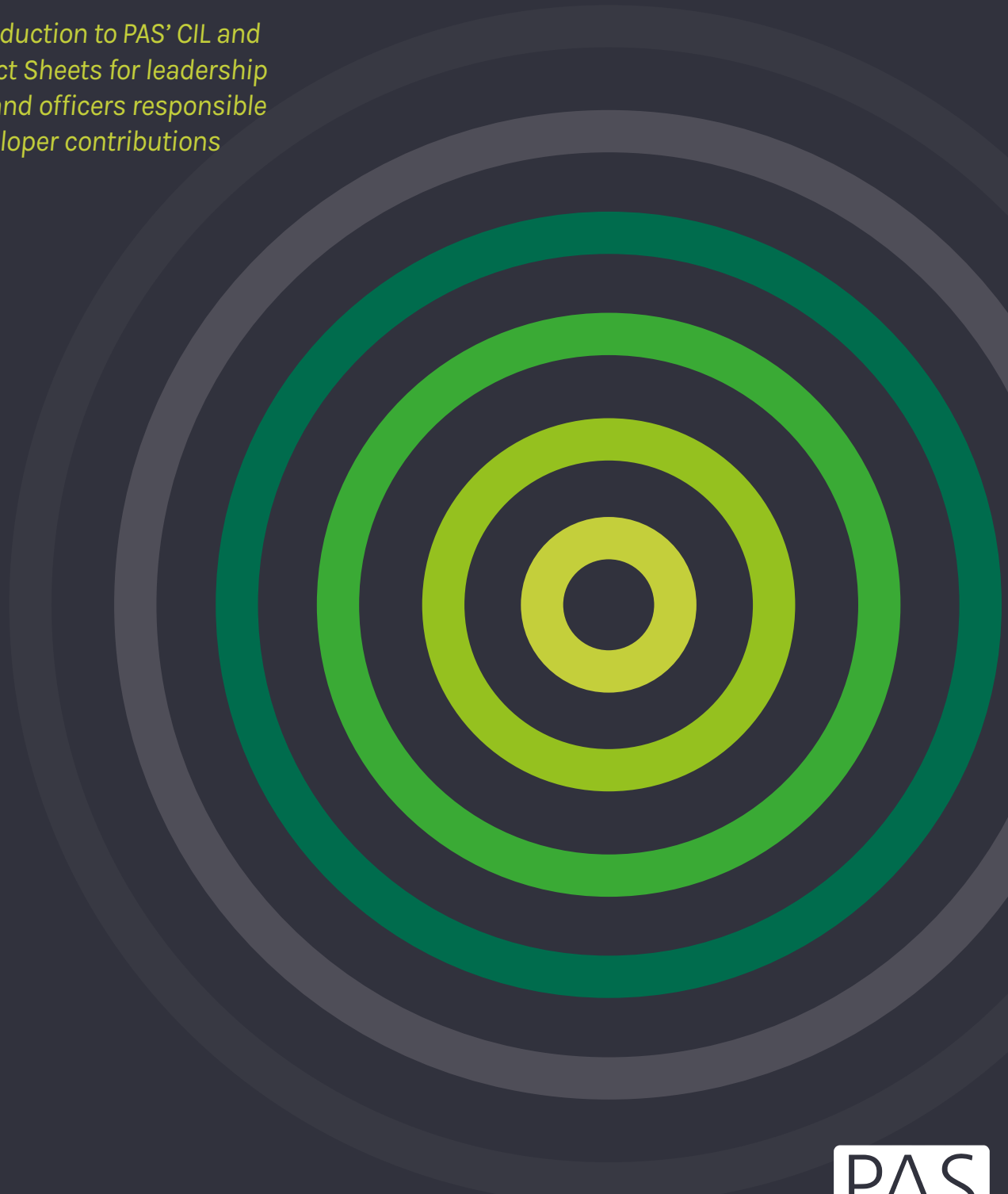

PAS

Developer Contributions

Start with the spend in mind

An introduction to PAS' CIL and S106 Fact Sheets for leadership teams and officers responsible for developer contributions



Introduction to PAS' CIL & S106 Fact Sheets

Developer contributions is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and planning obligations (commonly referred to as 'Section 106' or 'S106' obligations after Section 106 of the Planning Act). These are planning tools that can be used to secure financial and non-financial contributions (including affordable housing), or other works, to provide infrastructure to support development and mitigate the impact of development. Developer contributions might also relate to highways works secured under Section 278 of the Highways Act.

