

Infrastructure Funding Statement 2019-2020

December 2020



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Introduction

This Infrastructure Funding Statement (IFS) has been prepared in accordance with the requirements of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. The monitoring period for this Infrastructure Funding Statement is 1 April 2019 to 31 March 2020 (unless otherwise specifically stated). The [Infrastructure Funding Statement](#) is published on the Council's website.

About this statement

This is Braintree District Council's first annual Infrastructure Funding Statement. This report provides information on the monetary and non-monetary contributions sought and received from developers for the provision of infrastructure to support development within our District, and the subsequent use of those contributions by Braintree District Council.

Developers are required to make 'developer contributions' in order to help deliver the infrastructure that is needed to support development or address the cumulative impact of development on an area. These contributions can be financial, such as a sum of money paid to the local authority to provide new sports facilities or improved Public Open Spaces, or non-financial, such as the provision of affordable housing on the development site itself. Legal agreements are used to ensure there are legally enforceable obligations to provide this mitigation. Collectively, these are known as planning obligations and may take the form of a Section 106 (S106) agreement between a developer or landowner and the local planning authority, or alternatively, a unilateral undertaking where a developer or landowner alone will give a legal commitment to carry out an obligation.

What's in this statement?

In summary, the report provides:

- An overview of S106 agreements
- S106 contributions received in 2019/20
- S106 contributions spent in 2019/20
- On-site provision of Affordable Housing provided in 2019/20
- S106 obligations secured for future years
- Monitoring fees

What's not in this statement?

Community Infrastructure Levy

Infrastructure Funding Statements are intended to provide information on both S106 agreements and the Community Infrastructure Levy (CIL).

Since 2010 local planning authorities have been able to create a Community Infrastructure Levy. The CIL is a planning charge, introduced by the Government through the Planning Act 2008. Local

planning authorities were allowed to create a tariff based charge which could be levied on most new buildings. The charge based on the size and type of new floorspace can be used to fund new infrastructure that was identified as being necessary to support new development. CIL has proven to be complicated and the Government have amended the CIL regulations on numerous occasions in the last ten years and has recently announced their intention to make further changes.

Braintree District Council has not adopted a CIL, in common with almost half the English local planning authorities, and therefore this Statement does not include details in relation to CIL

Planning Conditions

Infrastructure Funding Statements are required to comply with regulations published by the Government and are only concerned with financial and non-financial obligations secured through S106 agreements. Financial developer contributions are always secured through S106 agreements but there are occasions where some non-financial obligations are secured through planning conditions. These obligations are not listed within this statement.

Obligations due to other authorities

This Statement only relates to S106 obligations for which Braintree District Council is legally responsible for ensuring compliance. The data in this IFS therefore does not cover S106 obligations applying to land in the District in the following cases:

- (A) Where the S106 obligation is given to Essex County Council and where the County Council are signatory to the legal agreement (e.g. Education; highway works; sustainable transport; Public Rights of Way)
- (B) Where Essex County Council is the Local Planning Authority and is responsible for determining the application (e.g. mineral and waste applications)
- (C) Section 278 Highways works agreements between the developer and Essex County Council
- (D) Where Braintree District Council determined a planning application, but where Essex County Council is signatory of the S106 to the effect that it is directly responsible for compliance — this mainly relates to certain highway payments

Therefore, this Infrastructure Funding Statement should be read in conjunction with the IFS produced by Essex County Council to obtain the complete picture of all financial and non-financial developer contributions originating from developments in the Braintree District. The Essex County Council IFS will be made available on their website: <https://www.essex.gov.uk/>

Scope of Section 106 agreements

Since 2010 it has been a legal requirement that that planning obligations may only constitute a reason for granting planning permission for the development if the obligation is: -

- (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.

These tests are set out as statutory tests in the Community Infrastructure Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the Government’s National Planning Policy Framework (NPPF).

The application of these statutory tests means that Braintree District Council can only require developer contributions which are designed to address individual or cumulative impacts of development. Developer contributions cannot be used to remedy existing deficiencies or demands from population growth driven by other factors such as birth rates - they can only be used to deal with the impact of development.

S106 financial contributions received in 2019/20

A total of £1,931,100.11 was received by Braintree District Council in s106 contributions in the 2019/20 monitoring period. The following tables provide information on the type of contributions received:

Infrastructure Item	Amount received
Affordable Housing	£21,947.65
Community Buildings and facilities	£298,050.40
Cycleways and Cycle Parking	£1,397.00
Healthcare	£279,193.86
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£1,273,556.93
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£56,954.27
Total amount received in 2019/20	£1,931,100.11

S106 financial contributions spent in 2019/20

S106 contributions totalling £221,645.04 were spent during 2019/20; £15,139.55 was spent on public art provision and £206,505.49 on public open space enhancements and improvements to existing open space within the vicinity of the development. This includes money spent on allotments, play equipment, outdoor sport and informal & formal open space.

