

Bath and North East Somerset Council

Infrastructure Funding Statement

Community Infrastructure Levy and Section 106

Annual Report 2020/21

December 2021

BATH AND NORTH EAST SOMERSET COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

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Part 1 INTRODUCTION

- 1.1. Welcome to the 2020/2021 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 2020-31 March 2021.
- 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, known as “Strategic CIL”. The remaining 5% is applied to the cost of collecting and administering 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 – “Strategic CIL” and “Bath Neighbourhood CIL” 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. 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 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 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 value of CIL demand notices issued in 2020/2021 year.

B&NES TOTAL CIL INCOME

Table 1: CIL Income	Amount (£)
Total amount of CIL received in 2020/21	£1,566,103.34

The Council did not receive any land or infrastructure payments (i.e. the provision of land or infrastructure in lieu of paying CIL) during 2020/21.

STRATEGIC CIL SPEND 2020/2021

Table 2 shows that the total amount of Strategic CIL spent within 2020/2021 was **£2,480,000** and the infrastructure that it was spent on¹

Table 2: Strategic CIL spending on Infrastructure Projects	Amount (£)
Spend on Infrastructure Projects	
Norton Hill Secondary School, Midsomer Norton – Expansion	£320,000
Cameley Primary School – Expansion	£300,000
Peasedown St John Primary – Expansion	£160,000
Keynsham High Street Public Realm	£250,000
Midsomer Norton High Street Public Realm	£50,000
Leisure/Tennis Courts in Bath, Keynsham and Rural Areas	£250,000
Low Traffic Neighbourhoods	£200,000
Cycling and Walking Master Plan and Scheme development	£150,000
Whitchurch Traffic Improvements	£100,000
Somerdale Bridge	£50,000
Safer Routes to School (Bathwick)	£25,000
Tree and Woodland Planting	£75,000
Bathscape	£50,000
Repayment of money borrowed for Infrastructure Item	
Flood mitigation to enable the development of Bath Quays North (nil interest)	£500,000
Grand Total	£2,480,000

¹ Note The total balance includes a credit of £184,572 from Waterspace, as this was transferred in error and refunded.

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 2021) the amount of CIL received by the Parish or carried forward in the 2020/21 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 3 shows the amounts of CIL passed to the relevant Parishes.

Table 3: CIL passed to Parish /Town Councils	Amount
Total amount of CIL passed to Parish Councils	£222,249
Bathampton Parish Council	1,807
Batheaston Parish Council	11,238
Bathford Parish Council	4,564
Charlcombe Parish Council	4,866
Chew Magna Parish Council	6,435
Chew Stoke Parish Council	7,029
Compton Martin Parish Council	17,742
East Harptree Parish Council	17,924
Farmborough Parish Council	77
Farrington Gurney Parish Council	1,728
Freshford Parish Council	10,848
High Littleton Parish Council	6,457
Hinton Blewett Parish Council	1,507
Kelston (Parish Meeting)	1,721
Keynsham Town Council	70,279
Midsomer Norton Town Council	21,128
Paulton Parish Council	4,340
Priston Parish Council	906
Stowey Sutton Parish Council	2,500
Timsbury Parish Council	2,058
Wellow Parish Council	3,479
Westfield Parish Council	2,497
Whitchurch Parish Council	21,118

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 4 below shows the amount of CIL raised for the Bath area and the projects on which CIL was spent.

Table 4: Bath Neighbourhood CIL Income and Spend	£ Amount
Total CIL receipts retained for Unparished Bath Local CIL in 2020/21	32,145.77
Project Spend in Bath in 2020/2021	Spend (£)
Freeview Road Site (Areas C&E) Provision of hardstanding/parking area.	£34,000.00
Moorland Road Library	£6,000.00
Highland Terrace Lighting Improvements	£15,000.00
Julian House Therapy Shed (CIL returned as unimplemented)	-£5,000.00
Ensleigh Pedestrian Crossing	£125,000.00
Glasshouse Playing Fields - Access Improvements for new pavilion	£123,215.58
Student Community Partnership Wardens - Year 1	£35,000.00
Youth Service Southdown & Whiteway (Apr 2020- Apr 2023)	£29,638.00
Total	£362,853.58

CIL ADMINISTRATION

Under the CIL Regulations 5% of the total CIL receipts collected (**£78,305.17**) in 2020/21 was used towards the management, staffing, administration, IT and legal costs involved in CIL collection and allocation.

CIL ALLOCATIONS

Table 5 shows unspent Strategic CIL Allocations.