This Planning Advisory Service (PAS) advice is aimed at local authority leadership teams with responsibility for CIL and planning obligations (S106) and officers involved in the design and implementation of CIL and S106 policies and processes. It has been developed in response to changes in legislation and Planning Practice Guidance (PPG) on how CIL and S106 can be used and how they must be reported on. It is also published against a backdrop of growing challenge from the development industry, as well as growing media scrutiny, of the real or perceived lack of spending of developer contributions by local authorities.

If your Council collects money – or secures the delivery of in-kind works – through developer contributions, it is the job of the local authority leadership team to ensure that the policy requirements are justified, that contributions are spent lawfully and effectively and that these are reported on transparently. You need to ensure that you have the systems and resources in place to do this and to continuously review and improve these to ensure that they are fit for purpose.

This advice takes the form of a series of fact sheets which draw on examples of good practice from local authorities in England, lessons from relevant case law and insights from research. It is also informed by the PAS developer contributions project that was undertaken with authorities in Hertfordshire in 2019 – distilling some of the learning points from that programme as well as the experience of the project team's work across the country.

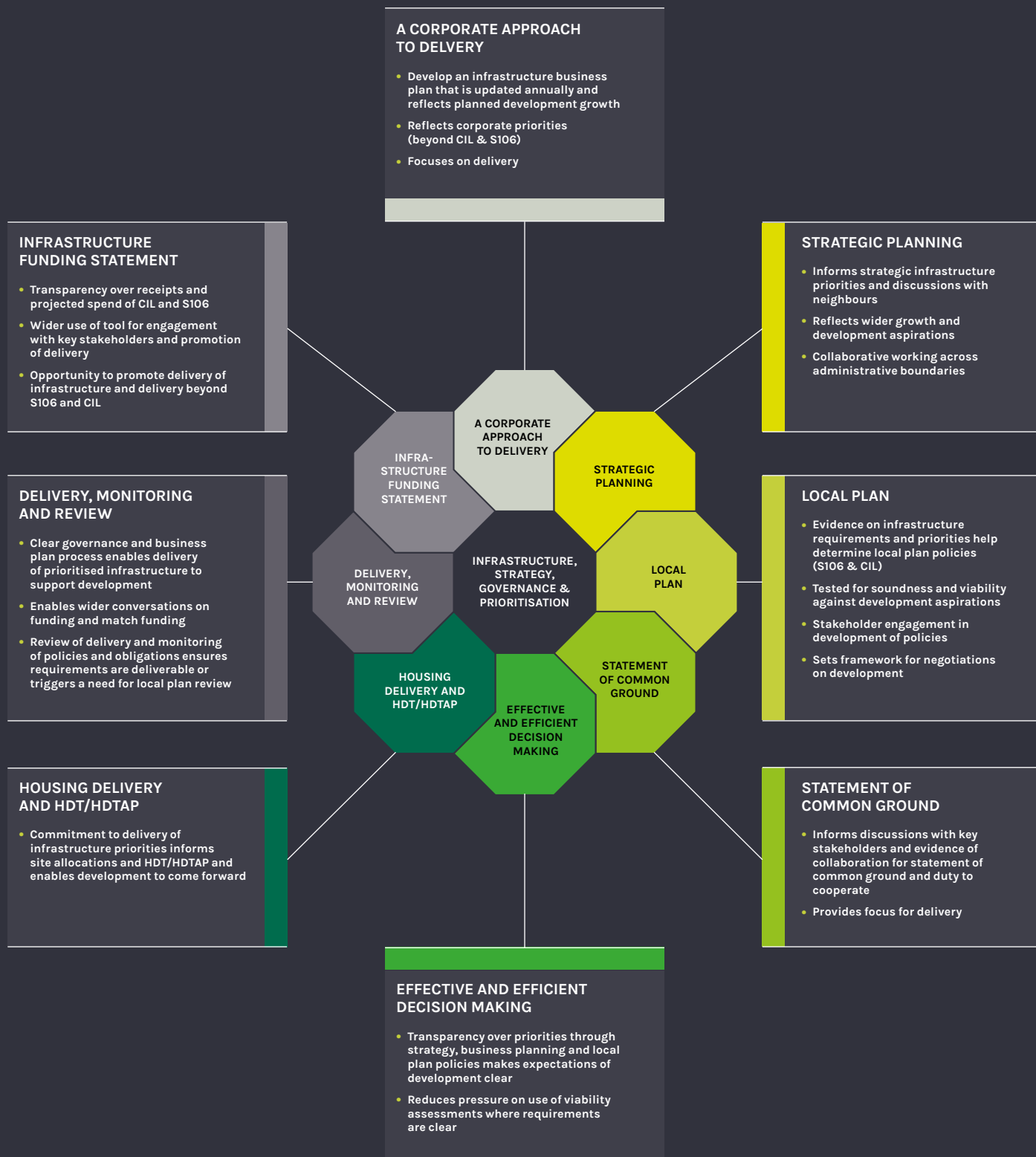
CIL and S106 is relevant to your leadership team

