Bath & North East Somerset Council

Improving People's Lives

Bath and North East Somerset Council Infrastructure Funding Statement

Community Infrastructure Levy and Section 106

Annual Report 2023/24

November 2024

BATH AND NORTH EAST SOMERSET COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

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EXECUTIVE SUMMARY

This Infrastructure Funding Statement (IFS), prepared by Bath and North East Somerset Council (B&NES) on an annual basis sets out the details of the infrastructure funding received, and new/improved infrastructure funded by recent developments within the district, through:

- The Community Infrastructure Levy (CIL); and
- Section 106 (s106) planning agreements

This IFS focusses on the last financial year which is 1st April 2023 to 31st March 2024, during which:

- £3,187,957 in CIL receipts were collected in the monitoring year
- £3,336,608 of "Strategic CIL" was spent on projects (refer to Table 2)
- £136,405 of the CIL receipts were passed to the relevant parish and town councils (refer to Table 7)
- £337,462 of CIL received was retained for Bath unparished area and £593,803 of Bath Local CIL was spent on projects in Bath (refer to <u>Table 5</u>)
- £278,735 of Section 106 financial contributions were received in the monitoring year
- £1,925,633 of Section 106 funds were spent on a wide range of infrastructure including schools and parks to mitigate the impacts of new development (Refer to Table 8)

Part 1 INTRODUCTION

- 1.1. Welcome to the 2023/2024 Bath and North East Somerset (B&NES) Council Annual Report covering income and expenditure relating to the Community Infrastructure Levy (CIL) and Section 106 (s106) agreements. This report relates to the financial year of 1 April 2023 to 31 March 2024.
- 1.2. We use s106 agreements and CIL to mitigate the impacts of new development and fund infrastructure required to support the sustainable delivery of development within Bath and North East Somerset.
- 1.3. More details of how CIL and S106 is charged and collected can be found at Part 3. In summary when CIL is received, the largest proportion, is allocated by B&NES Council on infrastructure needed to support the development of the Council area, known as "Strategic CIL". A neighbourhood proportion is passed to the Parish Council or Town Council, or the unparished Bath area where the development took place for spending within their local Parish area. This report focuses on the CIL and S106 spend by B&NES Council, as Parish and Town Councils report separately on Neighbourhood CIL received from CIL generated in their area.
- 1.4. Part 2 sets out details of CIL and S106 income and spend by B&NES Council. This includes:
 - CIL income and how B&NES Strategic CIL and Bath Neighbourhood CIL has been allocated and spent in the reported year.
 - S106 income collected, allocated and spent with remaining balances. We also provide information on S106 contributions and affordable housing secured from planning permissions in the reporting year.
- 1.5. Part 3 provides background information on S106 and CIL and how it is collected.
- 1.6. Appendix A sets out information on the types of infrastructure to which Strategic CIL is allocated.

Part 2 FINANCIAL REPORTS

B&NES COMMUNITY INFRASTRUCTURE LEVY (CIL) REPORTING

The following Table 1 sets out the total amount of CIL received in the 2023/2024 year.

B&NES TOTAL CIL INCOME

Table 1: Total CIL Income	Amount (£)
Total amount of CIL received in 2023/2024	£3,187,957

The Council did not receive any land or infrastructure payments (i.e. the provision of land or infrastructure in lieu of paying CIL) during 2023/2024.

STRATEGIC CIL SPEND 2023/2024

Table 2 shows that the total amount of Strategic CIL spent within 2023/2024 was £3,336,608 (this was from income collected up to 31 March 2024). The infrastructure that it was spent on was:

Table 2: Strategic CIL spending on Infrastructure Projects	Amount (£)
Spend on Infrastructure Projects	
Highways Maintenance Programme	£1,400,000
Warminster Road Zebra Crossing	£2,825
Cycling & Walking Schemes	£27,238
St Keyna Primary Expansion	£147,025
Ralph Allen School improvements	£54,582
Somervale School improvements	£33,151
Tree Planting	£35,668
Keynsham Memorial Park	£20,845
Royal Victoria Park improvements	£43,385
Canal Tow Path, Bathwick Hill	£50,000
Midsomer Norton & Keynsham Public Realm	£159,030
Bath BMX track project	£40,000
Haycombe Crematorium refurbishment	£100,000
Pixash Recycling Hub	£174,459
Spend by external organisations under Reg 59(4)	
Saltford Tennis Court upgrade	£38,000
Paulton Rovers Floodlights project	£10,400
Repayment of money borrowed for Infrastructure Item (nil interest)	
Flood Defences	£1,000,000
Grand Total	£3,336,608

The total amount of Strategic CIL receipts collected before the reported year i.e. 2023-2024, but which have not been allocated is £4,206,990.

