

<b>Committee(s):</b> Planning Committee	<b>Date:</b> 20 December 2022
<b>Subject:</b> Infrastructure Funding Statement 2021-22	<b>Wards Affected:</b> All
<b>Report of:</b> Phil Drane, Director of Place	<b>Public</b>
<b>Report Author/s:</b> Name: Jonathan Quilter, Corporate Manager – Strategic Planning Telephone: 01277 312735 E-mail: jonathan.quilter@brentwood.gov.uk	<b>For Information</b>

### Summary

The council is required to prepare an Infrastructure Funding Statement at least annually by 31 December. The most recent statement sets out a summary of the developer contributions received via section 106 obligations for 2021-22.

### Main Report

#### **Introduction and Background**

1. The Community Infrastructure Levy (CIL) regulations and National Planning Policy Framework (NPPF) require for 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 every year.
2. The intention is that infrastructure funding statements will give policy makers better insight into how developer contributions are supporting new development and local infrastructure. The statement provides a summary of financial contributions that Brentwood Borough Council has secured through Section 106 agreements (s106) from new developments.
3. Information included in the funding statement 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 funds have been spent, is readily available to members of the public and other interested parties.
4. The council's 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 the borough.

5. Developers are required to make developer contributions 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.
6. Since 2010 it has been a legal requirement 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.
  - c) Fairly and reasonably related in scale and kind to the development.
7. 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. The application of these statutory tests means that the 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.
8. The Infrastructure Funding Statement only relates to S106 obligations for which the council is legally responsible for ensuring compliance. The data in the Statement does not cover S106 obligations applying to land in the borough for 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 Brentwood Borough 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.
9. Therefore, the Brentwood Infrastructure Funding Statement should be read in conjunction with the funding statement produced by Essex County Council to obtain the complete picture of all financial and non-financial developer contributions originating from developments in Brentwood borough.
10. In future the Infrastructure Funding Statement will also include information on funding secured through CIL. The Council recently consulted on a Draft Charging Schedule and subject to Submission for Examination in Public and being found sound will be adopted. Once adopted, expected later in 2023, any future funding secured via CIL will be reported including how it is spent.

### **Issue, Options and Analysis of Options**

11. A summary of the outputs from the 2021-22 Infrastructure Funding Statement is set out below.
- a. The total amount of money to be provided under any planning obligations which were entered into during the reported year: **£594,954**
  - b. The total amount of money under any planning obligations which was received during the reported year: **£105,000**
  - 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: **None**
  - 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: **65 units**

- 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: **No school places provided**
- e. The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure: **£2,461,598**
- 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): **£82,084**
- 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:

<b>Item</b>	<b>Amount</b>
Nightingale Centre, Warley refurbishment of part owned by Council.	£284,696
Commuted sum for future management and maintenance of public open at Marconi Gardens, Pilgrims Hatch.	£28,316
Commuted maintenance sum for transferred Open Space land a piece of unnamed woodland to the rear of properties in Worrin Road and the former blood bank off Crescent Drive, Shenfield into a managed state.	£40,290
Off-site facilities towards the provision and maintenance of open spaces within the vicinity of the development site - Hutton Recreation Ground, Hutton Polo Field and Hutton Poplars.	£12,389
Off-site Affordable Housing.	£1,409,738
Public open space improvements towards the North Road play area, Brentwood.	£9,589
North Road Play Area, Brentwood.	£61,066
Commuted sum for maintenance of hedging Rosen Crescent, Hutton.	£6,500
Infrastructure enhancements of roadways/footway access to Woodman Road cemetery, Warley.	£2,395
Upgrade of the play area, erecting metal railings, new footpaths, benches, play equipment and safety surfacing within the immediate vicinity of Warley.	£6,202
Provision, enhancement and/or development of public open space and recreational facilities within Brentwood	£60,000
Affordable homes at Willingale Close, Hutton.	£165,000
Sport pitches at King George's playing fields and Warley playing field, Brentwood.	£37,152
Woodland path management at Mascalls Park, Mascalls Lane, Warley.	£12,000
Affordable homes at Crescent Road, Brentwood.	£32,684
Open space contribution towards maintaining the open space at St James Road, Brentwood.	£40,020

Maintenance of sluice gate on open space land at St James Road, Brentwood.	£17,200
LEAP - Cost of projects and associated infrastructure located off the site Mountnessing.	£35,536
NEAP - Cost of 8 pieces of equipment and associated infrastructure located off the site Mountnessing.	£80,000
Open space contribution to the Seymour Playing fields and Mountney Close play area, Ingatestone.	£37,825
Open space contribution to the Courage playing fields, Shenfield.	£83,000
<b>Total:</b>	<b>£2,461,598</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:

<b>Item</b>	<b>Amount</b>
Maintenance of the grounds of the Nightingale Centre, Warley.	£12,130
Open space contribution for ongoing maintenance at La Plata wood, Brentwood.	£6,670
King George Playing Fields, Brentwood.	£19,820
Off-site (Mountnessing) LEAP works	£43,463
<b>Total:</b>	<b>£82,083</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): **None**

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: **None**

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:

<b>Item</b>	<b>Amount</b>
Grounds of the Nightingale Centre, Warley.	£284,696
Management and maintenance of public open at Marconi Gardens, Pilgrims Hatch.	£28,316
Open Space land a piece of unnamed woodland to the rear of properties in Worrin Road and the former blood bank off Crescent Drive, Shenfield into a managed state.	£40,290
Maintenance of hedging Rosen Crescent, Hutton.	£6,500
Maintenance of sluice gate on open space land, St James Road, Brentwood.	£17,200
<b>Total:</b>	<b>£377,002</b>

## **Consultation**

12. As required by the CIL regulations and National Planning Policy Framework, an Infrastructure Funding Statement must be published at least annually by 31 December. There is no requirement to undertake public consultation on this document as it is reporting on a factual position for information.

## **References to Corporate Plan**

13. The Corporate Plan identifies priority areas to grow our economy, protect our environment, improve housing, and develop our communities. Monitoring infrastructure funding is a vital process to measure performance for achieving these priorities.

## **Implications**

### **Financial Implications**

**Name/Title: Tim Willis, Interim Director of Resources**

**Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk**

14. The publication of the Infrastructure Funding Statement provides a clear view on the status of funds secured as contributions towards infrastructure required as a result of the impact of approved development. It is important that the council monitors the status of secured funds and spends them appropriately to secure required infrastructure in the borough.

### **Legal Implications**

**Name & Title: Andrew Hunkin, Interim Director of People & Governance and Monitoring Officer**

**Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk**

15. There is a legal requirement for the council to prepare an Infrastructure Funding Statement at least every year by 31 December, as set out in the CIL Regulations and National Planning Policy Framework.

### **Economic Implications**

**Name/Title: Phil Drane, Director of Place**

**Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk**

16. Sufficient infrastructure investment helps enable economic growth in a variety of ways. Measuring how new development is contributing to this, in combination with any shortfalls, helps to identify progress and needs.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure and Health)**

**Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk**

17. None

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

### **Background Papers**

- None

### **Appendices to this report**

- Appendix A: Brentwood Borough Infrastructure Funding Statement 2021-22