Developer contributions are normally a key component of any authority's approach to developing and delivering an infrastructure strategy for their area. Effective infrastructure planning, prioritisation and governance of spend are critical to supporting the delivery of sustainable development and growth. Local authorities have a fundamental role in leading the coordination and delivery of infrastructure that will support their areas, and the activities that are required to do this permeate and interrelate throughout the planning system as illustrated on below in figure 1.

Leadership teams need to focus on infrastructure delivery to ensure that their authorities are supporting sustainable development and are meeting a number of key collaborative outputs that the government expects planning authorities to deliver. The advice in the following sections 'zoom in' to the legal policy and practical issues associated with developer contribution systems, but this advice should be read and understood in this wider context of infrastructure planning, governance and delivery.

FIGURE 1:

Infrastructure planning – the glue in the delivery framework



Using PAS CIL and S106 Fact Sheets

Each fact sheet contains information and advice on how to develop or improve your approach to developer contributions and the service that you provide. Key questions that can help you and the rest of the leadership team to assess and ‘health check’ your CIL and S106 systems are included. Reading all of the fact sheets will give you an overview of CIL and S106 alternatively skip straight to the topic you are interested in.

- **CIL & S106 Fact Sheet 1:** Securing developer contributions – the basics
- **CIL & S106 Fact Sheet 2:** Spending developer contributions – the basics
- **CIL & S106 Fact Sheet 3:** Collating evidence on impact, infrastructure need and viability
- **CIL & S106 Fact Sheet 4:** Choosing CIL and/or S106 and setting out policy requirements
- **CIL & S106 Fact Sheet 5:** Strategy and governance for developer contributions
- **CIL & S106 Fact Sheet 6:** Processes that enable effective and efficient spend of developer contributions
- **CIL & S106 Fact Sheet 7:** Requirements for Infrastructure Funding Statements
- **CIL & S106 Fact Sheet 8:** Administering and Monitoring developer contributions

CIL legislation has been subject to multiple amendments since 2010 – new case law and innovations in practice mean that things will continue to change and evolve – so PAS will aim to keep this advice up to date.

Other Sources of advice and support

The Government has produced Planning Practice Guidance on developer contributions. This includes links to relevant legislation and is an essential starting point for developing local policies and designing administrative and monitoring processes for developer contributions.

The [PAS website](#) includes further details on CIL and S106 and support available to local authorities and other advice to supplement the matters covered in this guidance. There is also an active [PAS KHub online](#) discussion forum which many practitioners have used over the last few years to ask questions of colleagues about specific cases and new policies.

There are also a number of groups and networks across the country of officers involved in developer contributions – and in particular monitoring. Contact the PAS team if you would like to be put in touch with one of these groups or would like support to set one up in your area.

1 – Securing developer contributions – the basics

Planning applications must be determined in accordance with the development plan (that is the ‘local plan’ document(s) and, if relevant, spatial development strategy), unless ‘material considerations’ indicate otherwise. S106 obligations are negotiated between the council and developer to mitigate the impact of a development or to secure local plan policy requirements as part of the development. They are ‘secured’ through planning agreements entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority; or through a unilateral undertaking entered into by a person with an interest in the land but without the local planning authority.

S106 obligations can include:

- Requirements for parts of a development to be used in certain ways, for example for affordable housing;
- Requirements for certain works to be undertaken or for other requirements and/or restrictions on the form of the development, for example requiring the development to be car free;
- Financial contributions to address the impacts of development – usually limited to those cases where it is not feasible to meet policy requirements on site and/or to mitigate specific development impacts, for example the carbon emissions from development.

S106 can only be used where the legal tests set out in the CIL Regulations 2010 (as amended) are met. That is that the obligations 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.