Public Art

Over £15,000 received by the District Council specifically for a work of art in Witham was used to design and install stone benches for Maldon Road Park. Although the remainder of the park improvement project is still to be implemented, the benches were installed in a temporary location in the park in January 2020.

Public Open Space

S106 contributions were used to deliver over £200,000 worth of open space improvements and enhancements in 2019/20. Larger projects include:

- Almost £77,000 was used to part fund the improvement project to replace the artificial pitches at the Discovery Centre, Great Notley

- £60,000 was spent on completing the John Ray Park access improvements project in Braintree
- Over £15,000 was spent on a knee rail project to protect open space in Witham against unauthorised vehicles being able to enter the spaces and almost £12,000 on improvements at the Alan Road play area, Witham

Working with our Parish & Town Councils

Braintree District Council works with its Parish and Town Councils to deliver open space improvements and enhancements that are identified in the Councils Open Spaces Action Plan.

- Colne Engaine Parish Council benefitted from over £15,000 in S106 contributions which were used to fund new outdoor gym equipment, fencing and gates at the Recreation Ground and a new electricity supply to the open space.
- Finchingfield Parish Council were reimbursed with just over £3,000 for the new fencing and gate that they had installed at the children’s play area in the previous financial year.
- Great Maplestead Parish Council installed £3,300 worth of new play equipment.
- Sible Hedingham Parish Council used over £10,000 to fund new planters, play equipment and new storage containers for equipment used on the open space.

On-site Affordable Housing provided in 2019/20

216 new affordable housing dwellings were provided within new housing developments in the Braintree District during 2019/20

Development	Developer	Housing Association Partner	No. of dwellings
Oak Road, Halstead	Bloor Homes	Greenfields	19
West of Boars Tye Road, Silver End	Keepmoat Homes	Homegroup	23
Land at Monks Road, Earls Colne	Crest Nicholson	CHP	20
Rayne Road, Braintree	Redrow Homes	Clarion	18
Braintree Road, Great Bardfield	Croudace Homes	CHP	14
Mill Lane, Cressing	Bellway Homes	Greenfields	24
Oak Road, Halstead	David Wilson Homes	Greenfields	30
Lodge Farm, Witham	Redrow Homes	Sage	9
Grangewood Centre, Kelvedon	Sammi Developments	Greenfields	6
Rockways, Sible Hedingham	CHP	CHP	21
Forest Road, Witham	Bellway Homes	Greenfields	32
Total number of affordable housing dwellings provided 2019/20			216

S106 obligations secured for future years

Braintree District Council continues to secure S106 obligations from development sites with planning permission which will be paid/delivered in future years when the developments progress and are built out. Contributions will be paid by developers at specified 'trigger' dates set out within the S106 agreement. Typically these are once development has commenced on site or once a specified number of homes have been delivered on the site. It is important to remember that the contributions/on site delivery will only be realised if the planning permission is implemented and reaches the trigger point for payment.

Notable new S106 agreements signed within this report period include:

- 17/02246/OUT Land North of Colchester Road, Coggeshall – Erection of up to 300 dwellings
- 18/01749/FUL Land east of Sudbury Road Halstead – Erection of 218 dwellings
- 18/01876/OUT Land at Oak Field, Tidings Hill, Halstead – Erection of up to 70 dwellings
- 18/00920/FUL Land at Appletree Farm, Cressing – Erection of 78 dwellings
- 15/01319/OUT Land between Springwood Drive and Panfield Lane, Braintree – Erection of up to 835 dwellings and associated facilities

Monitoring Fees

The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 allow Local Authorities to charge a monitoring fee through section 106 agreements, to cover the cost of the monitoring and reporting on delivery of the section 106 obligations it contains. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation.

The regulations allow monitoring fees to be either a fixed percentage of the total value of the section 106 agreement or individual obligation; or could be a fixed monetary amount. Monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring and authorities are required to report on monitoring fees in their Infrastructure Funding Statements.

Braintree District Council set monitoring fees at £300 per trigger for S106 agreements entered into during the period 2019/20.

- A S106 agreement containing 2 obligations, both to be complied with on first occupation would therefore attract 1 x monitoring fee payment of £300.
- A S106 agreement containing 2 obligations, one to be complied with on first occupation and the second to be complied with prior to the occupation of the 10th dwelling, would attract 2 x monitoring fee payments of £300 each = £600.

£7,800 was received in monitoring fees during the period 2019/20.

Monitoring fees will be reviewed annually to reflect up-to-date costs and were increased to £400 per trigger with effect from 1st April 2020.

Understanding the Infrastructure Funding Statement

This Statement has been produced to comply with the relevant regulations and fulfil the Government's requirements to provide a report of all money and planning obligations collected by Braintree District Council from developers for infrastructure during the financial year 2019/2020,

along with details of all financial contributions that were spent by Braintree District Council over the same period. The IFS provides a summary of these matters, based on data that the District Council is required to produce for the Government.

This Statement does not list each individual planning agreement, but this information can be found within three spreadsheets which accompany the IFS.

