

December
2023

Infrastructure Funding Statement 2022/23

WEST DEVON BOROUGH COUNCIL

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1. Introduction

1.1 This report sets out West Devon Borough Council's Infrastructure Funding Statement (IFS). It provides a summary of the contributions toward the provision of infrastructure that have been secured in association with new development. Such 'developer contributions' are in the form of financial or non-financial contributions and are secured by a legal agreement. The report covers the financial year 1 April 2022 – 31 March 2023.

1.2 Local planning authorities are required to publish their developer contributions data on a regular basis. A requirement has been inserted into the Community Infrastructure Levy (CIL) Regulations requiring charging authorities to publish an IFS, summarising their developer contributions data. These will help to inform the public and all interested parties on the funding of and provision of new infrastructure, and give policy-makers a better insight into how developer contributions are supporting new development and local infrastructure. They will become increasingly important for developers who wish to understand what the appropriate level of planning obligations payable in relation to a development is. It is intended that these reports will be produced annually. This is the fourth IFS for West Devon (the first IFSs were required to be published by 31 December 2020).

1.3 Developer contributions take the form of agreements that either secure funding towards new infrastructure (on the development site or off-site), or make direct provision of infrastructure as part of any new development. The local planning authority and developer enter into a negotiated agreement (often referred to as a 'planning obligation') – to mitigate the impact of a specific development, to make it acceptable in planning terms. They are typically secured by legal agreements, known as 'Section 106 (S106) Agreements', made under S106 of the Town and Country Planning Act 1990. Another form of such legal agreements is Section 278 (S278) Agreements. These are made under S278 of the Highways Act 1990 between the Local Highway Authority and the developer, and are used to secure improvements or alterations to the highway. In recent years some authorities have introduced the Community Infrastructure Levy (CIL) as a means of collecting finance to help fund more generalised, strategic infrastructure. The CIL has not been introduced in West Devon.

1.4 IFSs are required to set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, though this will not dictate how funds must be spent and in turn collected. They are non-binding, and it should be noted that data on developer contributions is imperfect as it represents estimates at a given point in time, and can be subject to change. However, the data in this report is the most accurate and robust available at the time of publication.

2. Developer Contributions

Section 106 Planning Obligations

2.1 Planning Obligations (also known as S106 Agreements) are legal agreements which can be attached to a planning permission to mitigate the impact of development. Obligations can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms.

2.2 The Council's requirements for S106 planning obligations are set out in the Joint Local Plan (JLP) Supplementary Planning Document (adopted July 2020). Section 12 provides guidance to developers, planners, the community, and other stakeholders on how planning obligations will be sought and the impacts of development mitigated. This guidance operates in the context of JLP Strategic Objective SO12 and primarily supports Policy DEL1. It also reflects national guidance contained in the NPPF. The guidance should also be considered alongside the Developer Contributions Evidence Base document, which sets out the methodologies for calculating benchmark developer contributions towards infrastructure required to mitigate the impacts of development. The evidence base document includes evidence and formulae to help provide a proportionate approach for determining the costs of mitigating the impacts of development, ensuring planning obligations are necessary, directly related and fairly and reasonably related in scale and kind to the development.

2.3 S106 contributions can either be provided on-site, for example through the provision of an equipped play-area or affordable housing, or off-site in the form of financial payments.

2.4 Once the S106 has been signed, it is an obligation, but it will only be realised if the planning permission is implemented and reaches the specific trigger point for payment set-out in the agreement, such as commencement or prior to occupation. When the planning permission is granted, the S106 obligation is registered as a Land Charge which stays with the land, obligating any future owners until the terms are met.

Section 278 Highway Agreements

2.5 Additional legal agreements that can fund infrastructure are Section 278 Agreements (S278). These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and developers. S278 agreements are required to secure alterations or improvements to the highway.

Forecasting

2.6 National guidance suggests that Councils should consider reporting on estimated future income where possible. The Council will look at incorporating forecasting of developer contributions in future versions of the IFS.

3. Section 106 Planning Obligations

Monies received before 1 April 2022 that had not been allocated as of 1 April 2022

3.1 Table 1a below shows the total amount of S106 money held by the Council on 31 March 2022. Table 1b lists all of the S106 money held by and to be spent by the Council, and Table 1c lists the S106 money held by the Council, but was due to be transferred to external bodies and organisations.

Table 1a – Total money held by the Council at 31 March 2022

Recipient	Amount held
To be spent by WDBC	£1,316,704.51
To be transferred to external bodies	£3,514.45
Total	£1,320,218.96

Table 1b – Unspent monies held by and to be spent by the Council at 31 March 2022

Infrastructure type	Amount held
Affordable housing – off site	£692,699.19
Open Space, Sport and Recreation	£601,939.32
Recycle plant	£20,066.00
Heritage	£2,000.00
Total	£1,316,704.51

Table 1c – Unspent monies held by the Council at 31 March 2022 due to be transferred to external bodies

Recipient	Amount held
Plymouth City Council – EMS Scheme	£3,514.45
Total	£3,514.45

Monies agreed during 2022/23

3.2 Table 2 outlines the financial contributions that have been agreed through signed S106 agreements during this financial year. As is evident, the largest total amount secured by infrastructure type relates to affordable housing.