Since 2010, authorities in England and Wales have also been empowered to establish a Community Infrastructure Levy (CIL) to help pay for infrastructure, other than affordable housing, to support development. This charge on the development can operate alongside S106. Combined authorities with planning powers can charge a strategic infrastructure tariff in addition to a local CIL. The Mayor of London can also charge a CIL for strategic transport projects.

Local planning authorities set, charge and administer CIL in line with CIL regulations. CIL is a fixed, non-negotiable, charge on most development of 100 square metres or more, or a new dwelling of any size. Payment becomes due from commencement of the development. Exemptions from CIL can be sought in respect of charitable development, affordable housing, self-build housing, residential annexes and residential extensions.

Mitigating development impact



CIL and S106 are similar in that they are tools to address the impacts of **development**. But S106 is designed to mitigate the specific impacts of that **individual** development while CIL is a tool to deal with the **cumulative** impacts of development on infrastructure.

CIL is specifically designed to enable the pooling of contributions from development. Attempting to make S106 operate like CIL by using tariff based approaches are unlawful if the obligation does not meet the tests for the use of S106.

Key Questions



- Does the leadership team (councillors and officers) understand when and how S106 and CIL may be applied to development?
- Does the leadership team (councillors and officers) understand that CIL is a tool to deal with cumulative impact and S106 for specific development impacts?
- Where relevant, are Parish Councils similarly informed?

2 – Spending developer contributions – the basics

Any S106 financial contributions are payable at the time specified in the obligations contained within the S106 legal planning agreement or undertaking – this will usually (but not exclusively) be on commencement of development. S106 payments can only be used for the specific purposes defined in the agreement or undertaking. The spend of S106 contributions is often time restricted by clauses in the legal agreement – monies which are no longer needed or unspent may need to be returned to the developer. In some cases there may be scope to vary the original agreement or undertaking but any variance must still meet the legal tests for the use of S106 which are:

- a necessary to make the development acceptable in planning terms;
- b directly related to the development; and
- c fairly and reasonably related in scale and kind to the development.

Monitoring fees can be secured as part of a S106, but the amount secured must fairly and reasonably relate to the development and must be applied to monitoring costs.

CIL is only payable within 60 days of commencement – or as defined in the authority’s instalment policy. CIL is not subject to the same restrictions on spend as S106 but the legislation does set some parameters for the way in which it can be used. For most authorities the breakdown of how CIL receipts are ring-fenced and spent is as follows:

- **75–85% of receipts on infrastructure projects** – the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area. The charging authority decides what these priorities are and when and where to spend CIL. This can be outside an authority area, providing it addresses the impacts of development within it;
- **15% (capped at £100 plus indexation per dwelling) rising to 25% (uncapped) in areas with an adopted neighbourhood plan for spend within the neighbourhood** within which the CIL was received. These receipts must be spent on projects that support development of the area but is not limited to infrastructure. In areas with parish councils or community councils these funds are passed to them. Outside of these areas the council should engage with communities on how the money should be spent.
- **5% of CIL receipts in the first 3 years of operation and annually thereafter can be spent on the cost of administering CIL.** These administration costs can include staff, software and, in the first three years of charging CIL, costs associated with setting the CIL Charge. In London, the Mayor is able to retain 1% of CIL receipts for the costs of administering the CIL, whereas the London Boroughs are able to retain 4% of the Mayoral CIL collected in their area for administration.

There are no time limits on the main CIL spend, however, there are time limits on the neighbourhood portion.

Spend must link to development



It is worth remembering that S106 and CIL are designed to address individual or cumulative impacts of development – and must be used in line with the legal agreement and CIL regulations respectively. These developer

contribution tools cannot be used to remedy existing deficiencies or demands from population growth driven by other factors such as birth rates – they are both only to be used to deal with the impact of development.

Key Questions



- Does the leadership team (councillors and officers) understand how S106 and CIL funding must be used, including specific requirements related to the ‘neighbourhood portion’?
- Are Parish Councils and Neighbourhood Forum’s similarly informed?
- Do relevant officers, including your finance teams, understand the limitation on how any CIL or S106 monitoring fees must be used?

3 — Collating evidence on impact, infrastructure need and viability

In deciding your approach to CIL and S106, even if you decide not to charge CIL, don't base this on assumptions about development impact, infrastructure need or viability. You must base it on evidence and draw on relevant data in your development area. CIL has been effectively implemented in parts of the country with variable or low viability and can be used in combination with S106.