Table 5: Strategic CIL Allocated but not spent	Amount
Total amount of Strategic CIL receipts for the reported year allocated but retained at the end of the monitoring year	£1,310,000.00
Total amount of Strategic CIL receipts from previous years allocated but retained at the end of the monitoring year	£787,572.00
Total Strategic CIL Carried forward to 2021/2022 (allocated to ongoing projects but unspent)	£2,097,572.00

Table 6 shows unspent Bath CIL Allocations

Table 6: Bath Local CIL Allocated by not spent.	
Bath CIL Allocated but unspent at 31.3.2021	£450,000.00

CIL Allocated for the year 2020/2021 is set out in the Cabinet report (February 2020)

Cabinet Report Annex re Strategic CIL allocations

<https://democracy.bathnes.gov.uk/documents/s60109/Annex%205v%20Community%20Infrastructure%20Levy%202020-21.pdf>

CIL Allocated for the year 2021/2022 (ie year after monitoring year) is set out in the Cabinet report (February 2021)

[https://democracy.bathnes.gov.uk/documents/s64430/Annex 5 iv Community Infrastructure Levy.pdf](https://democracy.bathnes.gov.uk/documents/s64430/Annex%205%20iv%20Community%20Infrastructure%20Levy.pdf) .

CIL BALANCES

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

Table 7: Strategic CIL Amounts Retained at End of Year (Includes CIL Committed and Allocated)	Amount
Strategic CIL receipts for the 2020/2021 year retained at end of 2020/2021	£1,232,876.74
Strategic CIL receipts from previous years retained at end of 2020/2021	£443,296.06
Total Strategic CIL Carried forward to 2021/2022 (allocated to ongoing projects)	£1,676,172.80

The following Table 8 shows the amount of Bath Local CIL retained at the end of the year. This includes CIL unspent but allocated and committed.

Table 8: Bath Neighbourhood CIL Amounts Retained at End of Year (Includes CIL Committed and Allocated)	Amount
Bath Local CIL receipts for the 2020/2021 year retained at end of 2020/2021	£239,738.07
Bath Local CIL receipts from previous years retained at end of 2020/2021	£0.00
Bath Local CIL Carried forward to 2021/2022 (allocated to ongoing projects)	£239,738.07

The CIL collected and retained at end of 2020/2021 has been allocated. The Cabinet Report annex sets out the allocations for 2021/2022. [\[Link here\]](#)

CIL DEMAND NOTICES

The Total value of CIL set out in all demand notices issued in 2020/21 was **£3,511,330.54**

It should be noted that not all of this CIL would have been expected to be received during 2020/21. 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 2020/21 may not become payable until 2021/22.

SECTION 106 (S106) PLANNING OBLIGATIONS REPORTING

S106 INCOME IN 2020/2021

The total amount of financial contributions (received under any planning obligation) in 2020/2021 was £2,386,338.

Table 9: S106 Receipts

Application Ref	Site Address	Type	Purpose	Value	Date of Receipt
18/02027/FUL	Land Between Leamon Cottage and Mendip Villas The Street, Compton Martin Bristol	Contribution	Affordable Housing	142,174.46	23/11/2020
14/02469/FUL	Site Of Former Nursery London Road West Lower Swainswick , Bath	Contribution	Affordable Housing	262,785.08	22/09/2020
16/00850/OUT	Land Parcel 7200 Bath Road Keynsham	Enabling Fee	Affordable Housing	7,942.90	05/02/2021
17/01466/FUL	Waterloo Road Radstock	Contribution	Highway/off site parking	21,000.00	16/02/2021
13/01780/EOUT	Former Cadbury Factory Cross Street, Keynsham	Contribution	Highway /Bridge	1,344,129.55	02/10/2020
18/02095/OUT	Parcel 3700, Silver Street Midsomer Norton	Contribution	Highway/ Cycleway	42,628.40	06/01/2021
13/01780/EOUT	Former Cadbury Factory Cross Street, Keynsham	Contribution	Public Transport	346,963.72	29/10/2020
12/02626/FUL	University of Bath Campus Claverton Down Bath	Contribution	Public Transport	94,846.03	16/06/2020
12/04590/OUT	Parcel 0025 Monger Lane Welton, Midsomer Norton	Contribution	Parks	43,902.08	01/09/2020
12/04590/OUT	Parcel 0025 Monger Lane Welton, Midsomer Norton	Contribution	Parks	43,902.08	01/09/2020
19/02093/FUL	6 Kelston Road Newbridge Bath BA1 3QN	Contribution	Parks	3,356.80	09/07/2020
18/02027/FUL	Land Between Leamon Cottage and Mendip Villas The Street, Compton Martin Bristol	Fee Passed to Avon Fire & Rescue	Fire Hydrants	1,547.88	26/08/2020
16/06188/FUL	Hinton Garage Albion Place Kingsmead Bath BA1 3AD	Contribution	Economic Development Targeted Recruitment and Training	7,219.07	10/07/2020
18/01267/FUL	Sports Training Village University of Bath Campus Claverton Down Bath BA2 7BT	Contribution	Economic Development Targeted Recruitment and Training	22,348.00	27/11/2020
17/01466/FUL	Waterloo Road Open Space Waterloo Road Radstock	Contribution	Economic Development Targeted Recruitment and Training	1,591.76	16/02/2021

S106 SPEND IN 2020/2021

The total amount of S106 money which was spent (including transferring it to another organisation to spend) = **£1,308,567**. The items are shown in Table 10 below.

