

SELBY



DISTRICT COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

2021/22

Introduction

The Infrastructure Funding Statement (IFS) is an annual report which provides a summary of all developer contributions relating to Section 106 agreements (S106) and the Community Infrastructure Levy (CIL) for a given financial year. **The Infrastructure Funding Statement replaces the Regulation 123 statement.**

Section 106 agreements are legal agreements which can be attached to a planning permission to mitigate the impact of development. Planning obligations within these agreements can only be sought where they are directly related to the development and necessary to make the development acceptable in planning terms.

Contributions can either be provided on-site, for example by the provision of Affordable Housing, or off-site in the form of financial payments.

The Community Infrastructure Levy (CIL) is a mechanism to secure financial contributions from developers on certain viable developments. It is intended to fund more generalised, strategic infrastructure requirements across the District such as transport, flood defences, health care facilities, schools, social care facilities, cultural and sport facilities as well as the maintenance and improvement of facilities in order to support new development. CIL is being reviewed alongside the preparation of a new Local Plan.

CIL rates are set out in a published charging schedule and the Council's latest charging schedule was adopted in January 2016.

Funding for the delivery of infrastructure will be sought by the Council in several ways such as through planning conditions, Section 106 Agreements and through the Community Infrastructure Levy.

On the 1st September 2019 the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 came into force. Under these regulations Local Authorities are required to produce an Infrastructure Funding Statement annually that sets out details about planning obligation receipts and anticipated expenditure. This is to provide clarity and transparency to local communities and developers on the infrastructure and expenditure and in aligning this to planned development, as envisaged in the Local Plan.

Definitions used with this statement are

Agreed – Contributions that have been agreed within a signed legal document. These contributions have not been collected/ delivered and if the planning applications are not implemented, they will never be received.

Received – Contributions received, either non-monetary or monetary, that have been transferred to Selby District Council

Allocated – Contributions that have been received and allocated to specific projects.

Spent/ Delivered – Monetary or non-monetary contributions that have been spent/ delivered.

This Financial Year - refers to the period between 1.4.21 and 31.3.22.

1. S106 Obligations

Once a S106 agreement has been signed it becomes an obligation but will only be required if the planning permission is implemented and the trigger for payment has been reached. The agreement is also registered on the Local Land Charges Register as a land charge and will remain as such with that land – this means that the obligation will be required to be met in full by the owner of the land, whether that is the landowner at the time of permission or a future landowner.

Planning obligations assist in mitigating the impact of development to make it acceptable in planning terms. Obligations may only constitute a reason for granting planning permission if they meet tests that show they are necessary to make the development acceptable in planning terms.

The tests, as detailed below, are set out as statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

However, it is not possible to provide a priority list of obligations or contributions which may be sought as these are dependant of the development proposal, but both S106 and CIL contributions can be placed on the same development.

However, some contributions can only be asked by means of S106 agreements, such as Affordable Housing provision where the development is for residential development and 10 or more homes will be provided.

Selby District Council collects off-site financial contributions where it has been determined that on-site provision is required by policy, but this is either not appropriate or fully achievable. A financial contribution is then requested from the developer to meet those needs outside of the development area.

As a District Council we monitor and collect contributions which are to be used for infrastructure provision which falls under the County Council remit, such as education and highways. These funds are passed to the County Council to be used as detailed in the S106 agreements and details will be provided by the County Council in their own Infrastructure Funding Statement along with Section 278 Highways Agreements.

S106 Obligations – summary

In 2021/22 the Council received a total of £782,811.50 in S106 contributions.

These contributions received were in relation to Education (£463,219.66), Highways and transport (£173,897.28), Off -site Recreational Open Space (£31,722.00) and Waste and Recycling (£15,307.00) and community facilities (£97,914.92).

In addition, a monitoring fee payment was received (£750).

No maintenance commuted sum has been received or retained in this monitoring year.

There have been 7 new S106 agreements signed in this reporting year which will provide a potential £200,920.25 (£8,315 for Waste and Recycling, £93,339.25 for Education and £100,266 towards off-site Recreational Open Space).

In 2021/22, a total of £637,116.94 was transferred to NYCC, for use on Education and Highways/transport (including travel plans). Details of school places provided and educational facilities for this reporting period, will be provided in detail by NYCC Education in their Infrastructure Funding Statement. Similarly, contributions relating to Highway infrastructure will be provided by NYCC Highways.

Parish/Town Councils have received £184,801 of S106 contributions in this monitoring year and have provided several specific projects. These projects have involved the provision, enhancement and renovation of play areas and equipment, including improvements to inclusivity and accessibility through specialist play equipment and suitable pathways. Sport provision has also been improved through money towards Carlton Cricket Club, and community facility enhancements have been funded at Carlton Village Hall. Selby Town Hall Open Gardens have also received funding, and replacement bins have been provided in Church Fenton.

