

Infrastructure Funding Statement 2023-2024

December 2024

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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 2023 to 31 March 2024 (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 2023/24
- S106 contributions spent in 2023/24
- On-site provision of Affordable Housing provided in 2023/24
- 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.

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

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 2023/24

A total of £2,042,212.17 was received by Braintree District Council in s106 contributions in the 2023/24 monitoring period. The following tables provide information on the type of contributions received:

Infrastructure Item	Amount received
Affordable Housing	£392,200.93
Community Buildings and facilities	£137,205.99
Healthcare	£177,379.82
Monitoring Fees	£19,300.00
Public Open Space (including allotments, play equipment, outdoor sport, and informal & formal open space)	£1,150,758.47
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£87,681.49
Footpath/cycleway Improvements	£71,412.84
Highways (held on behalf of ECC)	£6,272.63
Total amount received in 2023/24	£2,042,212.17

S106 financial contributions spent in 2023/24

S106 contributions totalling £1,033,744.53 were spent by the District Council during 2023/24 either directly or by providing funding for projects undertaken by Parish Councils, Community Groups or sports providers.

Projects delivered by the District Council included:

- £145k spent on a new play area at Mill Park Drive, Braintree
- £25k spent on improvements at the Reubens Walk play area, Earls Colne
- £17k on new fencing at the Rose Hill allotment site, Braintree

- £35k towards the Bocking Cemetery Garden of Remembrance project; and
- £10k was spent on tree planting in Halcyon Close, Witham and £13k spent on new trees and picnic benches at Weaver Park, Braintree

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 Potential Open Space Improvement plan. During 2023/24 the District Council supported the delivery of projects including:

- Shalford Parish Council in the delivery of a new multi-use games area and play wall at Shalford Village Hall costing almost £15k;
- Bulmer, Sturmer and Stisted Parish Councils to install new benches in areas of public open space;
- Witham Town Council spent £13k at Whetmead Nature Reserve on a new step access, notice boards and nature posts and a further £21k on a new boardwalk and notice board at James Cooke Wood, Witham;
- In addition to Section 106 funding provided in the preceding financial year, Great Bardfield Parish Council spent a further £42k towards the completion of the new pavilion at Bendlowes Road, Great Bardfield;
- Hatfield Peverel Parish Council spent £265k on the installation of new outdoor fitness equipment and new play equipment at the Strutt Memorial Recreation Ground; £15k on public footpath improvements; and £10k on allotment fencing at Church Road allotments, Hatfield Peverel;
- Finchingfield Parish Council installed over £6k of new play equipment in Cornish Hall End;
- A contribution of over £4k was made to Steeple Bumpstead Parish Council towards installing a new slide at Camping Close, Steeple Bumpstead;
- Halstead Town Council carried out £6k of fencing works and installed new gates to the Colne Road allotment site in Halstead;
- Cressing Parish Council spent £300k on the provision of new changing room facilities at Jeffreys Road Playing Fields, Cressing; and
- Coggeshall Parish Council delivered new play equipment at Fabians Park, Coggeshall costing £37k.

Working with Community Groups and Sports Providers

Witham Cricket Club in Maldon Road, Witham began the installation of a three lane practice net facility costing almost £90k in the financial year 2023/24. The facility is to be funded by S106 contributions and the first £30k of funding was drawn down in 2024/25.



New multi-use games area and play wall at Shalford Village Hall, Shalford



Boardwalk installed at James Cooke Wood, Witham



New play equipment
being installed at Cornish
Hall End



New outdoor gym equipment at the Strutt Memorial Ground, Hatfield Peverel



Play equipment installed at Fabian's Park, Coggeshall



On-site Affordable Housing provided in 2023/24

As a result of S106 agreements, 424 new affordable housing dwellings were provided within new housing developments in the Braintree District during 2023/24, exceeding the Council's target of 250. Affordable rented and shared ownership properties were made available on the following developments:

