

Infrastructure Funding Statement

2023/24



1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) regulations and National Planning Policy Framework require for the financial year 2019/2020 onward, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by 31 December each year thereafter. In addition the requirement states that data should be in a particular format in order for it to be easy to find, use, understand and trust.
- 1.2 The intention is that the data and infrastructure funding statements will give policy makers better insights into how developer contributions are supporting new development and local infrastructure.
- 1.3 This report provides a summary of financial contributions the Council has secured through Section 106 agreements (s106) from new developments.
- 1.4 The report provides –
 - An overview of s106 agreements
 - The process for off-site financial contributions
 - S106 contributions secured during the 2023/24 monitoring period
 - The s106 contributions received by the Council during the 2023/24 monitoring period
 - The s106 contribution transactions completed by the Council in the 2023/24 monitoring period
 - Contributions delivered on site from S106 contributions during 2023/24 monitoring period
 - Previous secured s106 contributions, expected to be delivered in the future
- 1.5 The information included in the report will be updated annually and published on the Council's website. This will ensure the most up to date information on the amount of developer contributions received by the Council from new developments, in addition to information on where these monies have been spent is readily available to members of the public and other interested parties.
- 1.6 As part of the developer contributions annual requirement, three separate CSV files (data files) have been completed in the required format. These CSV files will be updated annually and can be found on the website along with this Annual Infrastructure Funding statement.

2. Overview of Section 106 agreements/obligations

- 2.1 Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission.
- 2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.

- 2.3 The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the Borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions.
- 2.4 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 2.5 The Council cannot ask for contributions via section 106 planning obligations in certain circumstances:

“Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more...Planning obligations should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.”¹

- 2.6 S106 agreements are normally signed at the Outline Planning application stage, once signed they can be viewed along with the application details on the Council website using the relevant planning application number or site address. The following link will direct you to the application details webpage:

<http://www.eaststaffsbc.gov.uk/planning/applications-and-decisions/applications-and-appeals>

- 2.7 The Council are intending to introduce a new S106 monitoring fee, which will be used towards the cost of monitoring future S106 agreements.

3. The Process for Off-Site Financial Contributions

- 3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a s106 obligation.
- 3.2 Once the s106 has been signed, it is an obligation, but it will only be realised if the planning permission is implemented and reaches the trigger point for payment such as commencement or prior to occupation. When the planning permission is granted, the s106 obligation is registered as a land charge which stays with the land, obligating any future owners until the terms are met.

¹ Planning Practice Guidance 2019 Paragraph 023 ‘Planning Obligations’ <https://www.gov.uk/guidance/planning-obligations>

- 3.3 The Planning case officers seek to agree the principles of the S106 agreement through the application process, based on relevant planning policy requirements and statutory consultee responses. The completion of S106 agreements is undertaken by the Council's legal department.
- 3.4 During 2019, a new internal process was introduced to enable the Council to take a more proactive approach in obtaining s106 contributions and ensuring that the funds are spent/allocated/transferred for the specified purpose within a timely manner.

4. S106 Contributions Secured during 2023/24 for Future Years

- 4.1 During the 2023/24 period, the Council has secured s106 contributions from the following development sites which will be paid/delivered in future years should the developments progress as planned. These contributions will be paid by the developers either once development has commenced on site, once a specified number of homes has been delivered on the site or when a specific trigger point has been met.
- 4.2 The Education and Travel & Highway sums have been secured through the S106/S278 process for Staffordshire County Council and will in most cases be paid directly to them for use as specified in the S106/S278 agreement. Staffordshire County Council monitor and report on these separately.
- 4.3 The S106 contributions secured during the 2023/24 monitoring period are shown within the following table –

Infrastructure Type and Development Name	Income Secured	Onsite Provision Secured / Additional Information
Affordable Housing	26,110	
20 Oaklands Grove, Uttoxeter	13,055	-
Land adjacent Plot 6 Oaklands Grove, Uttoxeter	13,055	-
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	0	To designate 33% of the total number of eligible dwellings in phase 1 & 2
Education	2,172,330	
20 Oaklands Grove, Uttoxeter	3,375	-
Land adjacent Plot 6 Oaklands Grove, Uttoxeter	3,375	-
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	2,165,580	-
Health	367,629	
20 Oaklands Grove, Uttoxeter	440	-
Land adjacent Plot 6 Oaklands Grove, Uttoxeter	440	-
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	324,500	-
The Workout, Wetmore Road	42,249	-
National Forest	23,450	
Outwoods Hospital Site	18,900	-
The Workout, Wetmore Road	4,550	-
Others (Cannock Chase SAC, Community Buildings etc.)	660	
Rear of Summerfield Cottage, Denstone	0	Planning Obligation - no disposal of the dwelling separate from a disposal of the business land
20 Oaklands Grove, Uttoxeter	330	-
Land adjacent Plot 6 Oaklands Grove, Uttoxeter	330	-
Longcroft Farm, Yoxall	0	Planning Obligation - Not to use any of the barns & buildings on the land for Dairy Farming purposes.
Public Open Spaces	1,556	
20 Oaklands Grove, Uttoxeter	778	-
Land adjacent Plot 6 Oaklands Grove, Uttoxeter	778	-
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	0	Provision of Open space & Play area within the development
Sports & Leisure	882,155	
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	882,155	-