In 2021/22 Affordable housing S106 contributions have been used to refurbish and bring back into use 4 Empty homes. There is a current balance of £7,735,859 for new Affordable Housing provision, all of which is allocated to future schemes.

For the enhancement of health service, £27,792 has been passed to the NHS within the monitoring year for the expansion of surgeries in Sherburn in Elmet.

One refund of S106 monies has been made during this financial period. This was £97,000 to Persimmon homes in relation to the provision of facilities at Selby Station which could not be made within the agreed timescales

2. CIL

The council applies a charge on new development to help pay for infrastructure.

The Council's Infrastructure Funding Statement identifies the infrastructure projects or types of infrastructure which Selby District Council intends will be, or may be, wholly or partly funded by the Community Infrastructure Levy. The principles by which the council will allocate CIL receipts to infrastructure are;

- Strategic priority and Local priority
- Deliverability
- % match funding

The Council is currently preparing a new Local Plan, alongside which an Infrastructure Delivery Plan will be drafted. The Infrastructure Delivery Plan will identify the improvements which are required to local infrastructure to support the growth identified through the plan and prioritise the use of CIL income to deliver improvements. However, it is considered that CIL receipts will be prioritised as set out below: -

- Improvements to the Strategic Highways Network
- Strategic Flood Mitigation Measures
- Healthcare provision

The regulations set out the methodology for how monies collected from the CIL are to be distributed as illustrated in the table below.

Purpose of funding	% Allocated
Administration	5% of all receipts
Neighbourhood Area Portion	15% of CIL receipts collected within that area for those areas which do not have an adopted Neighbourhood plan
Neighbourhood Area Portion	25% of CIL receipts collected within that area for those areas which have an adopted Neighbourhood plan
CIL Strategic Infrastructure	Remaining CIL receipts

The usual payment timeframe for CIL contributions is within 60 days of the intended commencement date of development, however, COVID 19 had an impact on the building community.

CIL Coronavirus Regulations which came into force on 22 July 2020, were put in place to ensure that CIL liabilities did not cause undue burden to small and medium sized businesses during the period of disruption. This amendment to regulations gave CIL charging authorities the discretion, for a limited time (in certain prescribed circumstances and if it is considered appropriate), to defer CIL payments, and to disapply late payment interest.

As a result of COVID -19, some applications in the monitoring year 2021/22 may have made contributions against instalment payments, and therefore their total demand amount may not have been paid in full within this reporting year.

A total of £3,960,424.91 in CIL receipts has been collected since 2016, when CIL was adopted, to the end of this reporting year (1.1.16 – 31.3.22), with £1,230,145.90 being collected in monitoring year 2021/22.

Up to the end of the monitoring year (April 2022), Selby District Council had 2 Neighbourhood areas which have an adopted Neighbourhood Plan (Appleton Roebuck and Acaster Malbis & Church Fenton). This increases the proportion of CIL funding they are allocated.

Of the total CIL collected for 2021/22, a sum of £189,027.87 has been allocated to the neighbourhood areas (i.e Parish or Town Councils). Of which £115,045.75 was passed to the parishes within the monitoring year. Overall, the Parish or Town Councils have been passed £125,597.10 of CIL receipts, within this monitoring year, to spend on local infrastructure projects.

Parish Councils are required to produce their own report which will detail spend and projects for their own areas.

We have had no monies returned to the District Council as a result of monies not being spent by Parish Councils.

£43,158.89 has been spent on administration costs for this reporting year, with £61,507.90 being allocated for administration from the overall total collected for the year.

Only two infrastructure projects have been identified and allocated for CIL strategic funds by the authority to date. These include:

- the roundabout on Bawtry Road Selby to link in the new supermarket development and improve the highway layout on the road. £233,750.00 has been allocated but this has not been spent to date as the scheme is awaiting final certificate sign off as set out in the S278 agreement.
- The expansion of health facilities in Sherburn in Elmet. £750,000 was allocated by executive in January 2022. This was not spent during the monitoring period to the end of March 2022 but has since been transferred.

Annex 1 - Infrastructure Funding Statement Schedule 2021/22

SCHEDULE 2 Matters to be included in the annual infrastructure funding statement
(Regulation 121 Schedule 2)

The reporting year covered by this report is 1st April 2021 to 31st March 2022.