Table 2 – Monies agreed during 2022/23

Infrastructure type	Monies agreed
Affordable Housing	£77,823.90
Open Space, Sport and Recreation	£33,495.55
Green infrastructure Plymouth EMS	£7,575.52

Infrastructure type	Monies agreed
Monitoring fees	£472.00
Total	£119,366.97

Monies received during 2022/23

3.3 Table 3a shows the total income received during this financial year, destined for West Devon Borough Council and other bodies. Table 3b shows the money that is to be spent by the Borough Council and Table 3c shows the money that is to be transferred to other bodies. In many instances the money received was agreed and signed for in S106 agreements predating this financial year.

3.4 It should be noted that financial contributions towards services and functions provided by Devon County Council are collected direct by the county council, i.e. they are not collected by WDBC and transferred to DCC. These will be reported in the Devon County Council IFS.

3.5 Whilst the figures below have been categorised for different infrastructure types, they have not necessarily been 'allocated' to specific projects.

Table 3a – Total monies received during 2022/23

Recipient	Monies received
West Devon Borough Council	£214,367.66
Other bodies	£3,353.64
Total	£217,721.30

Table 3b – Monies received during 2022/23 to be spent by WDBC

Infrastructure type	Monies received
Open Space, Sport and Recreation	£175,418.10
Affordable Housing	£37,679.56
Monitoring fee	£1,270
Total	£214,367.66

Table 3c – Monies received during 2022/23 to be transferred to other bodies

Recipient	Monies received
Green Infrastructure Plymouth EMS	£3,353.64
Total	£3,353.64

Monies received that was allocated but not spent during 2022/23

3.6 Table 4 shows the amount of money that was allocated in 2022/23 but not spent, regardless of when the funding came in.

Table 4

Allocation	Monies allocated but not spent
Lifton Parish Council (pavilion decking and rubber matting)	£1,231.20
Okehampton Town Council (Charter Hall roofing project)	£15,634.34
Tavistock Association Football Club (ground improvements)	£6,102.93
Total	£22,968.47

Total monies spent in 2022/23

3.7 Tables 5a, 5b and 5c give details of the monies spent by WDBC or transferred to other bodies for spend during 2022/23

Table 5a – Total monies spent and transferred during 2022/23

Monies spent/transferred	Amount
West Devon Borough Council	£272,060.84
Transferred to other bodies	£6,868.09
Total	£278,928.93

Table 5b – Total monies spent by WDBC during 2022/23

Infrastructure project	Monies spent
Lifton Parish Council (play area enhancements)	£5,322.46
North Tawton Town Council (improvements to Memorial Park kickabout area)	£1,822.13
Okehampton Town Council (replacement zip wire)	£5,000.00
Robey Trust (information boards)	£240.00
Tavistock Association Football Club (ground improvements)	£2,889.00
Tavistock Cricket Club (pavilion upgrade)	£100,000.00
Tavistock Golf Club (irrigation project)	£5,416.56
Tavistock Tennis Club (court resurfacing)	£4,500.00
Tavistock Town Council (benches)	£11,236.40
Waste Recycling Plant	£20,066.00
Springhill Affordable Housing project	£90,994.89
North Tawton Waste Street Cleaning	£7,588.11
GI Post Fee deductions	£9,385.96
S106 Monitoring Fee deductions	£7,599.33
Total	£272,060.84

Table 5c – Total monies transferred during 2022/23

Recipient	Infrastructure project	Monies transferred
Plymouth City Council EMS	Green Infrastructure	£6,868.09
Total		£6,868.09

3.8 Table 5d shows the total monies (received under any planning obligation during any year) which were retained at the end of the reported year.

Table 5d – Total money held by the Council at 31 March 2023

Money held by WDBC	Amount held
Total	£1,259,011.33

Non-monetary contributions agreed during 2022/23

3.9 Table 6 shows the non-monetary contributions that were agreed through S106 agreements during 2022/23. The non-monetary contributions include affordable housing units.

3.10 This table could potentially include Supplementary Agreements or Deeds of Variation. In such instances the non-monetary contributions have been assessed against the original agreement to determine if there has been any change in the provision of the non-monetary contributions. The same principle has been applied to all forms of non-monetary contributions.

Table 6 – Non-monetary contributions

Planning application reference number	Site/Location	Non-monetary contribution
Affordable Housing		
2600/21/FUL	Highcroft, Broadwoodkelly EX19 8EL	1 affordable dwelling
		Total = 1 dwellings

4. Monitoring fees

4.1 The Council generally exercises the right to charge S106 monitoring fees. These have historically been levied at a rate of 5% of the total value of the financial contribution that the Council receives. More recent S106 agreements have fixed monitoring fees that are in addition to the financial contributions received by the Council.

5. Index calculation

5.1 Many of the S106 agreements have clauses to index link agreed S106 financial contributions, calculated to either CPI, RPI or BCIS (Building Cost Information Service) indices. The relevant indices are calculated using the date that the S106 agreement was signed and the contribution trigger point. The calculation formula will then uplift the contribution due, according to the change of indices between the date signed and the trigger point. This will account for some changes in contributions detailed in the S106 agreement and actual amounts received.

Appendices

1. Developer agreements
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