The total amount of Strategic CIL receipts, collected before the reported year and which have been allocated in the reported year is £4,197,400.

The total amount of Strategic CIL receipts, whenever collected, which were allocated but not spent during the reported year is £5,714,447. This has been fully approved for spending.

Table 3 shows unspent Strategic CIL Allocations (for example where project timelines have been delayed, or where CIL is reserved/ secured for longer term projects)

Table 3: Strategic CIL receipts, whenever collected, which were	Amount
allocated but not spent during the reported year	
Highways:	£1,922,095
Schools:	£1,238,010
Parks & Green Spaces	£1,230,455
Public Facilities:	£1,205,887
Other	£118,000
	£5,714,447

The following Table 4 shows the amount of Strategic CIL retained at the end of the year. This includes Strategic CIL unspent but allocated and committed.

Table 4: Strategic CIL	
Amounts Retained at End of Year (Includes CIL Committed and Allocated)	
CIL receipts for the reported year retained at the end of the reported year	£2,591,575
CIL receipts from previous years retained at the end of the reported year	£2,624,341

Strategic CIL allocated for the year 2024/2025 (i.e. current year /year after monitoring year) equates to £1,980,400 and is set out in the Cabinet report (February 2024). The Cabinet report can be found at this <u>LINK</u>

BATH NEIGHBOURHOOD CIL

As Bath does not have a Parish or Town Council, it was agreed that a CIL for Bath Panel is appointed by Bath and North East Somerset Council and will act as the body which reviews and assesses projects and requests for CIL on behalf of the community. More details can be found at this LINK

Table 5 below shows the amount of neighbourhood CIL retained for the Bath area and the projects in Bath on which CIL was spent.

Table 5: Bath Neighbourhood CIL Income and Spend	£ Amount
Total CIL receipts retained for Unparished Bath Local CIL in 2023/24	£337,462
Bath CIL Project Spend in Bath in 2023/2024	Spend (£)
Hope House Pedestrian Crossing	£75,000
Broad Street Place Community Garden	£21,332
The Safe Centre Project	£23,607
Bath Parks Activator – improvements to 18 parks across Bath	£37,857
More Trees for BANES - for trees across multiple wards in Bath	£9,302

Odd Down BMX track improvements	£99,304
St Andrews Community Church Centre, Fox Hill - refurbishment	£15,000
Percy Community Centre – resurfacing outdoor sports court	£28,993
Roundhill Hub refurbishment (Bath Youth for Christ)	£52,389
Brickfield Park - improvements for young females (Your Park Bristol &	
Bath)	
Bath City FC – FIFA Quality PRO all-weather pitch	£75,000
Whiteway Green Park improvements (Curo)	£40,000
Weston Community Library – refurbishment and rental costs	£27,100
B&NES Allotment Association – creation of micro sites and smaller plots	£14,000
Sub Total	£593,803

The following Table 6 shows the amount of Bath Local CIL retained at the end of the year. This includes CIL unspent but allocated and committed.

Table 6: Bath Neighbourhood CIL Amounts Retained at End of Year (Includes CIL Committed and Allocated)	£ Amount
Bath Local CIL receipts for the 2023/2024 year retained at end of 2023/2024	251,707
Bath Local CIL receipts from previous years retained at end of 2023/2024	137,947

PARISH /TOWN COUNCIL CIL

A proportion of the total CIL collected is passed to the Parish /Town Council or unparished area where the development subject to a CIL payment has taken place.

Parishes that have a 'made' Neighbourhood Plan receive 25% of CIL receipts. Parishes without a 'made' plan, receive 15%, capped at £100 per dwelling per annum (indexed) in accordance with the CIL Regulations. Parish/Town Councils must publish on their websites (by the 31 December 2024) the amount of CIL received by the Parish or carried forward and the items that the CIL was spent on.

No notices requesting repayment of misspent (or unspent after 5 years) CIL funds passed to Parish /Town Councils have been issued.

Table 7 shows the amounts of CIL passed to the relevant Parishes.

