

Infrastructure Funding Statement

2020/21



1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) regulations and National Planning Policy Framework require for the financial year 2019/2020 onward, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by 31 December each year thereafter. In addition the requirement states that data should be in a particular format in order for it to be easy to find, use, understand and trust.
- 1.2 The intention is that the data and infrastructure funding statements will give policy makers better insights into how developer contributions are supporting new development and local infrastructure.
- 1.3 This report provides a summary of financial contributions the Council has secured through Section 106 agreements (s106) from new developments.
- 1.4 The report provides –
 - An overview of s106 agreements
 - The process for off-site financial contributions
 - S106 contributions secured during the 2020/21 monitoring period
 - The s106 contributions received by the Council during the 2020/21 monitoring period
 - The s106 contribution transactions completed by the Council in the 2020/21 monitoring period
 - Contributions delivered on site from S106 contributions during 2020/21 monitoring period
 - Previous secured s106 contributions, expected to be delivered in the future
- 1.5 The information included in the report will be updated annually and published on the Council's website. This will ensure the most up to date information on the amount of developer contributions received by the Council from new developments, in addition to information on where these monies have been spent is readily available to members of the public and other interested parties.
- 1.6 As part of the developer contributions annual requirement, three separate CSV files (data files) have been completed in the required format. These CSV files will be updated annually and can be found on the website along with this Annual Infrastructure Funding statement.

2. Overview of Section 106 agreements/obligations

- 2.1 Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission.
- 2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.

2.3 The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the Borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions.

2.4 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- 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.

2.5 The Council cannot ask for contributions via section 106 planning obligations in certain circumstances:

“Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more...Planning obligations should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.”¹

2.6 S106 agreements are normally signed at the Outline Planning application stage, once signed they can be viewed along with the application details on the Council website using the relevant planning application number or site address. The following link will direct you to the application details webpage:

<http://www.eaststaffsbc.gov.uk/planning/applications-and-decisions/applications-and-appeals>

2.7 The Council are intending to introduce a new S106 monitoring fee, which will be used towards the cost of monitoring future S106 agreements.

3. The Process for Off-Site Financial Contributions

3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a s106 obligation.

3.2 Once the s106 has been signed, it is an obligation, but it will only be realised if the planning permission is implemented and reaches the trigger point for payment such as commencement or prior to occupation. When the planning permission is granted, the s106 obligation is registered as a land charge which stays with the land, obligating any future owners until the terms are met.

¹ Planning Practice Guidance 2019 Paragraph 023 ‘Planning Obligations’ <https://www.gov.uk/guidance/planning-obligations>

- 3.3 The Planning case officers seek to agree the principles of the S106 agreement through the application process, based on relevant planning policy requirements and statutory consultee responses. The completion of S106 agreements is undertaken by the Council's legal department.
- 3.4 During 2019, a new internal process was introduced to enable the Council to take a more proactive approach in obtaining s106 contributions and ensuring that the funds are spent/allocated/transferred for the specified purpose within a timely manner.

4. S106 Contributions Secured during 2020/21 for Future Years

- 4.1 During the 2020/21 period, the Council has secured s106 contributions from the following development sites which will be paid/delivered in future years should the developments progress as planned. These contributions will be paid by the developers either once development has commenced on site, once a specified number of homes has been delivered on the site or when a specific trigger point has been met.
- 4.2 The Education and Travel & Highway sums have been secured through the S106/S278 process for Staffordshire County Council and will in most cases be paid directly to them for use as specified in the S106/S278 agreement. Staffordshire County Council monitor and report on these separately.

