

Bath and North East Somerset Council

Infrastructure Funding Statement

Community Infrastructure Levy and Section 106

Annual Report 2022/23

November 2023

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 2022 to 31st March 2023, during which:

- **£4,285,232 in CIL receipts were collected in the monitoring year**
- £2,334,266.73 of “Strategic CIL” was spent on projects (refer to [Table 2](#) page 5)
- £203,949 of the CIL receipts were passed to the relevant parish and town councils (refer to [Table 8](#) page 7)
- £380,337 of CIL receipts was retained for Bath unparished area and £406,354 of Bath Local CIL was spent on projects in Bath (refer to [Table 5](#) page 6)
- **£1,150,658 of Section 106 financial contributions were received in the monitoring year**
- £1,899,843 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 9](#), page 9)

Part 1 INTRODUCTION

- 1.1. Welcome to the 2022/2023 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 2022 to 31 March 2023.
- 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 2022/2023 year.

B&NES TOTAL CIL INCOME

Table 1: Total CIL Income	Amount (£)
Total amount of CIL received in 2022/2023	£ 4,285,232

The Council did not receive any land or infrastructure payments (i.e. the provision of land or infrastructure in lieu of paying CIL) during 2022/2023.

STRATEGIC CIL SPEND 2022/2023

Table 2 shows that the total amount of Strategic CIL spent within 2022/2023 was **£2,334,267** (this was from income collected up to 31 March 2022). The infrastructure that it was spent on was:

Table 2: Strategic CIL spending on Infrastructure Projects	Amount (£)
Spend on Infrastructure Projects	
A37 Staunton Lane Junction/Whitchurch Traffic improvements	338,703.81
Cycling and Walking Master Plan	38,224.33
Residents Parking Zone	630,000.00
Keynsham, Radstock & Midsomer Norton Parking Surveys	49,000.00
University of Bath walking & cycling routes	22,761.90
Bath Local Centres High Street improvement	12,030.00
Midsomer Norton Public Realm	119,969.55
Ralph Allen School Expansion	50,000.00
Hayesfield Girls School improvements	4,000.00
Tree Planting	64,581.14
Foxhill – Mulberry Park	20,000.00
Royal Victoria Park improvements	12,267.63
Bathscape	3,960.99
Library Hubs	67,127.29
Haycombe Chapel refurbishment	1,640.09
Midsomer Norton Park/Dragonfly Leisure	30,000.00
Cleveland Pools	250,000.00
Saltford Tennis Clubhouse	20,000.00
Freshford Village Memorial Hall	50,000.00
Pixash Site Redevelopment	550,000.00
Grand Total	£2,334,266.73

The total amount of Strategic CIL receipts collected before the reported year i.e. 2022-2023, but which have not been allocated is £3,160,305.52.

The total amount of Strategic CIL receipts, collected before the reported year and which have been allocated in the reported year is £2,540,000.

The total amount of Strategic CIL receipts, whenever collected, which were allocated but not spent during the reported year is £2,022,872.71. 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 allocated but not spent during the reported year	Amount
Parks/ Open Space	275,000
Highways	800,000
Regeneration - Public Realm improvements	947,873
Total	2,022,873

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)	Amount
CIL receipts for the reported year retained at the end of the reported year	3,486,684.79
CIL receipts from previous years retained at the end of the reported year	2,022,872.71

Strategic CIL allocated for the year 2023/2024 (i.e. current year /year after monitoring year) equates to £4,197,400 and is set out in the Cabinet report (February 2023). The Cabinet report can be found at this [LINK](#)

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 where projects are submitted and assessed 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 2022/23	380,337
Bath CIL Project Spend in Bath in 2022/2023	Spend (£)
More trees for BANES across multiple wards in Bath	48,977
Community allotment facilities at Monksdale Road	47,596
Pennyquick Park improvements	37,000
Sandpits Park	30,000
Delivery of Bath Parks Activator	27,857
Student Community Wardens	35,000

Youth South West	30,000
Provision of Youth Services in Kingsmead ward	28,050
Replace floodlights at Combe Down Rugby Club	17,500
Homeless people in Kingsmead ward	26,122
Carers in Twerton ward	25,000
Voices, the Safe Space Centre Project	23,607
New food pantry. Community facility in Twerton ward	20,000
Men Shed Community facility in Twerton ward	9,645
Total	£406,354

Table 6 shows unspent Bath CIL Allocations

Table 6: Bath Local CIL Allocated but not spent.	£ Amount
Bath CIL Allocated but unspent at 31.3.2023	261,094.94

The following Table 7 shows the amount of Bath Local CIL retained at the end of the year. This includes CIL unspent but allocated and committed.