Table 7: CIL passed to Parish /Town Councils	Amount £
Total amount of CIL passed to Parish Councils	136,405
Bathampton Parish Council	0
Batheaston Parish Council	9,175
Bathford Parish Council	0
Camerton Parish Council	0
Charlcombe Parish Council	1,521
Chelwood Parish Council	0

Chew Magna Parish Council	7,752
Chew Stoke Parish Council	0
Claverton Parish Council	0
Clutton Parish Council	2,294
Combe Hay Parish Council	0
Compton Dando Parish Council	2,531
Compton Martin Parish Council	,
Corston Parish Council	2,435
Dunkerton & Tunley Parish Council	0
East Harptree Parish Council	0
Englishcombe Parish Council	0
Farmborough Parish Council	1,199
Farrington Gurney Parish Council	2,166
Freshford Parish Council	0
High Littleton Parish Council	1,543
Hinton Blewett Parish Council	0
Hinton Charterhouse Parish Council	4,764
Keynsham Town Council	12,265
Marksbury Parish Council	0
Midsomer Norton Town Council	32,057
Monkton Combe Parish Council	0
Nempnett Thrubwell Parish Council	3,673
Newton St Loe Parish Council	2,642
Norton Malreward Parish Council	0
Paulton Parish Council	3,415
Peasedown St. John Parish Council	2,594
Priston Parish Council	0
Publow and Pensford Parish Council	0
Radstock Town Council	1,875
Saltford Parish Council	0
Shoscombe Parish Council	0
South Stoke Parish Council	0
Stanton Drew Parish Council	0
Stowey Sutton Parish Council	4,333
Swainswick Parish Council	0
Temple Cloud and Camerton	
Timsbury Parish Council	0
Ubley Parish Council	0
Wellow Parish Council	0
West Harptree Parish Council	0
Westfield Parish Council	35,470
Whitchurch Parish Council	2,700
Sub Total	£136,404

CIL ADMINISTRATION

Under the CIL Regulations 5% of the total CIL receipts collected **(£161,553)** in 2023/24 is used towards the management, staffing, administration, IT and legal costs involved in CIL collection and allocation.

CIL DEMAND NOTICES

The Total value of CIL set out in all demand notices (excluding any relief granted) issued in 2023/2024 was £1,718,490

It should be noted that not all of this CIL would have been expected to be received during 2023/2024. This is because (1) CIL liabilities of over £25,000 are payable in 3 instalments over an 18 month period, and (2) any CIL liabilities contained in Demand Notice issued towards the end of 2023/2024 may not become payable until 2025/26.

SECTION 106 (S106) PLANNING OBLIGATIONS REPORTING

S106 INCOME IN 2023/2024

The total amount of S106 planning obligations financial contributions received in 2023/2024 was £278,735

S106 SPEND IN 2023/2024

The total amount of S106 money which was spent (including transferring it to another organisation to spend) = £1,925,633

The S106 spent was from income from previous years and the reported year.

The items are shown in Table 8 below.

Table 8: S106 spent during 2023/2024

Project	£ Amount Spent
Access Improvements at Sidings, Clutton	£8,004
Bus Stop Relocation, High Littleton	£5,000
Farmborough Pedestrian Improvements	£928
St Marys Bathwick improvements	£23,263
Keynsham East Education – Three Rivers School	£146,360
Longvernal Primary School improvements	£433,600
Peasedown St John Primary School Expansion	£21,044
St Keyna Primary School Expansion	£83,848
St Nicholas Primary School Expansion	£150,000
St Marys Bathwick improvements	£23,263
Youth Services	£3,602
Affordable Housing Schemes	640219
Bath River Line	£32,271
Canal Towpath, Bathwick Hill	£3,667
Hedgemead Park	£4,342
Freefields	£146
Foxhill Parks Project	£46,705
Bee Bold Project	£12,626
Manor Road Woodland, Keynsham	£100,659
Keynsham Memorial Park	£22,288
Beechen Cliff Improvements	£6,719
Radstock Healthy Living Centre	£14,000
Community Libraries	£120,000
Waste facilities improvements	£46,342
Total	£1,925,633

Nil money from S106 contributions was spent on repaying money borrowed.

The total amount of money from planning obligations allocated towards infrastructure during the reported year but not spent was £1,031,096. (refer to Table 9).

Table 9: Planning Obligations allocated during the reported year but not spent	Amount
Highways:	£37,843
Housing:	£97,500
Parks & Green Spaces	£819,491
Public Facilities:	£76,262
Total	£1,031,096

The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority is £12,990,659. This is because some S106 has been put towards projects in development - for example preparing feasibility studies, masterplans, and projects requiring additional funding to be progressed.

