

# **Bath and North East Somerset Council**

## **Infrastructure Funding Statement**

Community Infrastructure Levy and Section 106

Annual Report 2019/20

December 2020

# BATH AND NORTH EAST SOMERSET COUNCIL

## INFRASTRUCTURE FUNDING STATEMENT

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## Part 1 INTRODUCTION

- 1.1. Welcome to the 2019/2020 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.
- 1.2. We use s106 agreements and CIL to mitigate the impacts of new development and fund infrastructure required to support the delivery of development growth 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, a proportion is passed to the Parish Council or Town Council where the development took place for spending within their local Parish area , and a proportion, 70% or 80%, is allocated by the B&NES Council on infrastructure needed to support the development of the Council area. The remaining 5% is applied to the cost of collecting and administrating the CIL including management, staffing, IT and costs of enforcing CIL. As Bath is a City that does not have a Parish or Town Council, the Bath City Forum assesses projects on behalf of the Bath community. B&NES Council's Cabinet have the ultimate decision on the local spend in Bath. This report focuses on the CIL and S106 spend by B&NES Council.
- 1.4. Part 2 sets out details of CIL and S106 income and spend. This includes
  - CIL income and how B&NES Strategic CIL and Neighbourhood CIL retained for the Bath unparished area has been allocated and spent in the reported year. Parish and Town Councils report separately on Neighbourhood CIL received from CIL generated in their area.
  - S106 income collected, allocated and spent with remaining balances. We also provide information on Affordable housing secured from planning permissions in the reporting year.
- 1.5. This report relates to the financial year of 1 April 2019- 31 March 2020.
- 1.6. Part 3 provides background information on S106 and CIL and how it is collected.
- 1.7. Appendix A sets out information on the types of infrastructure Strategic CIL is allocated to.

## Part 2 FINANCIAL REPORTS

### B&NES COMMUNITY INFRASTRUCTURE LEVY (CIL) REPORTING

The following Table 1 sets out the total amount of CIL received and how Strategic CIL across B&NES and Local CIL in Bath was spent in 2019-2020. The Local CIL Spend in Parishes is reported on separately by Parish and Town Councils and details will be found on their respective websites.

#### B&NES CIL INCOME AND SPEND

<b>Table 1: CIL Income and spend</b>	<b>Amount</b>
Total amount of CIL received in 2019/20	£4,541,855.56
Total value of CIL set out in all demand notices issued in 2019/20;	£1,758,922.40
Total amount of Strategic CIL spent in 2019/20	£4,491,000.00

#### STRATEGIC CIL SPEND 2019/2020

Table 2 shows that the total amount of CIL spent within 2019/20 was £4,491,000.00 and the infrastructure that it was spent on:

<b>Table 2: Strategic CIL spending on Infrastructure items</b>	<b>Amount</b>
Ralph Allen Secondary School - Expansion	£370,000
Peasedown St John - Expansion	£350,000
Hayesfield Girls School – Expansion	£388,000
Primary School expansions: St Nicholas and Westfield	£53,000
Relocation of Waste & Recycling Operations and Depot Consolidation	£900,000
Keynsham High Street project	£150,000
Bath Streetscape Public Realm Improvements	£250,000
Keynsham Leisure Centre Refurbishment	£250,000
Highways Schemes in North East Somerset/Keynsham	£130,000
City Centre Security, Bath	£100,000
River Line project (Batheaston to Newbridge section)	£200,000
South West Keynsham Parks & Green spaces	£50,000
Bathscape project	£50,000
Feasibility for Temple Cloud Farrington Gurney Air Quality Management Area	£50,000
Whitchurch Transport	£200,000
<b>Sub Total</b>	<b>£3,491,000</b>

Table 3 below shows CIL spent on repaying money borrowed, including any interest in 2019/2020:

<b>Table 3: Repayment of money borrowed for Infrastructure Item</b>	<b>Amount</b>
Flood mitigation to enable the development of Bath Quays North (nil interest)	<b>£1,000,000.00</b>

There were no CIL Land Payments (where land is provided to the value of CIL) or infrastructure payments (where infrastructure is provided to the value of CIL)

## 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 in accordance with the CIL Regulations. Parish/Town Councils must publish on their websites (by the 31 December 2020) the amount of CIL received by the Parish or carried forward in the 2019/20 year 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 4 shows the amounts of CIL passed to the relevant Parishes.

