



	Local Plan Committee	Item 10
	11 December 2023	
Report of	Karen Syrett, Joint Head of Planning	01206 506477
Title	Infrastructure Funding Statement	
Wards affected	All wards affected	

1. Executive Summary

- 1.1 This report is for Members' information and provides a summary of the amount of developer contributions obtained, allocated and spent in the previous financial year.
- 1.2 In the IFS for the period between the 1st April 2022 and 31st March 2023 the following information is presented;
- the total amount of money to be provided under any planning obligations which were entered into during the reported year is £7,726,158.57.
 - 144 affordable homes are to be delivered as a result of S106 agreements entered into.
 - In 2022/23, 74 affordable housing units were delivered via S.106 Agreements. This compares to 29 in 2021/22.
 - the total amount of money under any planning obligations which was received during the reported year was £3,595,678.59.
 - the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend); £4,793,314.53.
 - the total amount of money (received under any planning obligations) which was allocated to a project but not spent during the reporting year amounted to £1,063,142.30.
 - the total amount of money under any planning obligations which was received before the reported year which has not yet been allocated by the authority is £8,133,162.63.

2. Recommended Decision

- 2.1 No decision is required since the report is for information only. The information contained within the statement is factual and the statement must be published before the 31st December.

3. Reason for Recommended Decision

- 3.1 To ensure members are aware of the amount of developer contributions obtained, allocated and spent in the previous financial year.

4. Alternative Options

- 4.1 There are no alternative options as the Council is required to publish an Infrastructure Funding Statement (IFS) in accordance with the Community Infrastructure Levy (CIL) Regulations.

5. Background Information

- 5.1 Since December 2020, planning authorities have been required to publish an Infrastructure Funding Statement (IFS) in accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019: "Part 10a Reporting and monitoring on CIL and planning obligations; paragraph 121A. The purpose of an IFS is to give communities a better understanding of how developer contributions have been or are planned to be used to deliver infrastructure in their area.
- 5.2 Infrastructure Funding Statements must be published annually, before 31 December, and cover the previous financial year running from 1 April to 31 March.
- 5.3 Developer contributions in the Borough of Colchester include section 106 planning obligations and unilateral agreements secured as part of the planning application process. Planning Obligations (also known as S106 Agreements) are legal agreements which can be attached to a planning permission to mitigate the impact of development.
- 5.4 It is important to note that obligations can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms. S106 obligations include:
- Site specific financial contributions- these are secured and must be used for defined purposes; for instance, the provision of community facilities, sport provision, open space contributions and affordable housing contributions (when accepted in lieu of on-site provision)
 - Provision of on-site affordable housing; and
 - Non-financial obligations, including requirements such as employment and skills strategies, construction management plans and travel plans.
- 5.5 Colchester City Council is responsible for securing funding and the delivery of affordable homes, community facilities, sport and recreation including public open space. The IFS provides details of how funds have been spent in these service areas. The CCC Infrastructure Funding Statement does not include details of contributions secured for Education, Highways and Transportation. Essex County Council are responsible for these matters and details of planning obligations to provide things like additional school places and highway improvements can be found by referring to the Essex County Council Infrastructure Funding Statement as they are the responsible authority.
- 5.6 The data collected is split into three files;
1. Developer Agreements 2022/23
 2. Developer Agreement Contributions 2022/23
 3. Developer Agreement Transactions 2022/23
- 5.7 The IFS should include a register in a format provided by the Government (a CSV file).

- 5.8 The Department for Levelling Up, Housing and Communities (DLUHC) recommends that local planning authorities follow their specification on how to format, label and publish their development contributions data. DLUHC recommend publishing infrastructure contributions in three steps:
1. Create three developer contribution CSV files to store the data: one showing developer agreements; one showing the amount and purpose of the contributions; and a third one showing the transactions and their current status ('secured', 'received', 'allocated', 'transferred', 'spent' and 'returned').
 2. Publish the CSV files and a short, written report illustrating the data.
 3. Submit the data to the national register of developer contributions; set up and maintained by MHCLG.
- 5.9 The Infrastructure Funding Statement is attached as Appendix A. This will be published on the website following the committee meeting.
- 5.10 In the IFS for the period between the 1st April 2022 and 31st March 2023 the following information is presented;
- the total amount of money to be provided under any planning obligations which were entered into during the reported year is £7,726,158.57. The new agreements included
 - Land at The Folley, Layer-de-la-Haye,
 - Lookers Renault "72-78", Military Road, Colchester,
 - Land adjoining "The Gables", Kelvedon Road, Tiptree,
 - Land to the east of, Newbarn Road, Great Tey
 - In 2022/23, 74 affordable housing units were delivered via S.106 Agreements. This compares to 29 in 2021/22. The new homes were built on sites including Severalls, Gosbecks, But Road and Wyvern Farm in Stanway.
 - 144 affordable homes are to be delivered as a result of S106 agreements entered into.
 - the total amount of money under any planning obligations which was received during the reported year was £3,595,678.59.
 - the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend); £4,793,314.53.
 - the total amount of money (received under any planning obligations) which was allocated to a project but not spent during the reporting year amounted to £1,063,142.30.

- the total amount of money under any planning obligations which was received before the reported year which has not yet been allocated by the authority is £8,133,162.63.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Adopted Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

7. Strategic Plan References

- 7.1 The current Local Plan provides a key strategic delivery vehicle for many Strategic Objectives in the Council's Strategic Plan (April 2023-April 2026). In particular the following Strategic Objectives are particularly relevant; Respond to the Climate Emergency through policies which seek to conserve and enhance biodiversity; Improve health, wellbeing and happiness, through placemaking and provision of appropriate infrastructure; Deliver homes for those most in need, through housing targets, site allocations and policies providing for affordable housing and a mix of evidenced housing needs; and Grow our economy so everyone benefits, through policy seeking to provide and manage economic growth throughout existing and new communities.

8. Consultation

- 8.1 NA.

9. Publicity Considerations

- 9.1 The publication of information in relation to S106 agreements may generate publicity for the Council. Although it should be seen in a positive light there will always be criticism that not enough infrastructure is provided to support new development.

10. Financial implications

- 10.1 S106 funding is used to mitigate the impact of new development.

11. Health, Wellbeing and Community Safety Implications

- 11.1 There are no specific health, wellbeing and community safety implications.

12. Health and Safety Implications

- 12.1 No direct implications.

13. Risk Management Implications

13.1 No direct implications.

14. Environmental and Sustainability Implications

14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

14.2 S106 agreements have been used specifically to deliver green infrastructure, electric charging points and sustainable travel measures.

Appendix A– Infrastructure Funding Statement 2022/23