Development	Developer	Housing Association Partner	No. of dwellings
Towerlands (Phase1) Panfield Lane, Braintree	Dandara	Clarion Housing	50
Land West of Bardfield Road, Finchingfield	Hills Residential	Peabody	6
Land West of Hedingham Road, Gosfield	Abbey New Homes	Places for People	4
Lodge Farm (Phase 3b) Witham	Redrow	Moat	33
Western Road (Phase 3) Silver End	Redrow	Moat	24
Land South of The Limes, Gosfield	Arbora Homes	Hastoe Housing	6
Land North East of Inworth Road, Feering	Bloor Homes	Eastlight Community Homes	20
Land South of Stonepath Drive, Hatfield Peverel	Bellway Homes	Eastlight Community Homes	27
Land West of Mount Hill, Halstead	Eastlight Community Homes	Eastlight Community Homes	33
Appletree Farm, Polecat Road, Cressing	Inland Homes	Eastlight Community Homes	16
Bury Farm, Bury Lane Hatfield Peverel	Bellway Homes	Eastlight Community Homes	18
Land at Kings Chase, River View, Witham	Bellway Homes	Eastlight Community Homes	23
North of Rayne Road, Braintree	Mulberry Homes	CHP	12
Land North East of Gleneagles Way, Hatfield Peverel	David Wilson Homes	Sage Homes	24
Land at Monks Farm, Kelvedon	Cala Homes	Sage Homes	52
Land Adjacent Braintree Road, Tye Green, Cressing	Countryside	Sage Homes	11
Land South of Halstead Road, Earls Colne	Persimmon Homes	Sage Homes	9
Land North of Conrad Road, Witham	Sanctuary	Sanctuary	22
Land North Of Braintree Road, Coggeshall	Bovis Homes	Sage Homes	30
Land North of Oak Road, Halstead	Bellway Homes	Eastlight Community Homes	4
Total number of affordable housing dwellings provided 2023/24			424

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:

- 20/01493/OUT - Land At Mount Hill Halstead - Outline application with all matters reserved except access for up to 55 dwellings with new landscaping, open space, access and associated infrastructure
- 21/02241/FUL - St Dominics Residential Home London Road Kelvedon - Erection of two-storey 21 bed care home together with 7 x 2 bed close care bungalows, together with associated parking spaces, amenity areas and access road
- 21/00671/FUL - Land at East Street Coggeshall - Construction of 20 dwellings, new vehicular and pedestrian access to East Street, internal access road, garages, parking spaces, private open space, amenity space and provision of foul and surface water drainage and landscaping
- 22/02409/FUL - Coxs Yard Rayne Road Braintree - Redevelopment of Cox's Yard to include; demolition of existing showroom (No. 16 Rayne Road) and erection of a 2 storey building incorporating 1no. Class E Commercial, Business and Service unit and 3no. flats; refurbishment of No. 18 Rayne Road to create 2no. residential units; erection of 2no. semi-detached dwellings fronting Panfield Lane with associated on plot parking; wider demolition of existing commercial buildings within the site and erection of 8no. flats, together with associated amenity space and landscaping, refuse and cycle storage, and parking provision for 16no. vehicles. (Total of 1no. Class E Commercial, Business and Service unit and 15no. residential units).

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 £440 per trigger for S106 agreements entered into during the period 2023/24.

- A S106 agreement containing 2 obligations, both to be complied with on first occupation would therefore attract 1 x monitoring fee payment of £440.
- 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 £440 each = £880.

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 during 2023/24. £19,300.00 was received in monitoring fees during the period 2023/24.

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 2023/24, 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 2023/24:

- **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. As a number of strategic and major sites continue to be built out developers are continuing to deliver Affordable Homes and new areas of Public Open Space, including equipped play areas within their developments.

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 Council continues to be dependent on other bodies to deliver infrastructure using S106 contributions in other areas. 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.

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; **£1,309,445.85**

(b) the total amount of money under any planning obligations which was received during the reported year; **£2,042,212.17**

(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; **£2,262,968.36 (This figure comprises healthcare contributions, some community facilities contributions and two highway contributions 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; **25**

(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; **£1,631,048.13 (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); **£1,191,734.73 (This figure includes RAMs contributions transferred to Chelmsford City Council of £136,338.25 and Monitoring Fees of £19,300.00)**

(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	£392,200.93
Community Buildings and facilities	£110,764.24
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£1,056,670.12
Footpath/cycleway Improvements	£71,412.84
Total amount of receipts received during reported year allocated but not spent	£1,631,048.13

(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 Buildings and facilities	£26,441.75
Healthcare	£2,351.95
Public Open Space (including allotments, play equipment, outdoor sport and informal & formal open space)	£1,003,217.78
Footpath/cycleway Improvements	£4,085.00
RAMs (The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS))	£136,338.25
Total amount spent 2023/24	£1,172,434.73

(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; **£19,300.00**

(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 31.03.2024 = £11,064,682.81 Plus commuted sums retained on 31.03.2024 = £103,958.22**