CIL Report		
1	The matters to be included in the CIL report are -	Amount
a	the total value of CIL set out in all demand notices issued in the reported year;	£579,861.58
b	the total amount of CIL receipts for the reported year	£1,230,145.90
c	the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated;	£1,325,259.98
d	the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year;	£750,000
e	the total amount of CIL expenditure for the reported year;	£0.00
f	the total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year;	£983,750
g	in relation to CIL expenditure for the reported year, summary details of—	
	i the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item;	£0.00
	ii the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item; £0.00 ii the amount of CIL 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);	£0.00
	iii the amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation;	£43,158.89 3.5%
h	in relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item;	£233,750.00 for supermarket roundabout on Bawtry Road Selby - awaiting S278 sign off £750,000 for the expansion of health facilities in Sherburn in Elmet.
i	the amount of CIL passed to—	
	i any parish council under regulation 59A or 59B; and	£125,597.10
	ii any person under regulation 59(4)	
j	summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including	
	i the total CIL receipts that regulations 59E and 59F applied to;	£0.00

	ii the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item;	N/A
k	summary details of any notices served in accordance with regulation 59E, including—	
	i the total value of CIL receipts requested from each parish council;	£0.00
	ii any funds not yet recovered from each parish council at the end of the reported year;	£0.00
L	he total amount of—	
	i CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied;	£0.00
	ii CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied;	£0.00
	iii CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year;	£0.00
	iv CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year	£0.00
2	For the purposes of paragraph 1—	
a	CIL collected by an authority includes land payments made in respect of CIL charged by that authority;	£0.00
b	CIL collected by way of a land payment has not been spent if at the end of the reported year—	
	i development (within the meaning in TCPA 1990) consistent with a relevant purpose has not commenced on the acquired land; or	£0.00
	ii the acquired land (in whole or in part) has been used or disposed of for a purpose other than a relevant purpose; and the amount deemed to be CIL by virtue of regulation 73(9) has not been spent	N/A
c	CIL collected by an authority includes infrastructure payments made in respect of CIL charged by that authority;	N/A
d	CIL collected by way of an infrastructure payment has not been spent if at the end of the reported year the infrastructure to be provided has not been provided;	£0.00
e	the value of acquired land is the value stated in the agreement made with the charging authority in respect of that land in accordance with regulation 73(6)(d);	£0.00
f	the value of a part of acquired land must be determined by applying the formula in regulation 73(10) as if references to N in that provision were references to the area of the part of the acquired land whose value is being determined;	£0.00
g	the value of an infrastructure payment is the CIL cash amount stated in the agreement made with the charging authority in respect of the infrastructure in accordance with regulation 73A(7)(e).	£0.00

S106 Obligations Report		
3	The matters to be included in the section 106 report for each reported year are—	Amount
a	the total amount of money to be provided under any planning obligations which were entered into during the reported year;	£200,920.25
b	the total amount of money under any planning obligations which was received during the reported year;	£782,811.42
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;	£0
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—	These details will be provided and reported by NYCC
	i in relation to affordable housing, the total number of units which will be provided;	
	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;	
e	the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;	£7,894,592.89
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);	£1,207, 240.07
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;	Affordable Housing - £7,735,859 Bus Stop £64,000 Public Art/Sculpture £50,000 Waste £9,647.75 ROS £35,086.14
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;	NYCC for Highways and education provision - £637,116.84 NHS Sherburn Surgery £27,792 Affordable Housing Empty Homes Purchases - £254,830

		<p>Affordable Housing Valuations £5,700</p> <p>£184,801.23 to Parish Councils as detailed below:</p> <p>Play Equipment (Barlby PC) £6,441.50</p> <p>Accessible Footpath (Brotherton PC) £4,955.00</p> <p>Cemetery Pathways (Carlton PC) £27,891.87</p> <p>Carlton Cricket Club £71,731.92</p> <p>Carlton Village Hall £26,183</p> <p>Play Area Renovations, Benches, replacement bins (Church Fenton PC) £27,670.61</p> <p>Town Hall Open Gardens (Selby TC) £2,825.00</p> <p>Inclusive play Equipment (Selby Town Council) £11,049.84</p> <p>Garden and Benches (Tadcaster TC) £2,220.00</p> <p>Play Area (Womersley PC) £3,832.50</p> <p>One Refund of unspent fund = £97,000</p>
	<p>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);</p>	<p>£0.00</p>

	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;	£0.00
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.	£0.00
4	The matters which may be included in the section 106 report for each reported year are—	
a	summary details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year,	This will be reported on by NYCC
b	summary details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year.	
5	For the purposes of paragraph 3—	
a	where the amount of money to be provided under any planning obligations is not known, an authority must provide an estimate	N/A
b	a non-monetary contribution includes any land or item of infrastructure provided pursuant to a planning obligation;	N/A
c	where the amount of money spent in respect of monitoring in relation to delivery of planning obligations is not known, an authority must provide an estimate.”	N/A