

Infrastructure Funding Statement 2021-2022

December 2022



Page	Contents
2	Introduction
2	About this Statement
2	What's in this Statement
2	What's not in this Statement
3	Scope of S106 agreements
4	S106 financial contributions received in 2021/22
4	S106 financial contributions spent in 2021/22
5	On-site Affordable Housing provided in 2021/22
6	S106 contributions secured for future years
6	Monitoring fees
6	Understanding the Infrastructure Funding Statement
8	Our approach to the planning and future delivery of our infrastructure
9	Summary of information to comply with Schedule 2 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

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 2021 to 31 March 2022 (unless otherwise specifically stated). The IFS is published on the Council's [website](#)

About this statement

Braintree District Council's annual Infrastructure Funding Statement 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 2021/22
- S106 contributions spent in 2021/22
- On-site provision of Affordable Housing provided in 2021/22
- 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 adopt 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 introduce set charges which could be levied on most new buildings. The charge, based on the size and type of floor space in new developments, can be used to fund new infrastructure that was identified as being necessary to support the cumulative impact

of development in an area. CIL has proven to be complicated and the Government have amended the CIL regulations on numerous occasions in the last twelve years.

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.

Looking forward, the Levelling Up and Regeneration Bill that is currently before Parliament includes provisions to introduce a new infrastructure levy for developers to pay, charged on the value of property when sold by the developer with rates and thresholds set locally by planning authorities. The Bill also proposes the introduction of Infrastructure Delivery Strategies which are intended to better plan for infrastructure to support new development and existing communities. The Government propose to consult on the details of how the new infrastructure levy and Infrastructure Delivery Strategies will work and how they will be implemented, during 2023.

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 can be found on their website: [Essex County Council Planning Advice & Guidance](#). If you require additional information about planning obligations that are given to Essex County Council and their delivery of Infrastructure please contact: Development.Enquiries@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) 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 2021/22

A total of £1,797,310.05 was received by Braintree District Council in s106 contributions in the 2021/22 monitoring period. The following tables provide information on the type of contributions received:

Infrastructure Item	Amount received
Affordable Housing	£62,500.00
Community Buildings and facilities	£77,156.36
Healthcare	£596,267.31
Monitoring Fees	£11,700.00
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£815,255.84
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£126,626.99
Town Centre, Cycling & Rights of Way Improvements	£107,803.55
Total amount received in 2021/22	£1,797,310.05

S106 financial contributions spent in 2021/22

S106 contributions totalling £322,939.21 were spent during 2021/22; £62,500.00 was spent on the provision of Affordable Housing in the District and £260,439.21 on public open space improvements. This includes money spent on allotments, play equipment, outdoor sport and informal & formal open space.

Public Open Space

S106 contributions were used to deliver over £260,000 worth of open space improvements and enhancements in 2021/22. This included contributions being used towards funding improvements at Witham Town Park.



Public Art Provision

As part of the Public Open Space being provided on the Meadow Rise development (land between London Road and Pods Brook Road, Braintree) Countryside Partnerships commissioned and installed a Public Art installation. The Open Space provision and Public Art was secured through the S106 agreement.

Having researched the Warner Textile Archive in Braintree, the artist appointed by the developer created a group of sculptures based on the jacquard cards which were used by Warner & Sons to translate designs into woven fabric. The sculptures have been fabricated in Corten Steel and reference the jacquard cards with one panel also showing the actual resulting fabric design.



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 District Councils Open Spaces Action Plan.

- The District Council supported Kelvedon Parish Council with the delivery of a new Play Area at Kelvedon Recreation Ground costing nearly £80,000;
- Great Yeldham Parish Council used £3,304 towards the installation of outdoor fitness equipment at the Recreation Ground in the village; and
- a further £5,588 was used towards the cost of the new Multi Use Games Area at Earls Colne Recreation Ground, Earls Colne.

New Play Area in Kelvedon



Outdoor Gym equipment in Great Yeldham



On-site Affordable Housing provided in 2021/22

As a result of S106 agreements, 354 new affordable housing dwellings were provided within new housing developments in the Braintree District during 2021/22.