Travel & Highways	19,000	
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	19,000	-
Waste	45,180	
20 Oaklands Grove, Uttoxeter	90	-
Land adjacent Plot 6 Oaklands Grove, Uttoxeter	90	
Land Bound by Tutbury Rd, Rolleston Rd & Harehedge Ln	45,000	
Grand Total	3,538,070	

5. S106 Contributions Received in 2023/24

5.1 A total of £1,794,622 has been received in s106 contributions in the 2023/24 monitoring period. The following tables provide information on what infrastructure types these contributions have been received for:

Infrastructure Type	S106 Contribution Received in 2023/24
Affordable Housing	928,205
Health	440
National Forest	23,653
Public Open Space	841.904
Waste	90
Other - Cannock Chase SAC	329.83
Total	1,794,622

Since August 2022, Applicants can now pay a one off payment in relation to the Cannock Chase SAC rather than via a S106 agreement. In 2023/24 a total of £6,887.18 was received via this new process to mitigate the impact of developments in the Cannock Chase SAC.

6. The S106 contribution transactions completed by the Council in the 2023/24 monitoring period

6.1 During the 2023/24 period the Council has completed a number of transactions to spend, allocate, return or transfer S106 monies for the purpose specified in the S106 agreement. These are listed below:

Infrastructure Type	S106 Contribution transaction in 2023/24
Affordable Housing	542,464
Public Open Space	13,000
Waste	20,587
Other - Community Facilities	39,613
Total	615,664

7. Contribution Delivered On-site from S106 Contributions during 2023/24

- 7.1 As well as the monetary contributions the Council has received through s106 obligations within 2023/24, there has also been the following on-site contributions delivered within the period:

Infrastructure Type	S106 Contribution Delivered on-site in 2023/24
Affordable Housing	160 units completed on site across the Borough (Affordable Housing units provided from S106's only)
Public Open Space	1 Common Amenity Area Plan and Management scheme implemented at new housing development near Burton

8. Previous secured contributions expected to be delivered in the future

- 8.1 A summary of the contributions and onsite provision expected to be provided or delivered on site from S106 agreements signed in 2023/24 or prior to.²

Infrastructure Type	Funds Secured	Onsite Contribution Secured
Affordable Housing	2,163,758	Provide at least 124 Affordable Housing units across a number of developments
Bus Service	0	Bus Services across 5 developments and 200 bus passes for another development.
Health	76,792	-
National Forest	9,580	-
Other	0	Provide electric car charging points within a development
Public Open Space	84,000	Provide public open space for 9 developments across the Borough.
Sports & Leisure	163,890	-
Waste	6,225	-
Total	2,504,245	

- 8.2 When contributions are delivered these will be reported within future Infrastructure Funding statements.

9. S106 receipts received prior to April 2019 which are still being held at March 2024

- 9.1 The following amounts were received prior to the first Infrastructure Funding Statement (April 2019) and are currently still being held at March 2024.

² Expected financial contributions are only included in this table if the values are made clear within the S106 agreement or if the formula can be calculated at the time of recording the data into our database. The contribution figure may not have been specified at the time of signing the S106 agreements as it may depend on other factors such as: % of on-site/off site contributions changing, number of dwellings changing, Reserved Matters being approved at a later date, bonds being held/returned etc. Therefore contribution figures may also be subject to change.

Infrastructure Type	S106 Contribution Received Prior to April 2019
Affordable Housing	701,259
Public Open Space	-
Sport & Leisure	307,769
National Forest	14,675
Refuse	55,788
Others	42,360
Total	1,121,851

Please note: Whilst the above summary information has been provided it is important that the data provided can change or in some cases not be delivered. This is because planning applications can lapse and therefore should development not be forthcoming the associated S106 will also not be forthcoming. There may also be cases where a landowner wishes to vary the S106 at a future date. In such cases this would count as an additional S106 but in reality it is a replacement.