<b>Table 4: CIL passed to Parish /Town Councils</b>	<b>Amount</b>
Total amount of CIL passed to Parish Councils	£390,343.99
Bathampton Parish Council	£6,167.87
Batheaston Parish Council	£9,639.62
Bathford Parish Council	£7,065.25
Camerton Parish Council	£7,045.45
Compton Martin Parish Council	£8,738.63
East Harptree Parish Council	£13,850.69
Englishcombe Parish Council	£3,399.61
Farmborough Parish Council	£12,448.88
Freshford Parish Council	£9,445.46
High Littleton Parish Council	£10,980.21
Kelston (Parish Meeting)	£505.08
Keynsham Town Council	£206,697.90
Marksbury Parish Council	£2,237.90
Midsomer Norton Town Council	£12,706.19
Paulton Parish Council	£9,818.85
Radstock Town Council	£3,226.36
Saltford Parish Council	£5,099.09
Stowey Sutton Parish Council	£1,132.58
Timsbury Parish Council	£2,238.79
West Harptree Parish Council	£26,282.72
Whitchurch Parish Council	£21,867.18
Westfield Parish Council	£9,749.65

## BATH NEIGHBOURHOOD CIL

As Bath is a City that does not have a Parish or Town Council, it was agreed by B&NES Council that the Bath City Forum would act as the body where projects are submitted and assessed on behalf of the community. B&NES Cabinet has the ultimate decision on the local spend in Bath. Table 5 below shows the amount of CIL raised for the Bath area and the projects on which CIL was spent.

<b>Table 5 Bath CIL Infrastructure Items</b>	<b>£ Amount</b>
Total CIL receipts retained for Unparished Bath Local CIL in 2019/20	£307,246.57
Total Bath Local CIL spent in Bath in 2019/20	<b>£244,556</b>
Free Fields Project	£25,000
Speed Signage Bathwick	£5,000
Alice Park Path Improvements	£43,200
Scouts Building, Larkhall	£19,600
Brickfields Park Bench	£55
Combe Down Rugby Club Improvements	£31,660
Bathwick Road Safety Signage	£2,450
Moorland Road Library grant	£8,000
Parade Gardens Bandstand Renovation	£12,300
KiActiv Health – Move More Project	£3,650
Bathwick Towpath Improvement Scheme	£34,500
Queen Square Replacement Benches	£19,200
Widcombe Handrail - Rossitor Road	£5,000
Parade Gardens Bandstand Renovation	£2,000
Julian House Bike Workshop	£27,941
Julian House Therapy Shed	£5,000

## **CIL ADMINISTRATION**

Under the CIL Regulations 5% of the total CIL receipts collected (£227,092.78) in 2019/20 was used towards the management, staffing, administration, IT and legal costs involved in CIL collection and allocation.

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

<b>Table 6 Strategic CIL Amounts Retained At End Of Year (Includes CIL Committed And Allocated)</b>	<b>Amount</b>
Strategic CIL receipts for the 2019/20 year retained at end of 2019/20	£3,617,172.22
Strategic CIL receipts from previous years retained at end of 2019/20	£1,942,123.84
Total Strategic CIL Carried forward to 2020/2021 (allocated to ongoing projects)	£4,811,382.46

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.

<b>Table 7: Bath Local CIL Amounts Retained At End Of Year (Includes CIL Committed And Allocated)</b>	<b>Amount</b>
Bath Local CIL receipts for the 2019/20 year retained at end of 2019/20	£211,257.12
Bath Local CIL receipts from previous years retained at end of 2019/20	Nil
Bath Local CIL Carried forward to 2020/2021 (allocated to ongoing projects)	£261,257.12

Table 8 shows unspent CIL Allocations.

