

Bath and North East Somerset Council

Infrastructure Funding Statement

Community Infrastructure Levy and Section 106

Annual Report 2021/22

October 2022

BATH AND NORTH EAST SOMERSET COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

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Part 1 INTRODUCTION

- 1.1. Welcome to the 2021/2022 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 2021 to 31 March 2022.
- 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, 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, a panel of Bath Ward Councillors assesses projects on behalf of the Bath community. 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 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 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 2021/2022 year.

B&NES TOTAL CIL INCOME

Table 1: Total CIL Income	Amount (£)
Total amount of CIL received in 2021/2022	£ 4,485,718

The Council did not receive any land or infrastructure payments (i.e. the provision of land or infrastructure in lieu of paying CIL) during 2021/2022.

STRATEGIC CIL SPEND 2021/2022

Table 2 shows that the total amount of Strategic CIL spent within 2021/2022 was **£1,742,122** and the infrastructure that it was spent on. (This was from income collected up to 31 March 2021)

Table 2: Strategic CIL spending on Infrastructure Projects	Amount (£)
Spend on Infrastructure Projects	
Biodiversity Net Gain Project	10,000
Bathscape project	20,000
Bath River Line project	45,122
Keynsham Memorial Park (Riverside)	12,000
Fox & Hounds Lane open space, Keynsham	30,000
Development of cycle schemes and plan	150,000
Keynsham High Street Public Realm (match funding)	50,000
Midsomer Norton High Street Public Realm Project	25,000
Radstock Healthy Living Centre	250,000
Batheaston Village Hall Grant	100,000
Pixash depot relocation	550,000
Repayment of money borrowed for Infrastructure Item	
Flood mitigation to enable the development of Bath Quays North (nil interest)	£500,000
Grand Total	£1,742,122

The total amount of Strategic CIL receipts collected before the reported year but which have not been allocated is Nil.

The total amount of Strategic CIL receipts, collected before the reported year and which have been allocated in the reported year is £1,439,444

The total amount of Strategic CIL receipts, whenever collected, which were allocated but not spent during the reported year = £643,878. Of this £200,000 has been as yet fully approved for spend.

Table 3 shows unspent Strategic CIL Allocations (for example where project timelines have been delayed, or where CIL 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	264,000
Highways	130,000
Regeneration - Public Realm improvements	50,000
Total	444,000

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	3,164,155
CIL receipts from previous years retained at the end of the reported year	1,439,444

Strategic CIL Allocated for the year 2022/2023 (ie current year /year after monitoring year) equates to £2,540,000 and is set out in the Cabinet report (February 2022)

<https://democracy.bathnes.gov.uk/documents/s70275/Community%20Infrastructure%20Levy%20CIL%20Allocations%20-%20Appendix%205v.pdf>

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 CIL raised from 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 2021/22	£362,699
Bath CIL Project Spend in Bath in 2021/2022	Spend (£)
Weston Hub Community Garden	4,476
Gore Garden, Bear Flat	5,000
Workhouse Burial Ground	6,800
Rosewarn Multi Use Games Area	9,000
Jewish Burial Ground	9,612
Bath City Football Club - Twerton Park	9,950
Weston Hub Ball Court & garden	39,250

Bath City Farm Community Hub	125,000
Total	£209,088

Table 6 shows unspent Bath CIL Allocations

Table 6: Bath Local CIL Allocated but not spent.	
Bath CIL Allocated but unspent at 31.3.2022	206,165

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 2021/2022 year retained at end of 2021/2022	0
Bath Local CIL receipts from previous years retained at end of 2021/2022	206,165
Bath Local CIL Carried forward to 2022/2023 (allocated to ongoing projects)	206,165