Identification of S106 requirements should be driven by the *impact* of specific development(s) and the need to deliver local plan policies. Requirements for developer contributions should be clearly identified in local plan documents, consulted on and tested for viability. Updates to government guidance in September 2019, as well as recent case law (McCarthy and Stone Retirement Lifestyles Ltd) v Greater London Authority [2018] EWHC 1202 (Admin) make clear that relying on supplementary planning documents, which are not subject to examination, for S106 policy requirements is unlikely to be sufficient.

In order to establish a CIL charge, or revise your existing rates, you must prepare a 'Charging Schedule'. Before the charge can take effect, a Charging Schedule must be subject to consultation and an independent examination to consider whether the charge is needed to meet infrastructure costs and viable for most developments to pay.

You need evidence demonstrating that a CIL is needed to fund infrastructure to support development – that is there

is a funding gap which CIL is needed to fill. This means understanding current infrastructure needs, the funding available and priorities for delivery over the life of your local plan. This needs to cover infrastructure your authority or the County are delivering and may extend to sub-regional infrastructure. Engaging with infrastructure providers, neighbouring authorities and the County, or strategic planning authority, is essential. Any disconnect between LPA and infrastructure providers (including, in some cases, county authorities) needs to be overcome to ensure effective delivery – and this will only happen through continuous efforts at collaboration on both sides.

CIL rates are based on viability evidence. Differential rates can be set based on the use (use in the wider sense, unconstrained by the Use Classes Order), scale and location of development. The examiner needs to be satisfied that the rates are set at a level that will not put the overall development of the area at risk. Engaging with the development industry in setting this charge and assessing viability is essential, especially on strategic sites that your plan's delivery is dependent upon. There may be onsite requirements for infrastructure or particular costs to bring a site forward – and your approach to CIL and use of S106 on these sites needs to take account of these. Very simply, too high a CIL charge that does not properly account for S106 requirements and other costs will result in no development and zero CIL receipts – and failure to deliver the local plan.

A Smarter Approach to Infrastructure Planning

RTPI research *A Smarter Approach to Infrastructure Planning* highlights the central role that planning plays in coordinating the delivery of infrastructure. It notes the clear challenges both for planners in managing these processes, and for infrastructure providers in engaging with

planning frameworks. The research highlights the need for a more joined-up approach that proactively addresses the infrastructure needs to avoid adverse impacts on economic competitiveness and the delivery of sustainable places.

Key Questions



- Are you clear on the viability of development in your area – development costs, values and trends which may affect these?
- Have you worked collaboratively with developers, service providers, the County, the Greater London Authority or strategic planning authority in relation to identify these requirements?
- Is it clear what developer contributions are required on strategic sites through CIL and/or S106?

4— Choosing CIL and/or S106 and setting out policy requirements

The decision on whether or not to adopt a CIL alongside any use of S106 is a *genuine* choice for local authorities. It should be informed by the infrastructure needed to support your local plan, patterns of development and the viability context you are operating in – and supported by evidence and not assumptions. CIL charges must be set out in a Charging Schedule by law and the NPPF and national planning practice guidance make clear S106 requirements should be set out in a development plan document. This means authorities should look to include any S106 requirements where they apply in policies as part of local plans updates. The rationale is to ensure S106 and CIL is justified by evidence on viability – ensuring development is deliverable – and informed by clear evidence on need. The Charging Schedule and local plan process ensure that this evidence is subject to consultation and testing through an independent examination and that these policy requirements are clearly set out.

The CIL Amendment Regulations (2) (2019) more explicitly allow for S106 to be used in parallel with CIL to fund infrastructure. This does not mean that authorities should revert to the pre-CIL practice of using S106 tariffs for infrastructure. CIL is the principal tool designed to deal with cumulative impacts

of development on infrastructure. S106 obligations must still meet the legal tests for their use and there are also a number of practical advantages to CIL which is:

- non-negotiable providing greater certainty for developers on requirements and predictability on likely levels of receipts for local authorities
- captures contributions from the smaller scales of development addressing their cumulative impact over time; and
- has less limitations on how it can be spent reducing the risk of it being no longer needed for the project by the time funds are received which can happen with S106.

Your authority’s use of CIL or S106 needs to respond to this legal context and be focused on how best to deliver your infrastructure priorities. For some authorities this might mean a single CIL rate with S106 restricted on large sites; or a higher CIL rate; or S106 only on larger sites. This needs to be developed in consultation with developers, tested for viability and the eventual requirement clearly communicated in the Local Plan and CIL Charging Schedule.