<b>Table 8: Unspent CIL Allocations</b>	<b>Amount</b>
Strategic CIL Allocated but unspent at 31.3.2020	£3,427,000.00
Bath Local CIL Allocated but unspent at 31.3.2020	£716,353.58

## **CIL ALLOCATIONS**

CIL receipts, whenever collected, which were allocated but not spent during the reported year. These allocations were made in February 2020 (the reported year) and allocate income collected in 2019/2020 for spend in 2020/2021 i.e. the year after the reporting year. The Cabinet report (February 2020) Annex making the CIL allocations can be viewed via this [LINK Cabinet Report Allocating Strategic CIL for 2020 to 2021](#) . A summary of the items are in Table 9 below.

<b>Table 9: CIL Allocations agreed by Council for spending in 2020/2021</b>	<b>Amount</b>
Flood Risk Management	£500,000
Education	£1,110,000
Green Infrastructure / Recreation	£300,000
Waste	£350,000
Public Realm	£300,000
Strategic Transport Infrastructure	£605,000
Health & Well Being	£150,000
<b>Total</b>	<b>£3,315,000</b>

## SECTION 106 (S106) PLANNING OBLIGATIONS REPORTING

### S106 INCOME IN 2019/2020

The total amount of financial contributions (received under any planning obligation) in 2019/20 was £1,617,528.63

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 £14,525,861.67

### S106 SPEND IN 2019/2020

The total amount of S106 money which was spent (including transferring it to another organisation to spend) = £ 3,218,903. The items are shown in Table 10 below.

<b>Table 10: S106 Spent and the Items it was spent on</b>	<b>£ Amount</b>
<b>Highways and Transport</b>	<b>624,300</b>
Pedestrian highway improvements	208,380
Highway Junction Improvements	90,789
Bus Stop Improvements	16,960
Bus Services	308,171
<b>Schools</b>	<b>2,108,725</b>
Ralph Allen School Improvements	81,084
Keynsham East – new Primary School	1,868,089
Paulton Junior - Expansion	18,749
Clutton Primary School - Expansion	73,511
Swainswick Primary School Improvements	39,917
Whitchurch Primary Expansion	27,375
<b>Green Infrastructure</b>	<b>365,537</b>
Bathscape	10,000
Westhill Recreation Ground Outdoor Gym and Exercise Track	47,909
Midsomer Norton Town Park Phase 2 Construction	250,000
Westfield Parish Council Park Project (transfer to Parish Council)	16,405
Multi Use Games Area (MUGA) at Stowey Sutton Village Park	18,023
Tree Planting – street trees relating to new developments	6,657
Project management and design	16,543
<b>Economic Development</b>	<b>99,152</b>
Somer Valley Enterprise Zone Business Development	91,014
Targeted Recruitment and Training	8,138
<b>Community Services</b>	<b>21,189</b>
Youth connect Services	21,189
<b>Total</b>	<b>3,218,903</b>



The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure = £697,424.04. This includes Parks and Open Spaces, £54,248; Children’s Services (Schools), £19,789; Highways and Transport Deposits, £503,387; and Libraries £120,000

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

Details of Transport Improvement Schemes approved by the Council’s Cabinet in February 2020 for spend in 2020-2021 can be found at this link - <https://democracy.bathnes.gov.uk/documents/s60107/Annex%205iii%20Transport%20Improvement%20Programme.pdf>

### **S106 CONTRIBUTIONS TO BE SECURED FROM PLANNING OBLIGATIONS SIGNED 2019/2020**

The Section 106 Agreements secured relating to new planning permissions in 2019/20 were 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 committed. CIL will also be charged, when applicable, for these sites. Table 11 shows the sites and contributions to be secured.