Details of infrastructure in the pipeline and completed can be found at the <u>Draft Interim Infrastructure Delivery Plan.</u>

S106 CONTRIBUTIONS TO BE SECURED FROM PLANNING OBLIGATIONS SIGNED 2023/2024

The Section 106 Agreements secured relating to new planning permissions in 2023/2024 are as below. It is important to note that developments may not be implemented, or another scheme may come forward on the same site, therefore the contributions cannot be allocated until development has started. CIL will also be charged, when applicable, for these sites. Table 10 shows the sites and contributions to be secured.

Table 10: S106 to be secured from agreements signed in 2023/2024

Contribution Type	£ Amount excluding indexation
Children's Services – Schools, youth service	£661,621
Targeted Recruitment and Training Contribution	35,035
Fire Hydrants	10,500
Green Space Contribution	697450
Highways Contributions	2,141,720
Tree Replacement	5,036
Grand Total	3,551,362

Fees Type	£ Amount
Affordable Housing Enabling Fee	9,900
Travel Plan monitoring /fees	9,550
Section 106 Monitoring Fee	11,887
Traffic Regulation Orders Fees/Contributions	8,702
Grand Total	40,039

Table 11 is a summary of non financial section 106 secured by type (refer above for detail).

Table 11: Non-Financial Contributions secured in Section 106 agreements in 2023/2024	Contribution Totals
Affordable Housing Units Total	55
School Places	21

Table 12: S106 Contributions by Site

Note - In kind contributions are non-financial contributions, for example the provision of infrastructure or services by the developer as opposed to a financial contribution to the Council to deliver the infrastructure.

Fees are paid to the Council for processing the obligations, and are separate from the obligation. Note the Public open space contributions include a percentage for managing the delivery of the open space.

App Ref /Obligation Type	Site / Obligation category	Date S106 Signed/ Amount exc Indexation/ Detail
20/03152/FUL	Development Site next to Somerdale Pavilion, Trajectus Way, Keynsham	Signed 11/05/2023
	Erection of 44 no. Extra Care units (Use Class C2) and ancillary works including landscaping	
	Provision of 18 Affordable Extra care homes	In kind
	Enabling Fee 18x550	£9,900
	Travel Plan	In kind
	Targeted Recruitment and Training Contribution	£3,685
	S106 monitoring contribution	£2,000
21/02973/OUT	Parcel 3589, Silver Street, Midsomer Norton Outline planning permission for formation of access road, footpath and cycle links, open space, landscaping and associated works (All matters except access reserved).	Signed 17/04/2023
	Bus Infrastructure contribution	£10,000.00
	Pedestrian and Cycle Controlled Crossing contribution	£180,419.53
	Somer Valley Cycleway Contribution	£392,300.77
	Green Space and Parks Infrastructure Contribution	£488,255.00
	Targeted Recruitment and Training Contribution	£21,285.00
	S106 Monitoring fees	£2,000
21/05471/OUT	Parcel 5159, Minsmere Road, Keynsham Outline planning application for 70 homes (Use Class C3); new vehicular and pedestrian access on to Minsmere Road, public open space; tree planting and habitat creation; site drainage and associated infrastructure, with all matters	18/05/2023

22/03269/FUL	Hare & Hounds, Lansdown Road, Lansdown,	Signed 27/04/2023	
22/03209/FUL	Bath, Bath And North East Somerset, BA1 5TJ	Signed 27/04/2023	
	Erection of outside bar and decked seating area (Retrospective).		
	Traffic Regulation Order	£4,351	
22/03938/FUL	Land Between Hillside View and Bath Road, Greenlands Road, Peasedown St John Erection of 51 homes, open space, landscaping and all associated infrastructure.	Signed 2/10/2023	
	Affordable Housing:	15 units	
	Youth Services Contribution for the provision of youth services in Peasedown St John for young people aged 13-19.	£9,804.90	
	Highway Works		
	Public Right of Way Contribution	£35,000	
	Open space provision		
	Site Specific Targeted Recruitment and Training contribution	£3,685	
	Fire hydrant contribution	£1,500	
	S106 Monitoring contribution	£3,087	
Totals	Affordable Housing Units	55	
	Affordable Housing Enabling Fees	£9,900	
	S106 monitoring fees	£11,887	
	Travel Plan Monitoring	£9550	
	Traffic Regulation Order (TRO)	£8,702	
	Highways Contributions	£2,141,720	
	Green Space Contributions	£697,450	
	Fire Hydrant Contributions	£10,500	
	Children's Services- Schools and Youth service	£661,621	
	Tree Replacement	£5,035	
	Total Contributions Secured	£3,551,362	
	Total fees for monitoring, TROs	£40,039	
	Total	£3,591,401	