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 2021) the amount of CIL received by the Parish or carried forward in the 2021/22 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 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	£293,740
Bathampton Parish Council	£1,521
Bathford Parish Council	£2,352
Chew Magna Parish Council	£228
Chew Stoke Parish Council	£2,149
Compton Martin Parish Council	£4,555
East Harptree Parish Council	£10,131
Farmborough Parish Council	£1,852
Freshford Parish Council	£3,261
High Littleton Parish Council	£20,522
Hinton Blewett Parish Council	£2,120
Keynsham Town Council	£58,824
Midsomer Norton Town Council	£31,693

Paulton Parish Council	£4,424
Peasedown St. John Parish Council	£1,731
Radstock Town Council	£34
Saltford Parish Council	£1,597
South Stoke Parish Council	£28,395
Stowey Sutton Parish Council	£3,224
Timsbury Parish Council	£50,236
Westfield Parish Council	£60,993
Whitchurch Parish Council	£3,899

CIL ADMINISTRATION

Under the CIL Regulations 5% of the total CIL receipts collected (**£224,286**) in 2021/22 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 2021/2022 was **£7,854,122**.

It should be noted that not all of this CIL would have been expected to be received during 2021/2022. 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 2021/2022 may not become payable until 2022/23.

SECTION 106 (S106) PLANNING OBLIGATIONS REPORTING

S106 INCOME IN 2021/2022

The total amount of planning obligations financial contributions received in 2021/2022 was **£3,090,824**.

S106 SPEND IN 2021/2022

The total amount of S106 money which was spent (including transferring it to another organisation to spend) = **£2,415,761**. 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 2021/2022

Project	Amount Spent
Financing of Ensleigh /Abbot Alphege School Project	882,671
Tree planting, Bath	14,997
Beckford Tower Open Space, Bath	20000
Fire Hydrant contribution, Odd Down Bath (passed to Avon Fire and Rescue)	18,759
Keynsham East/Two Rivers School	835,105
Park Road Allotments, Keynsham	19,605
Keynsham Memorial Park improvements	9,032
Somer Valley Green Infrastructure	23,405
Somer Valley Enterprise Zone	28,072
A367/ Peasedown Roundabout Design	4,429
Wellow Brook Walk Project	40,000
Batheaston Play Area	18,790
Playing Field / Cotswold Gravel Path, Temple Cloud	2,344
Temple Cloud Recreation Ground Pump Track	7,629
Bus Services	327,613
Youth Services	155,370
Affordable Housing Enabling Fees	7,943
Grand Total	2,415,761
S106 monitoring fees	2,035

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 £2,982,679. Of this amount £566,919 was not spent during the reported year. This allocated not spent figure of £566,919 relates to Parks/Open Space projects.

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 £12,613,793. This amount is as a result of S106 being 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 Infrastructure Delivery Plan.

S106 CONTRIBUTIONS TO BE SECURED FROM PLANNING OBLIGATIONS SIGNED 2021/2022

The Section 106 Agreements secured relating to new planning permissions in 2021/2022 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 committed 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 2021-2022

Contribution Type	Amount excluding indexation
Affordable Housing Enabling Fee	550
Bus Stop /Shelter Contribution	3,000
CCTV Contribution	10,7810
Education Contribution	24,964
Targeted Recruitment and Training Contribution	23,878
Fire Hydrants	3,000
Green Space Contribution	325,588
Highways Contributions	61,000
Public Realm Contribution	250,000
Travel Plan Contribution	3,735
Grand Total	802,975

Fees Type	Amount
Affordable Housing Enabling Fee	550
Section 106 Monitoring Fee	6,400
Traffic Regulation Orders Fees/Contributions	13,702
Grand Total	20,652

Table 11 is a summary of non financial section 106 secured by type .

