



Broxtowe
Borough
COUNCIL

BROXTOWE BOROUGH COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

2020/2021

Ryan Dawson
Head of Planning and Economic Development
Broxtowe Borough Council,
Council Offices,
Foster Avenue,
Beeston,
Nottingham
NG9 1AB

Contents

1.0	Introduction.....	3
2.0	Section 106 (planning obligations) report	4
3.0	S106 Headline Figures	5
3.1	Table showing monetary contributions:	5
3.2	Total monies received in 2020/21 came from 2 sites:	7
3.3	Section 106 infrastructure expenditure in 2020/2021	8
3.4	Section 106 receipts retained (allocated and unallocated)	9
3.5	Section 106 Monitoring Process.....	10
	ANNEX A: The Regulatory Requirements for Infrastructure Funding Statements....	11
	ANNEX B: List of Schedule 2 requirements for the Infrastructure Funding Statement	12

1.0 Introduction

- 1.1 This report provides information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in Broxtowe, and the subsequent use of those contributions by Broxtowe Borough Council. The report covers the financial year 1 April 2020 – 31 March 2021.
- 1.2 Broxtowe does not have a Community Infrastructure Levy and therefore seeks developer contributions through Section 106 agreements (also known as “planning obligations”). As part of the planning process Section 278 agreements are also entered into with developers and Nottinghamshire County Council to secure highway improvements. However, these are not included within this Infrastructure Funding Statement (IFS).

Planning Obligations

- 1.3 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a negotiated agreement – a planning obligation - to mitigate the impact of a specific development, to make it acceptable in planning terms. The planning obligation might, for example, require the provision or contribution to a new or improved road, school, health facility or local green infrastructure. Local Planning Authorities can also seek planning obligations to secure a proportion of affordable housing from residential developments. In some instances, section 106 planning obligations may require payments to be made to parish councils.

2.0 Section 106 (planning obligations) report

2.1 The Council's policy in respect of developer contributions are set out in Policy 19 of the Broxtowe Aligned Core Strategy (2014) and Policy 32 of the Broxtowe Part 2 Local Plan (2019).

2.2 Policy 19 of the Broxtowe Aligned Core Strategy (2014) states:

1. All development will be expected to:

- a) **meet the reasonable cost of new infrastructure required as a consequence of the proposal;**
- b) **where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and**
- c) **provide for the future maintenance of facilities provided as a result of the development.**

2. The Councils intend to introduce Community Infrastructure Levies to secure infrastructure that has been identified as necessary to support new development and to achieve Core Strategies objectives.

3. Prior to the implementation of a Community Infrastructure Levy, planning obligations will be sought to secure all new infrastructure necessary to support new development.

2.3 Policy 32 of the Broxtowe Part 2 Local Plan (2019) states:

1. Financial contributions may be sought from developments of 10 or more dwellings or 1,000 square metres or more gross floorspace for provision, improvement or maintenance, where relevant, of;

- a) **Affordable housing;**
- b) **Health;**
- c) **Community facilities;**
- d) **Green Infrastructure Assets;**
- e) **Biodiversity;**
- f) **Education;**
- g) **Highways, including sustainable transport measures;**
- h) **Cycling, footpaths and public transport;**
- i) **The historic environment, heritage assets and/or their setting; and**
- j) **Flood mitigation measures, including SuDS.**

2. On-site provision of new playing pitches may be required for developments of 50 dwellings or more.

- 2.4 In some instances certain developments may be unviable and in such cases it may be possible for S106 contributions to be negotiated. In such instances a Viability Assessment will be required to demonstrate why the scheme is unviable, and it will be usual practice for the Council to have this assessment independently reviewed at the cost of the applicant.
- 2.5 Nottinghamshire County Council are the Highways Authority and Education Authority for Broxtowe Borough Council. The County Council is therefore responsible for identifying required contributions in respect of primary and secondary education, and highways improvements, including improvements to the bus network. It is usual practice for S106 contributions requested by the County Council to be paid directly to the County Council by the developer.

