

# Infrastructure Funding Statement 2022-2023

December 2023



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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 2022 to 31 March 2023 (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 2022/23
- S106 contributions spent in 2022/23
- On-site provision of Affordable Housing provided in 2022/23
- 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.

Braintree District Council has not adopted a CIL and therefore this Statement does not include details in relation to CIL.

The long awaited Levelling-up and Regeneration Bill finally received Royal Assent, becoming the Levelling-up and Regeneration Act 2023 (LURA). The act contains significant changes to the planning system which include the framework for introducing the new Infrastructure Levy which will in time replace the current s106 and Community Infrastructure Levy (CIL) regime. Planning obligations will not disappear, but their use would be refocused.

While the LURA sets out the framework for the new Levy, the detailed design will be delivered through regulations which are yet to be published. Unusually, the Government have announced that the new levy will be introduced through a 'test and learn' system over a 10-year period, so the existing system of planning obligations will continue to operate for some time to come.

#### *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](mailto: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 2022/23**

A total of £3,386,462.93 was received by Braintree District Council in s106 contributions in the 2022/23 monitoring period. The following table provides information on the type of contributions received:

<b>Infrastructure Item</b>	<b>Amount received</b>
Affordable Housing	£775,174.86
Community Buildings and facilities	£143,792.34
Healthcare	£687,761.58
Monitoring Fees	£33,200.00
Public Open Space (including allotments, play equipment, outdoor sport, and informal & formal open space)	£1,529,280.13
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£163,493.60
Town Centre, Cycling & Rights of Way Improvements	£53,760.42
<b>Total amount received in 2022/23</b>	<b>£3,386,462.93</b>

**S106 financial contributions spent in 2022/23**

S106 contributions totalling £403,058.29 were spent during 2022/23. Projects included £81k towards the ongoing project of building a new community facility in Great Bardfield; over £136k was transferred to the NHS to contribute towards improvements to Primary Healthcare and £177k was spent on public open space improvements which includes money spent on allotments, play equipment, informal and formal open space.

£199,734.96 of RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy) contributions collected by the District Council were transferred to Chelmsford City Council, who are appointed by the 11 Essex authorities involved in the Bird Aware Essex Coast initiative to manage visitor impact on parts of the Essex coastline.

### ***Public Art Provision***

As part of the Public Open Space being provided on the Oakwood Hill development (land off Oak Road, Halstead) Bloor Homes commissioned and installed a Public Art installation.

The entrance screens celebrate Halstead's rural past and the towns historical association with Courtauld's, with one of the screens showing a power loom with female workers alongside distinctive textile designs.

A key objective was to provide residents and visitors with a better understanding of the cultural heritage of the local area.



**On-site Affordable Housing provided in 2022/23**

As a result of S106 agreements, 211 new affordable housing dwellings were provided within new housing developments in the Braintree District during 2022/23.

<b>Development</b>	<b>Developer</b>	<b>Housing Association Partner</b>	<b>No. of dwellings</b>
Boars Tye Road, Silver End	Sanctuary Beech Grove New Homes	Sanctuary	20
Western Road, Silver End	Croudace	CHP	18
Gleneagles Way, Hatfield Peverel	David Wilson Homes	Sage	14
Sudbury Road, Halstead	Bellway Homes	Eastlight	18
Stonepath Drive, Hatfield Peverel	Bellway	Eastlight	24
Nuns Walk, Great Yeldham	Rose Builders	Flagship Homes	13
Station Road, Earls Colne	Bellway Homes	Eastlight	4
Hedingham Road, Gosfield	Abbey New Homes	Places for People	10
Arla Dairy, Hatfield Peverel	Bellway Homes	CHP	22
Water Lane, Steeple Bumpstead	Enterprise Property Group	Eastlight	11
Monks Farm, Kelvedon	Cala Homes	Sage	4
Hunnable Estate, Great Yeldham	Linden Homes	CHP	20
Inworth Road, Feering	Bloor Homes	Eastlight	27
London Road, Braintree	Countryside	Clarion	6
<b>Total number of affordable housing dwellings provided 2022/23</b>			<b>211</b>

It should be noted that during the year 2022/23 the District Council recorded a total of 282 new Affordable Homes being delivered within the District. Whilst 211 of these new affordable homes were delivered by developers under planning obligations contained within S106 Agreements there were also 71 new homes delivered by Registered Providers which were not as a result of planning obligations in S106 Agreements.

Eastlight completed the redevelopment of a garage site in Speedwell Close, Witham. Following the demolition of an underutilised block of garages, three new two-bed houses were constructed to provide affordable housing. 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.