Development	Developer	Housing Association Partner	No. of dwellings
ARLA Dairy Site, Hatfield Peverel	Bellway Homes	CHP	36
Bury Lane, Hatfield Peverel	Countryside	Sage	20
Forest Road, Witham	Bellway Homes	Eastlight	10
Sudbury Road, Halstead	Bellway Homes	Eastlight	36
London Road, Braintree	Countryside	Clarion	47
Lodge Farm, Witham	Redrow Homes	Sage	23
Station Road, Earls Colne	Bellway Homes	Eastlight	32
Tey Road, Earls Colne	Oakland Country Homes	Eastlight	9
Rickstones Road, Witham	Bellway Homes	Eastlight	17
Polly's Field, Braintree	Abbeyfield	Abbeyfield	45
Oak Road, Halstead	Bloor Homes	Eastlight	11
Oak Road, Halstead	Bloor Homes	Eastlight	1
Carrier site, East Street, Braintree	CHP	CHP	22
Ashen Road, Ridgewell	Beacon Hill Homes	CHP	4
Inworth Road, Feering	Bloor Homes	Eastlight	18
Dutch Nursery, Coggeshall	Higgins Homes	Eastlight	19
Hunnable Estate, Great Yeldham	Linden Homes	CHP	4
Total number of affordable housing dwellings provided 2021/22			354

It should be noted that during the year 2021/22 the District Council recorded a total of 417 new Affordable Home being delivered within the District. Whilst the majority of these were delivered by developers under planning obligations contained within S106 Agreements there were also new Affordable Homes delivered by Registered Providers which were not as a result of planning obligations in S106 Agreements.

For example, Eastlight completed the redevelopment of land at The Close in Tye Green, Cressing. The development saw the demolition of twelve unity-housing flats and twenty garages and the construction of seventeen new affordable homes including bungalows, and two and three-bed houses. Because there was no policy requirement to secure the new Affordable Homes through a S106 agreement these units are not recorded within the IFS figures.

Similarly on the Carrier Site on East Street, Braintree the S106 Agreement secured the provision of 30% of the new homes as Affordable Housing, in accordance with the Council's planning policies. The developer, CHP, used grant funding to deliver additional Affordable Homes above the 30% secured in the S106 agreement. Only the Affordable Homes secured in the S106 agreement are recorded in the IFS figures. In total 63 new homes were provided as Affordable Housing within the District during the 2021/22 period which did not result from planning obligations within S106 Agreements.



22 more properties were completed at the former Carier site on East Street in Braintree in 2021/22 for Chelmer Housing Partnership.

19 new homes for Eastlight Community Homes were provided in partnership with Higgins at the Dutch Nursery Site in Coggeshall.



45 affordable units were provided at Polly's Field Retirement Village in Bocking by Abbeyfields



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. Affordable Housing and Financial Contributions will be provided by developers at specified 'trigger' dates set out within the S106 agreement. Typically, these are once development have 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:

- 19/00786/OUT – Towerlands, Panfield Lane, Braintree – Erection of up to 575 homes; site for Early Years & Childcare Nursery; up to 250sqm of retail floorspace & up to 250sqm of community facilities;
- 19/02304/OUT – Plc Hunwick Ltd, Kings Road, Halstead – Erection of 21 dwellings & 10 Commercial Units (ClassB1(a));
- 18/01065/OUT - Land South Of Gilda Terrace And North Of Flich Way Braintree – Erection of up to 120 dwellings;
- 20/01264/OUT – Land North of Maldon Road, Hatfield Peverel – Erection of up to 120 dwellings;
- 20/01474/FUL - Units 1, 2 & 3 Sixth Avenue Bluebridge Industrial Estate Halstead – Erection of 477sqm of Use Class B1(c) & 3618sqm of Use Class B8 floorspace
- 21/00031/OUT - Land at Burghey Brook Farm London Road Rivenhall End Rivenhall – Erection of up to 16,715sqm (13,385sqm of B8 and 3,300sqm for Use Class B2)

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 £400 per trigger for S106 agreements entered into during the period 2021/22.