The Government requires local authorities to record and submit developer contribution data in line with the Government's data format. The IFS data is prepared in a specific digital format (using CSV files - a universally recognised file format for storing tabular data in plain text), so that it can be submitted to a 'digital hub' where Government will be able to aggregate data to allow national monitoring and analysis.

Developer contributions data is shown in 3 separate CSV files. The following links provide information on the three CSV files created for the financial year 2019/2020:

- [Braintree District Council CSV File 1: developer agreements](#) - Lists the S106 agreements entered into in the financial year.
- [Braintree District Council CSV File 2: developer agreement contributions](#) - Lists the contributions secured in S106 agreements signed in the financial year and identifies their relevant primary purpose.
- [Braintree District Council CSV File 3: developer agreement transactions](#) - Lists the transaction status of the individual contributions of the S106 agreements received/spent in the financial year.

The three files contain case specific details for the different agreements, contributions and transactions. The data can be found online: www.braintree.gov.uk/

The data is provided under the [Open Government Licence](#) details of which can be found using this link.

The CSV files make reference to the following definitions:

- 'secured': the trigger clauses associated with the contribution have been met, meaning the developer is now required to pay all or part of the contribution
- 'received': the developer has paid all or part of the money due to the local planning authority
- 'allocated': the received money has been allocated to a team within the local planning authority, who will spend the money
- 'transferred': the received money has been transferred to an organisation outside the planning authority (for example another local authority) who will spend the money
- 'spent': the received money has been spent on the purpose specified in the section 106 agreement
- 'returned': the received money (or a portion of it) has been returned to the developer

Please note that data on developer contributions is imperfect because it represents estimates at a given point in time, and can be subject to change. However, the data reported within this Statement is the most robust available at the time of publication.

Our approach to the planning and future delivery of our infrastructure

In recent years the District has started to see significant growth and physical changes as new residential and commercial developments are delivered. The emerging Local Plan will see a continuation of these elevated levels of development, in accordance with current national planning policies.

The number of planning obligations, including financial contributions secured through S106 agreements, are expected to increase further over the next few years as developments continue to be built out and new planning permissions implemented. Developer activity will need to be carefully monitored, along with spending levels.

Braintree District Council recognise that the increased number of planning obligations means that there will need to be a corresponding increase in delivery activity to ensure funding from S106 agreements can facilitate the delivery of the specified infrastructure and associated community benefits.

In many cases Parish and Town Council's will have important roles to play in helping to identify local priorities for expenditure of S106 contributions and in some cases delivering the infrastructure improvements themselves. The District Council are planning on a number of measures to help achieve this, including:

- working more proactively with Parish and Town Council's on schemes which will be funded by S106 contributions;
- creating a new process through which Parish and Town Councils can apply for S106 funds that have been received by the District Council;
- providing additional training to Parish and Town Councils' which will include training on planning obligations;
- undertaking the next annual review of the Open Spaces Action Plan.

In addition, within the Development Management team, a new role will be created for a Lead Principal Planning officer for S106 & Infrastructure, who will provide an additional resource in the delivery of infrastructure through S106 agreements.

Summary of information to comply with Schedule 2 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

3. The matters to be included in the section 106 report for each reported year are—

(a) the total amount of money to be provided under any planning obligations which were entered into during the reported year; **£6,468,878.92**

(b) the total amount of money under any planning obligations which was received during the reported year; **£1,931,100.11**

(c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority; **£695,578.44 (This figure comprises healthcare, RAMs and a highway contribution taken on behalf of the County Council, as they will be spent by a team outside of the LPA)**

(d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—

(i) in relation to affordable housing, the total number of units which will be provided; **562**

(ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided; **N/a – Essex County Council are the Education Authority and they have responsibility for Education related planning obligations. Refer to Essex County Council IFS for details.**

(e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure; **£1,594,951.98 (This figure comprises all receipts except healthcare and RAMs contributions which have not been ‘allocated’ in accordance with the Regulations as they will be spent by team outside of the LPA)**

(f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend); **£221,645.04**

(g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item;

Infrastructure Item	Amount allocated
Affordable Housing	£389,990.53
Art Provision	£123,348.14
Community Buildings and facilities	£1,434,810.67
Cycleways and Cycle Parking	£90,779.04
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£2,176,584.56
Town Centres and public transport initiatives	£35,959.44
Total allocated amount as at 31.03.2020	£4,251,472.38

(h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—

(i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;

Infrastructure Item	Amount spent
Affordable Housing	£0
Art Provision	£15,139.55
Community Buildings and facilities	£0
Cycleways and Cycle Parking	£0
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£206,505.49
Town Centres and public transport initiatives	£0
Total amount spent 2019/20	£221,645.04

(ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part); **N/a**

(iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations; **£7,800.00**

(i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held. **Total amount retained on 31.03.2020 = £5,974,181.94. Plus commuted sums retained on 31.03.2020 = £526,398.22**