4.3 The S106 contributions secured during the 2020/21 monitoring period are shown below -

Infrastructure Type and Development Name	Income Secured	Onsite Provision Secured
Affordable Housing	0	
Land off Aviation Lane	0	128 Affordable Housing Units
Imex Business Centre	0	36 Affordable Housing Units
Fiveland's Allotments	0	64 Affordable Housing Units
Education	553,181	
Land off Aviation Lane	480,664	-
Imex Business Centre	2,615	-
Fiveland's Allotments	69,902	-
National Forest	35,560	
Imex Business Centre	24,500	-
Burton Rugby Club	11,060	-
Others (Health, Cannock Chase SAC, Community Buildings etc.)	142,380	
Land off Aviation Lane	55,020	-
Imex Business Centre	60,480	-
Fiveland's Allotments	26,880	-
Manor Farm	0	Planning Obligation to retain the property as an agricultural live/work unit.
Public Open Space	176,102	
Land off Aviation Lane	37,302	Provision of open space and play area
Imex Business Centre	138,800	Provide a Management maintenance company for on-site open space and SUDS.
Fiveland's Allotments	0	Provide and maintain SUDS, On-site open space and Wildlife area
Travel & Highways	44,588	
Land off Aviation Lane	11,900	-
Land to the west of Uttoxeter	6,895	-
Imex Business Centre	6,760	-
Burton Rugby Club	12,138	-
Land at the corner of Old Knotty Way	6,895	-
Waste	25,200	
Land off Aviation Lane	9,600	-
Imex Business Centre	10,800	-
Fiveland's Allotments	4,800	-
Grand Total	977,011	

5. S106 Contributions Received in 2020/21

- 5.1 A total of £498,216.92 has been received in s106 contributions in the 2020/21 monitoring period. The following tables provide information on what infrastructure types these contributions have been received for:

Infrastructure Type	S106 Contribution Received in 2020/21
Affordable Housing	426,825
Sport & Leisure	17,789
National Forest	11,060
Refuse	14,470
Cannock Chase SAC	1,193
Others	26,880
Total	498,217

6. The S106 contribution transactions completed by the Council in the 2020/21 monitoring period

- 6.1 During the 2020/21 period the Council has completed a number of transactions to spend, allocate or transfer S106 monies for the purpose specified in the S106 agreement. These are listed below:

Infrastructure Type	S106 Contribution transaction in 2020/21
Affordable Housing	31,667
Sport & Leisure	51,512
National Forest	8,335
Public Open Space	21,516
Waste	33,816
Total	146,846

7. Contribution Delivered On-site from S106 Contributions during 2020/21

- 7.1 As well as the monetary contributions the Council has received through s106 obligations within 2020/21, there has also been the following on-site contributions delivered within the period:

Infrastructure Type	S106 Contribution Delivered on-site in 2020/21
Affordable Housing	116 units completed on site (Affordable Housing units provided from S106's only)
Public Open Space	LEAP and Public open space provided at the new site of south of Lichfield Road, Branston

8. Previous secured contributions expected to be delivered in the future

8.1 A summary of the contributions and onsite provision expected to be provided or delivered on site from S106 agreements signed prior to 2020/21.²

Infrastructure Type	Funds Secured	Onsite Contribution Secured
Affordable Housing	3,073,376	Provide at least 418 Affordable Housing units across a number of developments
Bus Service	0	Bus Services across four developments and 200 bus passes for another development.
National Forest	13,430	-
Other	7,920	Provide electric car charging points within a development
Public Open Space	1,577,106	Provide public open space for three developments
Sports & Leisure	121,727	-
Waste	42,350	-
Total	4,835,909	

8.2 When contributions are delivered these will be reported within future Infrastructure Funding statements.

9. S106 receipts received prior to April 2019 which are still being held at March 2021

9.1 The following amounts were received prior to the first Infrastructure Funding Statement (April 2019) and are currently still being held at March 2021.

Infrastructure Type	S106 Contribution Received Prior to April 2019
Affordable Housing	2,486,396
Public Open Space	82,174
Sport & Leisure	410,326
National Forest	106,480
Refuse	62,198
Others	42,360
Total	3,189,935

Please note: Whilst the above summary information has been provided it is important that the data provided can change or in some cases not be delivered. This is because planning applications can lapse and therefore should development not be forthcoming the associated S106 will also not be forthcoming. There may also be cases where a landowner wishes to vary the S106 at a future date. In such cases this would count as an additional S106 but in reality it is a replacement.

² Expected financial contributions are only included in this table if the values are made clear within the S106 agreement or if the formula can be calculated at the time of recording the data into our database. The contribution figure may not have been specified at the time of signing the S106 agreements as it may depend on other factors such as: % of on-site/off site contributions changing, number of dwellings changing, Reserved Matters being approved at a later date, bonds being held/returned etc. Therefore contribution figures may also be subject to change.