CASE STUDY

Aberdeen City



Recent case law has sharpened the focus on the legal tests for the use of S106, including **Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Co Ltd [2017]**.

In this case the authority introduced Supplementary Guidance requiring contributions to a pooled fund. But the developer objected to being required to make contributions to the fund given the **trivial impact** its development would have in respect of the need for some

of the proposed interventions. The judgement, relevant across the UK, found that the contribution must be connected to the development proposed in more than a trivial sense. It concluded that, without a statutory basis such as is provided for by the CIL regime in England, pooled contributions of the type sought were unlawful. While they interact and have features in common, S106 is not CIL and CIL is not S106 – the law is clear.

Key Questions



- Is your approach to choosing to adopt CIL (or not) evidence rather than assumption led?
- Is the approach informed by both legal and practical considerations (and advantages of CIL or S106 in different contexts) which can impact delivery?
- The charge setting dimension of CIL and S106 is intrinsically linked with the local plan in so far as it relates to infrastructure planning and deliverability, are your planning policy officers leading or centrally involved in developing a CIL?

5— Strategy and governance for developer contributions

The absence of leadership is the biggest predictor of an absence of effective spend. Developer contributions need to deliver infrastructure or other mitigation measures that support development. There is a statutory responsibility to make sure this happen, and legal and reputational risk where it does not.

The CIL Regulations 2010 (as amended) require local authorities to publish **annual Infrastructure Funding Statements** by 31 December 2020 which must set out the projects intended to be funded by CIL over the next five years – and guidance suggests this should extend to S106 too. Authorities are required to report the sums of developer contributions secured, allocated to projects and spent (not just transferred within or across organisations). The first challenge is getting the data ready to report and it is recommended that you can accurately project and model likely receipts based on reasonable assumptions on future development patterns. The second is that the authorities should plan in advance how they will spend these estimated sums upfront – rather than decide once received. Monitoring – and good data – is a precursor to defining your strategy.

Your strategy starting point should be how to support development and address its impacts informed by your infrastructure planning evidence. This might mean channeling all funds into a specific project, such as a transport scheme, a type of infrastructure, such as schools, or particular location. It might also mean funding different types of projects across your whole area. The decision making structure you then chose will decide on these allocations and should reflect this strategy. If funding a single project, it may be sufficient to incorporate this into an existing capital programme budget processes. Other spend strategies may require new or expanded remits for governance groups or councillors and/or officers and potentially other external stakeholders. But any governance arrangements must ensure lawful spend of CIL and/or S106.

Being able to articulate the strategy is essential to ensure it is understood across the Council, by developers and communities. This is particularly important in the context of challenges or Freedom of Information (FOI) requests on spend, ‘saving’ or pooling of CIL. Matching this strategy with transparent decision making processes and structures that serve that strategy is the best way to ensure developer contributions get spent.

Strategic Leadership and Cross Boundary Collaboration



Collaborative approaches to both identifying projects and spend on infrastructure has been pursued by authorities with ambitious growth agendas. In December 2013, Broadland, Norwich City, Norfolk County, South Norfolk councils and the New Anglia LEP signed a City Deal with central government. A central theme of this was to support infrastructure delivery to accelerate planned growth and this is now collaboratively managed by the Greater

Norwich Growth Board (GNGB). Their infrastructure planning process programme and the allocation and pooling of contributions to projects across the area to deliver major transport improvements. It also led the board to determine that the best approach for their area was to establish a fixed sum towards education, to provide certainty for delivery (see: [Greater Norwich infrastructure plan approach](#)).

Key Questions



- Are you confident your strategy for spending supports development of the area in the case of CIL and, where it relates to S106, the terms of specific agreements or undertaking?
- Have you worked collaboratively with infrastructure service providers to develop an effective spend strategy?
- Have you invested in the monitoring systems and staff necessary to meet new statutory reporting requirements?
- Are you using the insights and experience of your monitoring officers to inform your strategy for spending CIL and S106?

6 — Processes that enable effective and efficient spend of developer contributions

The processes you adopt will be shaped by your strategy for spend and determined through the decision-making structures you put in place. There need to be clear and transparent processes that ensure timely and effective spend that comply with the legislation on the use of developer contributions. Failure to have clear processes that take you from strategy to allocation and spend on a project is, along with failure to identify priorities, a major cause of unspent developer contributions. It is important to document in a process guide *how* and *when* funds will be allocated, and *who* will be involved in recommending spend to the appointed decision makers. This involves both the identification of future spend over 5 years in your annual Infrastructure Funding statement and the allocation to projects once money is received.