On the development on land north of Western Road, Silver End the provision of 40% of the new homes as Affordable Housing was secured by a planning condition rather than a S106 agreement. This was not something that the District Council would usually agree to, but this planning application was the subject of a planning appeal and when the Planning Inspector granted the planning permission, they allowed the provision of the Affordable Housing to be the subject of a planning condition. Only the Affordable Homes secured in the S106 agreement are recorded in the IFS figures.

***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:

- 21/00850/OUT - Land West of Boars Tye Road Silver End - Outline planning permission with all matters reserved apart from access, for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure;
- 21/03101/FUL - Land North of Oak Road Halstead - Erection of 80 dwellings (Class C3) including affordable homes, public open space including local equipped area for play, access from Tidings Hill, sustainable drainage systems, landscaping and all associated infrastructure and development;
- 21/02034/OUT - Land South of Bovingdon Road Braintree - Outline planning permission with all matters reserved apart from access for up to 70 dwellings and associated development;
- 20/02060/OUT - Phase 4 Land North East Of Rectory Lane Rivenhall - Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans way, a bus, cycle and pedestrian connection to Rickstones road, sustainable drainage systems, landscaping and all associated infrastructure and development;
- 17/00679/OUT - Land North of London Road Kelvedon - Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space, and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road;
- 19/00493/OUT - Land Off Bournebridge Hill Greenstead Green - Outline application for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access;
- 19/01896/OUT - Land North of Woodend Farm Hatfield Road Witham - Application for Outline Planning Permission with all matters reserved for up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space, and utilities infrastructure.



### ***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 2022/23.

- 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 10<sup>th</sup> 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 2022/23. £33,200.00 was received in monitoring fees during the period 2022/23.

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 2022/23, 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 2022/23:

- **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 Council will continue to secure the provision of new community and social infrastructure within new developments where this is appropriate. There is a strong pipeline of Affordable Homes that will be provided by developers as part of their developments as they are built out and large housing developments continue to deliver new areas of Public Open Space, including equipped play areas.

During this reporting year the provision of a new health centre in Kelvedon was also secured, along with a Care Home, Childrens Nursery, and retail units. These forms of social infrastructure are available to existing residents, as well as the new residents who will move into new housing.

Financial contributions also continue to be secured in S106 agreements which are to be used to contribute towards new or improved facilities off-site.

The District Council's ability to deliver Open Space projects using S106 contributions was regrettably restricted during this reporting period (the financial year 2022-2023). The Council's Senior Landscape Architect both delivers S106 funded projects on land owned by the District Council and supports

Parish and Town Councils to deliver projects on Open Space that they own. The number of S106 funded projects they were able to progress / support during this reporting period was significantly lower than anticipated during this period as they were seconded to work on the town centre improvement project in Braintree. This problem was compounded when the Senior Landscape Architect resigned towards the end of this reporting period to take up a promotion with another authority.

In other areas the Council continues to be dependent on other bodies delivering the infrastructure using S106 contributions. Although the Council holds the contributions for healthcare, spending the money and improving facilities is the responsibility of the NHS. Senior Braintree Council Officers continue to press the Mid and South Essex Integrated Care Board to use the S106 contributions held to improve primary healthcare capacity and bring forward plans to improve healthcare facilities.

Several measures are being implemented to increase the number of S106 contributions which are being spent and the rate at which they are spent, and it is anticipated that the IFS for 2023-2024 will show an improvement on delivery of S106 funded infrastructure.

**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; **£6,732,778.66**

(b) the total amount of money under any planning obligations which was received during the reported year; **£3,386,462.93**

(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; **£2,081,667.86 (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; **482**

(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; **£2,502,007.75 (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); **£635,993.25 (This figure includes RAMs contributions transferred to Chelmsford City Council of £199,734.96 and Monitoring Fees of £33,200.00)**

(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
Affordable Housing	£775,174.86
Community Buildings and facilities	£143,792.34
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£1,529,280.13
Town Centre, Cycling & Rights of Way Improvements	£53,760.42
<b>Total amount of receipts received during reported year allocated but not spent</b>	<b>£2,502,007.75</b>

(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
Community Facilities	£40,182.00
Healthcare	£136,874.07
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£218,296.97
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£199,734.96
Town Centres	£7,705.25
<b>Total amount spent 2022/23</b>	<b>£602,793.25</b>

(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; **£33,200.00**

(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 31.03.2023 = £10,175,430.89. Plus commuted sums retained on 31.03.2023 = £209,568.22.**