

Infrastructure Funding Statement 2020-2021

December 2021

Version 2



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 2020/21
4	S106 financial contributions spent in 2020/21
5	On-site Affordable Housing provided in 2020/21
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 2020 to 31 March 2021 (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 obligation 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 2020/21
- S106 contributions spent in 2020/21
- On-site provision of Affordable Housing provided in 2020/21
- 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 ten years. The Planning for the Future White Paper, published in 2020, included proposals to improve the system of planning obligations, however the Government are still to respond to the public consultation and it is understood that this is under review following the appointment of a new Secretary of State in September 2021.

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 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 2020/21

A total of £1,012,795.91 was received by Braintree District Council in s106 contributions in the 2020/21 monitoring period. The following tables provide information on the type of contributions received:

Infrastructure Item	Amount received
Affordable Housing	£187,500.00
Art Provision	£24,325.42
Community Buildings and facilities	£392,998.83
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£234,992.16
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£22,393.60
Town Centre Improvements	£150,585.90
Total amount received in 2020/21	£1,012,795.91

S106 financial contributions spent in 2020/21

S106 contributions totalling £867,999.06 were spent during 2020/21; £577,490.53 was spent on the provision of Affordable Housing in the District and £290,508.53 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.

Affordable Housing

Contributions totalling £577,490.53 for affordable housing provision were used towards delivering 35 new affordable dwellings at Victoria Square in the centre of Braintree.



Manor Street, Braintree – 35 affordable dwellings to be managed by Eastlight

Public Open Space

S106 contributions were used to deliver over £290,000 worth of open space improvements and enhancements in 2020/21. This included contributions totalling over £150,000 being used towards funding the delivery of the new artificial grass pitch at Halstead Leisure Centre



The replacement artificial grass football pitch at Halstead Leisure Centre has full size, 9, 7 and 5 a side pitch markings. It is built to FIFA standards to enable competitive grass root football fixtures to be played at all levels. The pitches are available to hire through the Councils Leisure operator, Fusion.

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. In addition when new allotments are provided as part of new housing developments these facilities can be transferred to Town and Parish Councils for them to manage for the community.

- Sturmer Parish Council benefitted from just under £11,000 in S106 contributions which were used to part fund a project to provide new outdoor parallel bars and an accessible swing at the Pocket Park off Water Lane, Sturmer;
- Bures Hamlet Parish Council were reimbursed with over £5,500 towards the grass matting that they had installed on Bures Common;
- £87,500 was used to fund the provision of a new Multi Use Games Area at Earls Colne Recreation Ground, Earls Colne;
- Great Notley Parish Council used over £13,000 of S106 contributions towards the upgrade of the RAFT (Recreational Area For Teens) area at Great Notley;
- Sible Hedingham Parish Council used over £3,000 to fund new litter bins and benches on the open space at Oxford Meadow; and
- Delivery of a new allotment site off Oak Road, Halstead which was transferred to the Town Council by the developer.

New outdoor parallel bars and an accessible swing at the Pocket Park off Water Lane, Sturmer



Multi Use Games Area at Earls Colne Recreation Club, Earls Colne.
Available to hire through Earls Colne Recreation Club



The RAFT area at Notley Green, Great Notley has new skate features and a new youth shelter



12 garden allotment sites at the St Andrew's Gate development were transferred directly to Halstead Town Council by developers David Wilson Homes in August 2020



On-site Affordable Housing provided in 2020/21

220 new affordable housing dwellings were provided within new housing developments in the Braintree District during 2020/21

Development	Developer	Housing Association Partner	No. of dwellings
Spalding Close, Braintree	Eastlight	Eastlight	34
Forest Road, Witham	Bellway Homes	Eastlight	39
Sudbury Road, Halstead	Bellway Homes	Eastlight	11
London Road, Braintree	Countryside	Clarion	12
Lodge Farm, Witham	Redrow Homes	Sage	36
Station Road, Earls Colne	Cala Homes	Eastlight	22
Mill Lane, Cressing	Bellway Homes	Eastlight	16
Rayne Road, Braintree	Redrow Homes	Clarion	20
Oak Road, Halstead	Bloor Homes	Eastlight	15
Carrier site, East Street, Braintree	CHP	CHP	13
Ashen Road, Ridgewell	Beacon Hill Homes	CHP	2
Total number of affordable housing dwellings provided 2020/21			220



34 new homes were built in partnership with Hill Partnerships at Spalding Close, Braintree.

The development was completed by November 2020.

The final 16 new homes built in partnership with Bellway Homes on land off Mill Lane, Cressing were completed by August 2020.



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 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:

- 19/01803/FUL – Hatfield Bury Farm, Hatfield Peverel – Erection of 50 dwellings
- 19/00026/FUL – Land at Conrad Road, Witham – Erection of 150 dwellings
- 18/02010/FUL – Land at Gimsons, Kings Chase, Witham – Erection of up to 78 dwellings
- 19/00069/OUT – Land east Bardfield Road, Finchingfield – Erection of 50 dwellings
- 18/02015/FUL – Land at Broomhills Industrial Estate, Braintree – Erection of 81 dwellings
- 18/00549/OUT – Land at Long Green, Cressing – Erection of up to 250 dwellings
- 19/01025/FUL – Land west Kelvedon Station, Kelvedon – Erection of up to 238 dwellings
- 18/01318/OUT – Land east Broad Road, Braintree – Erection of up to 1,000 dwellings including local centre, land for primary school and land for employment use

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 2020/21.

- 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 2020/21. £3,300.00 was received in monitoring fees during the period 2020/21.

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 2020/21, 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 2020/21:

- **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: www.braintree.gov.uk/

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

In recent years the District has started to see significant growth and physical changes as new residential and commercial developments are delivered. The new 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 remain high 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:

- continuing to work with Parish and Town Council's on schemes which will be funded by S106 contributions;
- providing ongoing training to Parish and Town Councils' which will include training on planning obligations;
- undertaking the next annual review of the Open Spaces Action Plan.

A new application form and revised guidance setting out the process has been put in place through which Parish and Town Councils and community groups can apply for S106 funds that have been received by the District Council. This ensures that the process is clear and sets out the District Councils requirements.

In addition the District Council will be reviewing available resourcing for the delivery of S106 funded projects, to improve delivery rates and reflect the increased number of planning obligations.

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; **£6,917,266.91**

(b) the total amount of money under any planning obligations which was received during the reported year; **£1,012,795.91**

(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; **£898,754.33 (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; **619**

(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; **£819,257.32 (This figure comprises all receipts received but not spent during the reported year except 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); **£924,953.33**

(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
Art Provision	£24,325.42
Community Buildings and facilities	£392,998.83
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£251,347.17
Town Centres and public transport initiatives	£150,585.90
Total amount of receipts received during reported year allocated but not spent	£819,257.32

(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	£577,490.53
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£290,508.53
Total amount spent 2020/21	£867,999.06

(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; **£3,300.00**

(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 31.03.2021 = £6,062,024.52. Plus commuted sums retained on 31.03.2021 = £420,788.22**