**Table 11: S106 to be secured from agreements signed in 2019-2020**

<b>Application Ref</b>	<b>Site</b>	<b>Contribution Type</b>	<b>£ Amount / No of Affordable Housing Units</b>
18/03703/FUL	Land Rear Of 7 And 8 Staunton Way, Whitchurch, Bristol	Tree Replacement contribution	16,176
18/01999/FUL	40 Bloomfield Park Bloomfield, Bath, BA2 2BX	Tree Replacement contribution	5,146
18/02898/FUL	Horseworld Staunton Lane, Whitchurch, Bristol, Bath and North East Somerset, BS14 0QJ	Primary School Contribution	27,129
		Affordable Housing Units	2 units
18/02831/FUL	The Old Bakery, Jews Lane, Twerton, Bath BA2 3DG	Training & Recruitment contribution	1,320
19/03512/FUL	Land to West Of Sainsburys, Access Road To Sainsburys, Odd Down, Bath	Training & Recruitment contribution	6,545
19/00759/FUL	36 Box Road, Bathford, Bath BA1 7QH	Bus Real Time Information	4,000
18/03797/FUL	Chivers House, Windsor Bridge Road, Twerton, Bath BA2 3DT	Fire Hydrant fee	1,500
		Training & Recruitment contribution	7,040
		Housing Enabling Fee	9,350
		Highway and Public Realm Works	In Kind
		Affordable Housing Units	17 units

19/02095/FUL	Flower and Hayes Ltd site, North Road Timsbury, Bath	Public Open Space	56,160
		Fire Hydrant fee	1,500
		Training & Recruitment contribution	825
		Enabling fee @ 550 per unit	3850
		Affordable Housing Units	7 units
17/02588/EFUL	Parcel 4234, Combe Hay Lane, Combe Hay, Bath	Public Open Space	On site
		Fire Hydrant fee	18,000
		Training & Recruitment contribution	13,915
		Allotments	35,400
		Allotments maintenance	TBC
		Highway Contribution	80,000
		Pedestrian /Cycle way contribution	45,000
		Education Contribution	136,966
		S106 Monitoring Fee	5,000
		Affordable Housing Units	68 units
		Enabling Fee	3,740

Table 12 is a summary of what s106 has been secured by type of contribution.

<b>Table 12: Summary of Financial Contributions secured in Section 106 agreements in 2019 to 2020</b>	<b>Contribution Totals excluding indexation</b>
Primary School Contributions	164,096
Highway and Transport Contributions	129,000
Public Open Space Contribution	91,560
Tree Contributions	21,322
Targeted Recruitment and Training contributions	29,645
Fire Hydrant Contributions	21,000
<b>Total</b>	<b>456,622</b>
<b>Administration Fees</b>	
Affordable Housing Enabling Fees	16,940
Monitoring Fees	5,000
<b>Non Financial Contributions (In Kind)</b>	
Affordable Housing Units	94 affordable housing units
School Places	nil

### 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 AND 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

- *Strategic Transport Infrastructure including cycling and walking infrastructure, and public transport (excluding development specific mitigation works on, or directly related to, a development site)*
- *Green infrastructure to deliver the requirements set out in the Green Infrastructure Strategy, including specific green space requirements identified in the Green Space strategy (excluding development specific mitigation works on, or directly related to, a development site)*
- *The Early Years provision set out in the Childcare Sufficiency Assessment (Except for the Whitchurch Strategic Site and Bath Western Riverside Charging Zone proposal)*
- *School Schemes set out in the Schools Organisation Plan (Except primary schools and places required by strategic site and the Bath Western Riverside Charging Zone proposals); and Alternative Education Provision*
- *Social Infrastructure, including social and community facilities, sports, recreational, play infrastructure and youth provision, and cultural facilities (excluding development specific mitigation works on, or directly related to, a development site)*
- *Strategic Energy Infrastructure (excluding on site provisions)*
- *Health and Well-being Infrastructure (excluding on site provisions)*
- *Strategic Waste Facilities*
- *Strategic Flood Risk Management Infrastructure (excluding on site provisions)* •