CIL **must** be spent on infrastructure or projects that support development and S106 is applied to mitigate the impacts of development and make it acceptable in planning terms. For CIL this relates to the overall development envisaged in the local plan, and for S106 the individual development from which the S106 contributions arises and as defined in the legal agreement. Infrastructure planning documents developed in support of local plans or CIL schedules should help with identifying and

prioritising projects. Processes for CIL allocation might also consider:

- The ability to leverage other funding as other funding streams play an important or even critical role in delivery as CIL receipts are likely to fund only a small element of the total necessary infrastructure project(s);
- Any opportunities for joint/collaborative working in the context of strategic planning and pooling across authority areas to enable delivery of critical infrastructure – especially on county wide or cross boundary infrastructure costs;
- community engagement, especially in areas that are outside of a parish or community council, where there is a requirement to engage on priorities for neighbourhood CIL expenditure.

You also need to consider *who* needs to be around the table both within and beyond your authority, and when to support this process. Those involved need to understand the process and their roles and responsibilities. Again process guides, which can be supported by terms of reference for governance groups or memorandums of understanding with external stakeholders, can have a valuable role.

Establish effective and continuous processes for allocation



Chichester District Council have a well-oiled process for identifying and allocating developer contributions. The Council produce an 'Infrastructure Business Plan' which is updated on an annual cycle through structured engagement with the County and Infrastructure providers. This is implemented by three officers who also have wider responsibility for

CIL and S106 administration who adopt a proactive approach. The Chichester Infrastructure Business Plan prioritises the infrastructure needed to support growth identified in the Local Plan via a five year rolling programme for its delivery, together with possible funding broken down by source (see: [Chichester Infrastructure Business Plan 2019](#)).

Key Questions



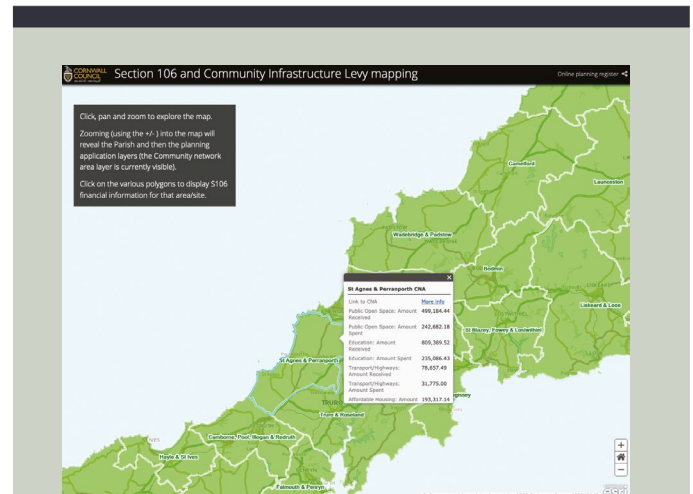
- Who identifies which projects are to be funded? For example, are these projects identified through a bidding process or identified in an infrastructure delivery plan? How do you ensure these projects support/mitigate the impact of development?
- How are external agencies involved, e.g. developers/infrastructure providers, and in the case of neighbourhood CIL, communities?
- When is funding allocated and do the relevant people know? For example, is it at specified times of the year or when the certain amount of funding is accrued? How do you record the delivery of projects (or return of funds to the CIL pot or developer in the case of S106)?

7 — Requirements for Infrastructure Funding Statements

Authorities must publish an Infrastructure Funding Statement (IFS) by the 31 December 2020 to cover the reporting year for 1 April 2019 to 31 March 2020 and annually thereafter. The objective of an IFS is to improve transparency of monitoring and reporting so that monies secured, received, allocated, spent and delivered can be followed through the system. The information responds to questions that are frequently asked of authorities through Freedom of Information requests and should be information that can be readily accessed. County councils which receives Section 106 funds also have requirements to report on these. Further information about IFS can be found on the PAS website.

Schedule 2 of the CIL regulations 2010 (as amended) sets out what is required in an IFS by legislation and the **Planning Practice Guidance** sets out what the Government encourage authorities to include in the IFS. The initial stages of developing an IFS will involve identifying S106 receipts that are still being held by the Council but which were received before the 1st April 2019. These receipts must be included in the IFS so authorities will need to work with other departments and county to ensure that all monies are accounted for.