Part 3: SECTION 106 & CIL BACKGROUND

- 1. The main planning tools for securing developer contributions to be used towards infrastructure that is required to support development are planning obligations, as secured through Section 106 (S106) legal agreements, and the Community Infrastructure Levy (CIL). The way each of these tools can be used is prescribed in the CIL Regulations 2010 (as amended).
- 2. S106 is used to address site specific impacts arising from individual developments and to secure planning policy requirements. It is the main tool used to secure affordable housing linked to the grant of planning permission. CIL on the other hand is a strategic tool that is used to address the area wide and cumulative impacts of development.
- 3. Guidance on how planning obligations are used and secured through S106 legal agreements linked to the grant of planning permission in Bath and North East Somerset Council is set out in our <u>Planning Obligations Supplementary Planning Document</u> that was adopted by the Council in 2015 with amendments relating to green infrastructure in 2019. The document sets out the Council's approach, policies and procedures on the requirement and use of planning obligations. It also sets out the relationship between planning obligations and the application of CIL.
- 4. The Bath and North East Somerset Council CIL Charging Schedule was approved by Full Council on 17th February 2015 and came into effect on 6th April 2015. Planning applications determined on or after the 6th April 2015 may therefore be subject to CIL.
- 5. Guidance on how CIL is secured and spent can be found at the Council;' Website at this <u>View Guidance on Section 106 planning obligations and Community Infrastructure Levy (CIL)</u> and the Government Planning Practice Guidance on <u>Community Infrastructure :Levy</u>
- 6. Guidance to Town and Parish Councils can be found here- <u>B&NES Parish and Town Council</u> <u>Guidance Notes re Community Infrastructure Levy</u>
- 7. The CIL liability is calculated based on £ per square metre on qualifying development floorspace following the grant of a relevant planning permission. New developments that create one or more new dwellings of any size or development of 100 square metres or more are liable for the levy. Some developments may be eligible for relief or exemption from CIL. CIL is only required to be paid by developers if development commences on site. The CIL Demand Notice is issued on commencement of development. Strict requirements apply to the collection of CIL based on the CIL Regulations.
- 8. Strategic CIL must be spent on infrastructure needed to support the development of the Council's area. See Appendix A below for the Council's Infrastructure List setting out the types of infrastructure that the Council allocates CIL to.

APPENDIX A. BATH & NORTH EAST SOMERSET COUNCIL INFRASTRUCTURE LIST

The following is a statement of the infrastructure projects or types of infrastructure which Bath and North East Somerset Council intends will be, or may be, wholly or partly funded by CIL ("the infrastructure list");

The Items on the List are as follows (subject to the exclusions below)

- Strategic Transport Infrastructure including cycling and walking infrastructure, and public transport infrastructure
- Green infrastructure to deliver the requirements set out in the Green Infrastructure Strategy, including specific green space requirements identified in the Green Space strategy
- The Early Years provision set out in the Childcare Sufficiency Assessment
- School Schemes set out in the Schools Organisation Plan; Special Education Needs Development and Alternative Education Provision
- Social Infrastructure, including social and community facilities, sports, recreational, play infrastructure and youth provision, and cultural facilities
- Strategic Energy Infrastructure
- Health and Well-being Infrastructure
- Strategic Waste Facilities
- Strategic Flood Risk Management Infrastructure

It is important to note that the above list excludes infrastructure projects that are required to make a development acceptable in planning terms in accordance with the planning policies set out in the B&NES adopted development plan.

Whilst CIL will be the Council's main mechanism for securing funding towards the infrastructure that is required to support development in Bath and North East Somerset, there will be some instances where individual developments give rise to their own requirements for infrastructure in order to make the development acceptable in planning terms. Such infrastructure will be secured as part of the development through the use of planning conditions or Section 106 planning obligations. The Planning Obligations Supplementary Planning Document (SPD) sets out details where planning obligations apply.

This list therefore explicitly excludes the provision of infrastructure that is required to make a development acceptable in planning terms and which meets the legal tests of Regulation 122 of the CIL Regulations. B&NES Council retains its discretion to negotiate necessary planning conditions and s106 planning obligations to secure such infrastructure.

The above list of infrastructure is not in order of priority and does not guarantee that CIL will be allocated to a specific category.