

Infrastructure Funding Statement 2019/20



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 2019/20 monitoring period
 - The s106 contributions received by the Council during the 2019/20 monitoring period
 - The s106 contribution transactions completed by the Council in the 2019/20 monitoring period
 - Contributions delivered on site from S106 contributions during 2019/20 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 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>

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.

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

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

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 2019/20 for Future Years

- 4.1 During the 2019/20 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 process for Staffordshire County Council and will in most cases be paid directly to them for use as specified in the S106 agreement. Staffordshire County Council monitor and report on these separately.

4.3 The S106 contributions secured during the 2019/20 monitoring period are shown below -

Infrastructure Type and Development Name	Income Secured	Onsite Provision Secured
Affordable Housing	16,000	
Court Farm Lane Branston	0	24 Affordable Housing Units
Former Highways Depot Uttoxeter	0	39 Affordable Housing Units
Land off Foxglove Close Tutbury	16,000	6 Affordable Housing Units
Education	137,302	
Court Farm Lane Branston	63,558	-
Former Highways Depot Uttoxeter	40,500	-
Land off Foxglove Close Tutbury	33,244	-
National Forest	3,850	
Court Farm Lane Branston	3,850	-
Others (Health, Community Buildings etc.)	250,000	
Land off Foxglove Close Tutbury	250,000	Pay sum or provide on site
Log Cabin Morrillow Heath	0	Planning Obligation not to carry out previously approved application
The Deer Park Hoar Cross	0	Planning obligation restricting the goods sold from the Farm and Gift shop
Public Open Space	23,650	
Court Farm Lane Branston	15,250	-
Former Highways Depot Uttoxeter	8,400	-
Land off Foxglove Close Tutbury	0	Provision of open space and LEAP
Travel & Highways	20,260	
Brookside Business Park Uttoxeter	17,900	-
JCB Ltd Lakeside Works Rocester	2,360	-
Land off Foxglove Close Tutbury	0	Bus Service
Waste	2,900	
Court Farm Lane Branston	1,800	-
Former Highways Depot Uttoxeter	1,100	-
Grand Total	453,962	

5. S106 Contributions Received in 2019/20

- 5.1 A total of £2,122,669 has been received in s106 contributions in the 2019/20 monitoring period. The following tables provide information on what infrastructure types these contributions have been received for:

Infrastructure Type	S106 Contribution Received in 2019/20
Affordable Housing	1,050,094
Sport & Leisure	674,366
National Forest	7,653
Refuse	83,276
Others	307,280
Total	2,122,669

6. The S106 contribution transactions completed by the Council in the 2019/20 monitoring period

- 6.1 During the 2019/20 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 2019/20
Affordable Housing	1,001,922
Public Open Space	52,961
Sports & Leisure	278,350
National Forest	14,659
Total	1,347,892

7. Contribution Delivered On-site from S106 Contributions during 2019/20

- 7.1 As well as the monetary contributions the Council has received through s106 obligations within 2019/20, there has also been the following on-site contributions delivered within the period:

Infrastructure Type	S106 Contribution Delivered on-site in 2019/20
Affordable Housing	71 units completed on site (only includes AH units provided from s106's)
Sports & Leisure	Temporary Rugby club facilities provided at the new site on Tatenhill Lane
Travel & Highways	Bus service in place on the Heritage Park development in Tutbury
Total	

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 2019/20.²

Infrastructure Type	Funds Secured	Onsite Contribution Secured
Affordable Housing	2,772,758	Provide at least 305 Affordable Housing Units across a number of developments
Bus Service	0	Bus Services across four developments and 200 bus passes for another development
Cannock Chase	1,150	
National Forest	9,580	
Other	0	Provide electric car charging points within a development
Public Open Space	1,395,156	Provide public open space within a development
Sports & Leisure	139,516	
Waste	13,877	
Total	4,332,037	

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

9.1 The following amounts were received prior to April 2019 and are currently still being held.

Infrastructure Type	S106 Contribution Received Prior to April 2019
Affordable Housing	2,518,063
Public Open Space	103,691
Sport & Leisure	461,438
National Forest	114,815
Refuse	92,615
Others	42,360
Total	3,332,982

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.