- A S106 agreement containing 2 obligations, both to be complied with on first occupation would therefore attract 1 x monitoring fee payment of £400.
- 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 £400 each = £800.

The trigger for payment of the monitoring fee is commonly prior to commencement of development, therefore the figure received does not correspond to S106 agreements entered into in 2021/22. £11,700.00 was received in monitoring fees during the period 2021/22.

Monitoring fees will be reviewed periodically.

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 2021/22, 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 2021/22:

- **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 new 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 on [the Council's website](#).

The data is provided under the [Open Government Licence](#) details 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

The District continues to see significant levels of new development with residential and commercial developments being delivered across the District. One indicator of the level of increased development activity within the District was the completion of 1,081 new homes in the year 2021-2022 – an increase of 27% on the number of residential completions in the preceding year. The new Local Plan will see a continuation of these elevated levels of development, in accordance with current national planning policies.

Delivery of new community and social infrastructure within new developments continues to be a success. Record numbers of Affordable Homes were delivered by developers as part of their developments in 2021-2022, helping to meet housing need and creating new mixed communities. Large housing developments also continue to deliver new areas of Public Open Space, including equipped play areas, on-site. These new Open Spaces and play areas are available to new and existing residents to use and enjoy. The Council continues to monitor developments to ensure that developers are fulfilling the obligations contained in the S106 agreements and delivering facilities on-site.

Braintree District Council will also continue to work with partners to deliver the new infrastructure required to support new development in the District. For example, the financial contributions towards new and improved healthcare facilities need to be spent by the NHS who have responsibility for planning and commissioning Primary Health Care. Officers meet regularly with representatives of the Mid and South Essex Integrated Care Board to discuss plans and encourage spending of S106 contributions that have been received, to increase service capacity to meet the increasing demand arising from new housing.

The Council are also working on several projects where it has been necessary to pool financial contributions from a number of different developments in order that these can be utilised to help fund significant projects. In Witham contributions have been collected to help fund a new Community Facility for the town and work is progressing to finalise these plans so that a planning application can be submitted. Officers are also investigating with one of the National Sports Governing Bodies a potential scheme for new Outdoor Sports facilities, in part funded by S106 monies. These larger projects can take time to progress as they are dependent on contributions from multiple developments and also often require funding from other sources as well.

In many cases Parish and Town Council's will continue to 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, particularly where the Parish or Town Council own land or facilities which are to be the subject of improvements. Officers have been working successfully with several Town and Parish Councils to identify and progress Open Space projects. The District Council intend to re-engage with other Parish Councils for whom Open Space contributions are held, to encourage and support them to deliver some of these projects.

In addition, having reviewed the Officer resource available to deliver projects using S106 funds and acknowledging the increased number of contributions and projects requiring delivery, the District

Council recruited a Graduate Landscape Project Officer in June 2022, to support the Council's Senior Landscape Architect. The Council's Landscape Officers will work to support Parish and Town Councils with delivery, where support is required, as well as managing the delivery of projects directly. It is anticipated that this will in time start to improve delivery rates.

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; **£2,801,445.63**

(b) the total amount of money under any planning obligations which was received during the reported year; **£1,797,310.05**

(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; **£1,450,975.09 (This figure comprises healthcare contributions, some community facilities contributions 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; **259**

(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; **£966,301.27 (This figure comprises all receipts received but not spent during the reported year 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); **£433,617.96 (This figure includes RAMs contributions transferred to Chelmsford City Council of £98,978.75 and Monitoring Fees of £11,700.00)**

(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
Community Buildings and facilities	£77,156.36
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£781,341.36
Town Centre, Cycling & Rights of Way Improvements	£107,803.55
Total amount of receipts received during reported year allocated but not spent	£966,301.27

(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	£62,500.00
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£260,439.21
Total amount spent 2021/22	£322,939.21

(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; **£11,700.00**

(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 31.03.2022 = £7,425,961.21. Plus commuted sums retained on 31.03.2022 = £315,178.22**