3.0 S106 Headline Figures

3.1 Table showing monetary contributions:

Monetary Contributions

Total money to be provided¹ through planning obligations agreed in 2020/21	£5,052,796 (see table 3.3)
Total money received² through planning obligations (whenever agreed) in 2020/21	£1,151,435.66 (see table 3.5)
Total money, received through planning obligations (whenever agreed), spent³ in 2020/21	£0
Total money, received through planning obligations (whenever agreed), retained⁴ at the end of 2020/21 (excluding “commuted sums” for longer term maintenance).	£378,108 (see section 3.7)
Total money, received through planning obligations (whenever agreed), retained at the end of 2020/21 as “commuted sums” for longer term maintenance.	£36,272

3.1.1 It is important to note that there is no record of Section 106 monies spent in the 20/21 financial year. It is expected that this is due to the disruption caused by the COVID-19 pandemic. Total money received at the end of 2020/21 as

¹ If sums to be provided are yet to be confirmed please provide an estimate (as set out in regulations)

² Including sums received for monitoring in relation to the delivery of s106 obligations

³ “spent” includes sums transferred to an external organisation to spend but does not include sums held internally, whether allocated or otherwise to a specific infrastructure project or type. Total money spent includes sums spent on monitoring the delivery of s106 obligations (please provide an estimate if total sum not known, in line with regulations)

⁴ ‘Retained’ refers to S106 sums remaining unspent including sums both ‘allocated’ and ‘unallocated’.

“commuted sums” for longer term maintenance relates to Myford Ltd, Wilmot Lane, Beeston – 17/00723/FUL. These commuted sums are for off-site play area improvements at Dovecote Lane play area.

3.1.2 Table showing break down of monies agreed 2020/21:

Contribution	Site	Amount
ITPS	Field Farm, Ilkeston Road, Stapleford – 20/00116/FUL	£275,000
	136 Church Street, Eastwood – 19/00142/OUT	£9,000
Affordable Housing	Field Farm, Ilkeston Road, Stapleford – 20/00116/FUL	£1,485,000
	136 Church Street, Eastwood – 19/00142/OUT	£540,000
Open Space	Field Farm, Ilkeston Road, Stapleford – 20/00116/FUL	£432,768
	136 Church Street, Eastwood – 19/00142/OUT	£79,050
Education	Field Farm, Ilkeston Road, Stapleford – 20/00116/FUL	£1,109,987
	136 Church Street, Eastwood – 19/00142/OUT	£710,116
Other - off site highways contributions	Field Farm, Ilkeston Road, Stapleford – 20/00116/FUL	£343,000
Other – health care	136 Church Street, Eastwood – 19/00142/OUT	£68,875

3.1.3 Table showing Non-Monetary Contributions:

		Site
Total number of affordable housing units to be provided through planning obligations agreed in 2020/21	33	Field Farm, Ilkeston Road, Stapleford – 20/00116/FUL
Total number of affordable housing units which were provided⁵ through planning obligations (whenever agreed) in 2020/21	38	Field Farm, Ilkeston Road, Stapleford - 15/00841/REM

⁵ Not a regulatory requirement but it is suggested that authorities, for clarity and transparency, report on this

		Site
		Hilltop House, Nottingham Road, Eastwood – 18/00798/FUL
		Beeston Market Willoughby Street, Beeston – 20/00282/REG3
Total number of school places for pupils to be provided through planning obligations agreed in 2020/21	46 (26 primary school and 20 secondary school places)	136 Church Street, Eastwood – 19/00142/OUT

(also add summary details outside of the above table on any other non-monetary contributions⁶ to be provided through section 106 planning obligations which were agreed in 2020/21)

3.2 Total monies received in 2020/21 came from 2 sites:

Contribution	Site	Amount
ITPS		None
Affordable Housing	Myford Ltd, Wilmot Lane, Beeston – 17/00723/FUL	£103,634.66
	Beamlight, Eastwood – 14/00334/OUT	£910,000
Open Space	Myford Ltd, Wilmot Lane, Beeston – 17/00723/FUL	£36,272
Education	Myford Ltd, Wilmot Lane, Beeston – 17/00723/FUL	£101,529

⁶ This includes any land or infrastructure to be provided

3.3 Section 106 infrastructure expenditure⁷ in 2020/2021

3.3.1 Planning obligations spent on specific infrastructure projects in 2020/21:

Infrastructure Project/Type	Planning Obligation receipts spent
None	£0

3.3.2 The Council is required to report on the total amount of money, received through planning obligations (whenever agreed and money received), spent in 2020/21 on repaying money borrowed, including any interest. The Council reports that it does not use any money from planning obligations received to repay borrowing costs.