Table 7: Bath Neighbourhood CIL Amounts Retained at End of Year (Includes CIL Committed and Allocated)	£ Amount
Bath Local CIL receipts for the 2022/2023 year retained at end of 2022/2023	174,930.00
Bath Local CIL receipts from previous years retained at end of 2022/2023	86,164.94
Bath Local CIL Carried forward to 2023/2024 (allocated to ongoing projects)	261,094.94

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 2023) 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 8 shows the amounts of CIL passed to the relevant Parishes.

Table 8: CIL passed to Parish /Town Councils	Amount £
Total amount of CIL passed to Parish Councils	£203,948
Batheaston Parish Council	1,279
Bathford Parish Council	6,290
Charlcombe Parish Council	2,706

Clutton Parish Council	2,359
East Harptree Parish Council	20,568
Freshford Parish Council	2,708
High Littleton Parish Council	26,336
Keynsham Town Council	17,035
Midsomer Norton Town Council	31,782
Newton St Loe Parish Council	1,301
Paulton Parish Council	1,662
Priston Parish Council	5,073
Radstock Town Council	3,630
Saltford Parish Council	3,979
South Stoke Parish Council	28,017
Stowey Sutton Parish Council	8,379
Timsbury Parish Council	720
Whitchurch Parish Council	5,824
Westfield Parish Council	34,300

CIL ADMINISTRATION

Under the CIL Regulations 5% of the total CIL receipts collected (**£214,262**) in 2022/23 was 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 2022/2023 was **£2,698,598**

It should be noted that not all of this CIL would have been expected to be received during 2022/2023. 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 2022/2023 may not become payable until 2023/24.

SECTION 106 (S106) PLANNING OBLIGATIONS REPORTING

S106 INCOME IN 2022/2023

The total amount of planning obligations financial contributions received in 2022/2023 was **£1,150,658**.

S106 SPEND IN 2022/2023

The total amount of S106 money which was spent (including transferring it to another organisation to spend) = **£1,899,843**. The S106 spent was from income from previous years and the reported year.

The items are shown in Table 9 below.

Table 9: S106 spent during 2022/2023

Project	£ Amount Spent
Longvernal Primary School improvements	423,568.58
St Keyna Primary School improvements	272,686.41
Transport Improvement Programme	258,542.73
Keynsham East School improvements	146,360.38
St Nicholas Primary School improvements	144,697.56
Sydney Gardens	142,975.50
Somer Valley Enterprise Zone	95,395.04
Parks and Play Maintenance	64,362.00
Parks Projects	35,948.83
Foxhill - Mulberry Park	34,725.00
Cameley Primary School improvements	34,354.08
Your Park Bristol & Bath Project	34,097.00
Peasedown St John School improvement	33,489.77
Play area refurbishment	33,000.00
Affordable Housing Enabling Fees	31,209.00
Training, Development and Career Support for Residents	28,408.63
Bathwick St Mary playground refurbishment	23,262.57
Former Culverhay School – feasibility study to provide SEND	22,481.00
Youth Services	12,422.92
Keynsham Memorial Park	6,679.96
Keynsham woodlands – new bridge	6,085.42
Tree Planting	4,407.50
Schools Capital Maintenance	2,779.48
Westfield Pit Path diversion	2,760.00
Bathscape	2,000.00
Fire Hydrant	1,607.46
Highways Supervision Fees	1,536.57
Total	1,899,843.39

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 was £810,375.40. Of this amount £400,953.66 was not spent during the reported year.

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 £12,721,937.05. This is because S106 has been put towards projects in development and projects requiring additional funding to be progressed.