The requirement to produce an IFS should ensure that monitoring practices across the country are improved going forward. MHCLG are working to develop a template for IFS; however, authorities will not be bound by this format and it is for the authority to decide how to present the information. A recurring story in the national media has related to unspent development contributions by local authorities – this also features in local press. Increased transparency of IFS means that data will potentially draw more scrutiny initially, but it also presents an opportunity to promote what has been delivered through development contributions and the positive benefits of development. PAS are encouraging authorities to consider the value of an IFS beyond finance reporting mechanism for numbers. You may want to work with your communication team on a strategy to tell the story of how developer contributions are being invested.



Promote and publicise delivery funded by developer contributions

Cornwall have created a new interactive S106 ‘story map’ on the council’s website. The **story map** gives information on:

- What S106 monies have been received in each Parish (and Community Network Area);
- The planning application it relates to; and
- How much S106 money has been spent in the area

Most importantly, the **story map** allows residents to zoom into their local area to see for themselves where and how communities have benefitted from improvements, funded by developer contributions. The projects range from play parks to affordable housing for local people.

Key Questions



- In what state is your historic data on S106 agreements and CIL cases – including allocations, receipts and expenditure of funds – which you are now required to report on?
- What are the main challenges that you envisage in preparing your first IFS? How will you overcome these? Who will be responsible for collating IFS and do they have the skills and resources they need?
- Do you currently use your reporting to promote the benefits of development? If not, why not?

8 — Administering and Monitoring developer contributions

CIL and S106 administration and monitoring is essential. The new requirements for an Infrastructure Funding Statement – and legal requirements for reporting on CIL and S106 – mean monitoring is an even more important dimension of developer contributions. CIL and S106 administration and monitoring needs to be recognised for its contribution to enabling infrastructure and resourced appropriately. Costs can be met by CIL and S106 monitoring/administration fees.

CIL administration involves following a structured and nationally defined process for the charging which involves calculating CIL, issuing a liability notice with the potential payment and a demand notice with the actual payment required on commencement and administering any claims for relief. The two charging notices (liability and demand) and any relief granted are registered as a land charge. The S106 process is different as it involves recording the details of the legal agreement (also registered as a land charge) and monitoring the implementation of each obligation to ensure it is complied with. For non-financial S106 requirements this can mean making sure it is complied with beyond completion and potentially even for the life of the development.

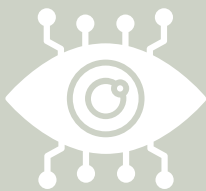
Whether there are CIL and S106 monitoring officers and/or elements are taken up by development management planners, technical support staff or whether it sits in the policy team or even in planning at all is the job of the leadership to determine. Many aspects are financial and legal, but it is all about new development and addressing its impacts, which is why it

most often sits in the planning service which then needs to work closely with legal and finance teams (as well as other departments). It is vital an officer is tasked with oversight of the monitoring aspects of the system. This also provides opportunities for identifying system improvements. For example, opportunities to link up data within planning. This could include linking development commencement data from CIL with discharge of pre-commencement conditions and building control data to support monitoring.

Busier authorities may need to consider appointing dedicated monitoring officers. They should recruit methodical and numerate staff with the confidence to deal with complex enquiries and challenging customers (they are often asking people for money!). An interest in planning and understanding of development management is essential, as well as the ability to navigate legislation and interpret legal agreements, it is not just a role for planners or lawyers.

It can be a stretching role and it can feel isolated if you are the only monitoring officer. To aid retention, create a sense of ‘team’ around that officer and network with other monitoring officers beyond the authority. While staff are key to the quality of your service, you also need to build resilience and avoid relying on systems only one or two officers can understand or operate. Document the monitoring process, including how you record and report, to ensure service continuity and provide a baseline for continuous improvement.

Digital solutions



Most authorities will need to use software packages that help officers stay on top of monitoring. You should consider how this software is integrated with any existing planning applications database, finance systems and any other relevant databases. The Digital

Land team at MHCLG is working with a number of authorities on digital tools that support Infrastructure Funding Statements. For updates on this pilot work please visit the [Digital Land website](#) and [MHCLG’s website](#).

Key Questions



- Who is responsible for managing and improving the S106 and CIL admin and monitoring function?
- Who has access, understanding and the ability to maintain these systems and records?
- Who has day to day responsibility for S106 and CIL? Do they have the skills and support to deliver this service and any improvements needed to meet new requirements?
- Do you need new software to enable you to report more easily? Have the costs of software set up, including any data entry/ cleansing required, been properly considered?

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