Table 11: Non-Financial Contributions secured in Section 106 agreements in 2021 to 2022	Contribution Totals
Affordable Housing Units Total	14
School Places	0

Table 12: S106 Contributions by Site

Area /App Ref	Site	Obligation Type/Fee	Amount exc Indexation
Bath			
20/04315/FUL	Platinum Accident Repair Centre (renrod Limited) 22-24 Cheltenham Street, Westmoreland, Bath, BA2 3EX	Section 106 Monitoring Fee	2,000
20/04315/FUL	Platinum Accident Repair Centre (renrod Limited) 22-24 Cheltenham Street, Westmoreland, Bath BA2 3EX	Highways Contributions	35,000
20/04315/FUL	Platinum Accident Repair Centre (renrod Limited) 22-24 Cheltenham Street, Westmoreland, Bath BA2 3EX	Highways Contributions	11,000
20/04315/FUL	Platinum Accident Repair Centre (renrod Limited) 22-24 Cheltenham Street, Westmoreland, Bath BA2 3EX	Public Open Spaces Contributions	101,088
20/04315/FUL	Platinum Accident Repair Centre (renrod Limited) 22-24 Cheltenham Street, Westmoreland, Bath BA2 3EX	Targeted Recruitment and Training Contribution	2,833
20/04315/FUL	Platinum Accident Repair Centre (renrod Limited) 22-24 Cheltenham Street, Westmoreland, Bath BA2 3EX	Travel Plan Contribution	3,735
21/01752/FUL	Royal National Hospital for Rheumatic Diseases Upper Borough Walls, City Centre, Bath, BA1 1RL	Section 106 Monitoring Fee	2,800
21/01752/FUL	Royal National Hospital for Rheumatic Diseases Upper Borough Walls, City Centre, Bath, BA1 1RL	Targeted Recruitment and Training Contribution	6,545
21/01752/FUL	Royal National Hospital for Rheumatic Diseases Upper Borough Walls, City Centre, Bath, BA1 1RL	Traffic Regulation Orders Fees/Contributions	4,351
21/01752/FUL	Royal National Hospital for Rheumatic Diseases Upper Borough Walls, City Centre, Bath, BA1 1RL	CCTV Contribution	107,810
21/01752/FUL	Royal National Hospital for Rheumatic Diseases Upper Borough Walls, City Centre, Bath, BA1 1RL	Public Realm Contribution	250,000
21/02354/FUL	Jubilee Centre Lower Bristol Road, Twerton, Bath, BA2 9ES	Section 106 Monitoring Fee	1,200
21/02354/FUL	Jubilee Centre Lower Bristol Road, Twerton, Bath, BA2 9ES	Highways Contributions	15,000
21/02354/FUL	Jubilee Centre Lower Bristol Road, Twerton, Bath, BA2 9ES	Targeted Recruitment and Training Contribution	10,320
21/02354/FUL	Jubilee Centre Lower Bristol Road, Twerton, Bath, BA2 9ES	Traffic Regulation Orders Fees/Contributions	5,000
21/02354/FUL	Jubilee Centre Lower Bristol Road, Twerton, Bath, BA2 9ES	Green Space Contribution	224,500

21/02354/FUL	Jubilee Centre Lower Bristol Road, Twerton, Bath, BA2 9ES	Bus Stop /Shelter Contribution	3,000
Keynsham			
21/04507/FUL	Proposed Café, 223 Trajectus Way, Keynsham	Education Contribution	24,964
21/04507/FUL	Proposed Cafe, 223 Trajectus Way, Keynsham,	Affordable Housing Enabling Fee	550
Somer Valley			
20/02303/OUT	Land East of Silver Street Midsomer Norton, BA3 2UD	Targeted Recruitment and Training Contribution	3,685
21/01379/FUL	Former Radstock County Infant School Bath Old Road, Radstock	Section 106 Monitoring Fee	400
21/01379/FUL	Former Radstock County Infant School Bath Old Road, Radstock	Traffic Regulation Orders Fees/Contributions	4,351
Rural			
21/00889/FUL	The Wharf Greensbrook, Clutton, Bristol, BS39 5PG	Fire Hydrants	3,000
21/00889/FUL	The Wharf Greensbrook, Clutton, Bristol, BS39 5PG	Targeted Recruitment and Training Contribution	495

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, and emerging Local Plan Partial Update.

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 Regulation 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.