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

S106 CONTRIBUTIONS TO BE SECURED FROM PLANNING OBLIGATIONS SIGNED 2022/2023

The Section 106 Agreements secured relating to new planning permissions in 2022/2023 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 2022/2023

Contribution Type	£ Amount excluding indexation
Education Contribution	713,400
Targeted Recruitment and Training Contribution	50,215
Fire Hydrants	16,500
Green Space Contribution	317,656
Highways Contributions	1,853,554
Travel Plan Contribution	9,550
Grand Total	2,960,875

Fees Type	£ Amount
Affordable Housing Enabling Fee	87,450
Section 106 Monitoring Fee	11,200
Traffic Regulation Orders Fees/Contributions	22,625
Grand Total	121,275

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 2022/2023	Contribution Totals

Affordable Housing Units Total	164
School Places	0

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 includes a percentage for managing the delivery of the open space.

App Ref /Obligation Type	Site / Obligation category	Date S106 Signed/ Amount exc Indexation/ Detail
20/03071/EFUL	Dick Lovett (bath) Ltd Wellsway Garage Lower Bristol Road, Westmoreland, Bath (under construction)	19/04/2022
Financial	Highways contribution	£181,053.77
Financial	Street lighting	£12,500
Financial	Green Space Contribution	62,776.00
Financial	Resident Permit Zone (RPZ) Contribution	£20,000
Financial	Targeted recruitment and training contribution	26,620.00
Financial	Travel Plan Contribution	4,775.00
Fees	Section 106 Monitoring Fee	3,600.00
Fees	Affordable Housing Enabling Fee	52,250.
In Kind	Affordable Housing	95 units
21/04049/FUL	The Scala Shaftesbury Road, Oldfield Park, Bath (under construction)	19/04/2022
Fees	Section 106 Monitoring Fee	£2,800
Fees	Traffic Regulation Orders Fees/Contributions	18,274.00
Financial	Public Open Space Contribution	104,880
Financial	Fire Hydrants	1,500.00
20/02673/OUT	Land Parcel 0005 Bath Road Keynsham	23/02/2023
In kind	Affordable Housing	64 units
Financial	Fire Hydrant contribution	£12,000
In kind	Targeted recruitment and training -Work Placements; -Apprenticeship Starts- New jobs advertised through DWP	NA
Financial	Targeted recruitment and training contribution	£22,605
Financial	Allotments	1,470sqm
In kind	Local Equipped Area for Play (LEAP)	NA
In kind	Community Football Pitch	NA
In kind	10m Nature reserve woodland buffer	NA
Financial	Community orchard	NA
Financial	Manor Road Local Nature Reserve Improvement contribution a.	£150,000
Financial	Education contribution primary school places a.	Circa £713,400 (linked to formula re housing mix)
In kind	School Playing Field Preparation of land and	NA

	transfer to Council at nil/nominal cost	
In kind	Bus stop improvements on the A4	NA
Financial	Provision of railway path or Railway path contribution	£1,520,000 (-£50,000 app fee) = £1,470,000
Financial	Railway Path Planning Application Fee contribution	50,000
In kind	Walking and cycling improvements between Saltford and Keynsham .	NA
Financial	Sustainable Transport Infrastructure Contribution towards Active Travel Connection to Rail Station through Memorial Park contribution	£120,000
Fees	Travel Plan + Monitoring a.	£4,775 12.
In kind	Car Club Membership obligation a. First resident of each unit to have 1 year of membership	NA
In kind	Provision of car club spaces within the development 14.	NA
Fees	S106 monitoring fee	4,800
Fees	Affordable Housing Enabling Fees	£550 indexed per affordable unit x 64=£35,200
20/02253/FUL	Former County Infants School, Bath Old Road, Radstock (under construction)	21/12/2022
Fees	Traffic Regulation Order contribution re parking	£4,351plus indexation.
Financial	Targeted Training and Recruitment Contribution	495.00 plus indexation
In Kind or Financial	Affordable Housing	5 units or commuted sum. £137,892 NA 15 AH units being delivered
21/00889/FUL	The Wharf Greensbrook, Clutton, Bristol (under construction)	07/03/2022
Financial	Fire Hydrants	3,000.00
Financial	Targeted recruitment and training contribution	495.00

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 [Planning Obligations Supplementary Planning Document](#) 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's Website at this [View Guidance on Section 106 planning obligations and Community Infrastructure Levy \(CIL\)](#) and the Government Planning Practice Guidance on [Community Infrastructure :Levy](#)
6. Guidance to Town and Parish Councils can be found here- [B&NES Parish and Town Council Guidance Notes re Community Infrastructure Levy](#)
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.