Table 10: S106 Spent and the Items it was spent on	£ Amount
Bath	
Links to Canal Towpath, Central Bath Improvements	3,667
Mulberry Park– pedestrian crossings and cycle lane feasibility design	21,475
Somerset Place Bath Access Improvements	14,965
Somerset Buildings The Paragon, Bath Access Improvements	9,272
Gloucester Road, Bath Pedestrian Improvement	5,425
Kingsmead, Bath Access Improvements	370
Entry Hill Access Improvements	49
Bath Riverline Park	58,614
Freefields, Bath	4,401
Sydney Gardens, Bath	224,122
Bloomfield Green	8,263
Bathscape	10,143
Weston Park	7,656
Hedgemoor Park	8,402
Innox Park	314
Corston View, Entry Hill, the Tumps	29,807
Keynsham	
Bus Stop Improvements Keynsham	1,294
Keynsham High Street Public Realm Improvements	28,754
Charlton Park, Keynsham Highway Safety works	20,660
Somerdale Highway Safety Works	79
The Brambles, Highway Improvements	9,265
Kelston Road Park, Keynsham	74,826
Keynsham Memorial Park	10,000
Keynsham East new Primary School	228,054
Somer Valley	
A367/ Peasedown Roundabout Design	4,429
Fosseway South Traffic Management	12,909
Monger Lane, Midsomer Norton Traffic Management	11,498
Silver Street, Midsomer Norton Access Improvements	26
Paulton Highway works	47,946
Polestar, Hallatrow Road, Paulton Public Right of Way	1,060
Waterside Valley, Westfield	93,000
Westfield Pit Path Diversion	850
Shakespeare Rd Westfield Play Area	593
Haydon Batch	15,000
Westhill Recreation Ground	6,393

Rural Areas	
Wick Road, Bishop Sutton pedestrian improvements	2,124
Chew Valley Lake cycle trail	60,000
Clutton Access Improvements Sidings	1,371
Whitchurch Play Area	136,080
Cappards Farm	2,267
District Wide	
Parks Project Management	7,215
Youth work	108,263
Transport Improvement Programmes ²	25,000

The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure = £777,772. This includes Parks and Open Spaces, £61,099; Highways and Transport Deposits, £275,674; and Community Facilities, £441,000.

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 £ 11,886,534.

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

S106 CONTRIBUTIONS TO BE SECURED FROM PLANNING OBLIGATIONS SIGNED 2020/2021

The Section 106 Agreements secured relating to new planning permissions in 2020/2021 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 2020-2021

Application Ref / Site / Date Signed	Purpose	Affordable Value Units
19/01854/OUT - Hartwells of Bath, Newbridge Road, Newbridge, Bath, BA1 2PP Signed: 04/03/2021		
	Allotment Contribution	25,000
	Sustainable Transport Route contribution	260,000
	Targeted Recruitment & Training Contribution	10,230
	Affordable Housing	30,770

² 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: [Transport Improvement Programme 2020-2021](#)

	Contribution	
	Affordable Housing	13 Discounted Rent units
20/00023/FUL - Plumb Center Locksbrook Road, Newbridge, Bath, BA1 3EU Signed: 23/02/2021		
	Greenspace Contribution	134,842
	Traffic Regulation Order Fees	3,500
18/00201/FUL - Food Machinery 2000 Ltd Comfortable Place, Kingsmead, Bath, BA1 3AJ Signed: 08/06/2020		
	Targeted Recruitment & Training Contribution	825
	Affordable Housing	8 x Shared ownership units
18/05623/OUT - Co-Operative Store Wells Road, Westfield, BA3 3RQ Signed: 11/03/2021		
	Greenspace Contribution	61,401
	Targeted Recruitment & Training Contribution	5,005
20/01061/FUL - 21 Henrietta Gardens Bathwick, Bath, BA2 6NA Signed: 05/10/2020		
	Tree Replacement Off site contribution	assumed 28,385
18/01811/OUT - Four Winds, Monger Lane, Welton, Midsomer Norton Signed: 9/01/2021		
	Tree Replacement contribution	20,980
20/01795/FUL - 165 Rush Hill Odd Down, Bath, BA2 2QZ Signed: 10/03/2021		
	Tree Replacement Off site contribution	10,070
19/01163/FUL - Former Police Station, Bath Hill, Keynsham BS31 1HJ Signed: 24/04/2020		
	Targeted Recruitment & Training Contribution	825
	Affordable Housing	5 x Social Rented units. 1 x Shared ownership
17/01466/FUL - Waterloo Road Open Space Waterloo Road, Radstock Signed: 23/11/2020		
	Off site car parking contribution	21,000
	Targeted Recruitment & Training Contribution	1,320

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

Table 12: Summary of Contributions secured in Section 106 agreements in 2020 to 2021	Contribution Totals excluding indexation
Affordable Housing Contribution	30,770
Highway and Transport Contributions	281,000
Public Open Space Contribution	221,243
Tree Replacement Contributions	59,435
Targeted Recruitment and Training contributions	18,205
Total	610,653
Total	
Affordable Housing Units Total	26
School Places	0
Administration Fees (TRO)	3,500

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)* •