3.3.3 The Council is required to report on the total amount of money, received through planning obligations (whenever agreed and money received), spent in 2020/21 on monitoring in relation to the delivery of planning obligations. The Council reports that it does not use any money from planning obligations received to cover monitoring costs.

3.3.4 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 allows Local Authorities to charge a monitoring fee through section 106 planning obligations, to cover the cost of the monitoring and reporting on delivery of that section 106 obligation as described above. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.

3.3.5 The Council's monitoring fees currently use a fixed 5% of financial contributions capped at £5,000. Monitoring fees can be reviewed, however in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. This will be reviewed in due course.

⁷ Reporting authorities should report sums transferred to external organisations in this section (as such sums are regarded as "spent" in the regulations) and can add details of the infrastructure provided in regard to such transfers of money, where the sums have subsequently been spent.

3.4 Section 106 receipts retained (allocated⁸ and unallocated)

3.4.1 The total amount of money, received through planning obligations prior to 2020/21, *which had not been allocated* (to an infrastructure project or item) by the end of 2020/21:

£50,461

3.4.2 The total amount of money, received under any planning obligation in any year, *which had been allocated* (to an infrastructure project or type) for spending by the end of 2020/21 but which had not been spent:

£327,647

3.4.3 Infrastructure projects or items to which receipts from planning obligations, whenever collected including 2020/21, have been allocated (but not spent) and the amount allocated to each item:

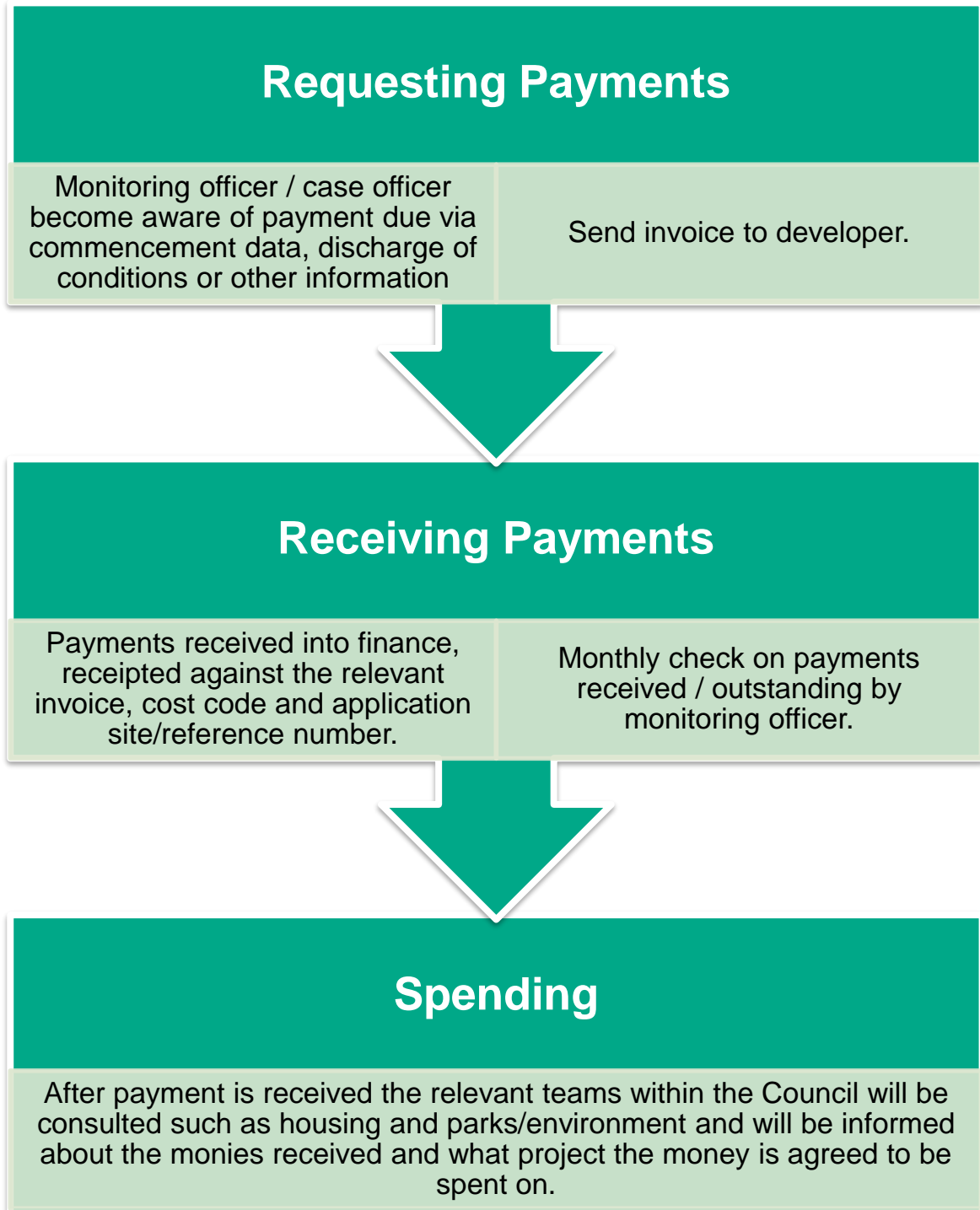
Allocated receipts from Planning Obligations

Infrastructure Project/Type	Planning Obligation receipts allocated
Beeston Tram Interchange	£138,547
HS2 Potential Extension Studies	£100,000
Contribution to A610 footways adjacent to Mushroom Farm	£80,000
Kimberley Footpath 35 Improvements	£9,100 Underspend (£15,000 allocated originally)

⁸ 'Allocated' means section 106 sums retained by the reporting authority which have, or knowingly will be, passed to an internal team to fund a specific infrastructure project or infrastructure type. 'Allocated' also includes sums which will knowingly be passed to an external organisation but which are yet to be passed.

3.5 Section 106 Monitoring Process

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ANNEX A: The Regulatory Requirements for Infrastructure Funding Statements

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

Regulation 121A states:

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document (“the annual infrastructure funding statement”) which comprises the following—

(a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);

(b) a report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);

(c) a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).

(2) The first annual infrastructure funding statement must be published by 31st December 2020.

(3) A contribution receiving authority must publish each annual infrastructure funding statement on its website.

ANNEX B: List of Schedule 2 requirements for the Infrastructure Funding Statement

Section 106 planning obligations

Reporting requirement (Schedule 2, Paragraph 3 and (optional) 4)	Ref. in template
3 (a). the total amount of money to be provided under any planning obligations which were entered into during the reported year;	3.1
3 (b). the total amount of money under any planning obligations which was received during the reported year;	3.1
3 (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;	3.4.1
3 (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; (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;	3.1.3 3.1.3
3 (e). the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;	3.4.2
3 (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);	3.1
3 (g). in relation to monies (received under planning obligations) which were 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 allocated to each item;	3.4.3

Reporting requirement (Schedule 2, Paragraph 3 and (optional) 4)	Ref. in template
<p>3 (h). in relation to monies (received under planning obligations) which were spent by the authority during the reported year (including transferring it to another person to spend), summary details of—</p> <ul style="list-style-type: none"> (i) the items of infrastructure on which monies (received under planning obligations) were spent, and the amount spent on each item; (ii) the amount of monies (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); (iii) the amount of monies (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations. 	<p>3.3.1</p> <p>3.3.2</p> <p>3.3.5</p>
<p>3 (i). the total monies (received under any planning obligations) during any year which were retained at the end of the reported year, and where any of the retained monies have been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.</p>	<p>3.1</p>