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Infrastructure Funding Statement 2021/22

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 2021 – 31 March 2022.

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 third 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 2021 that had not been allocated as of 1 April 2021

3.1 Table 1a below shows the total amount of S106 money held by the Council on 31 March 2021. 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 2021

Recipient	Amount held
To be spent by WDBC	£1,111,057.69
To be transferred to external bodies	£0.00
Total	£1,111,057.69

Table 1b – Unspent monies held by and to be spent by the Council at 31 March 2021

Infrastructure type	Amount held
Affordable housing – off site	£602,772.83
Open Space, Sport and Recreation	£423,979.84
Community Facilities	£62,239.02
Recycle plant	£20,066.00
Heritage	£2,000.00
Total	£1,111,057.69

Table 1c – Unspent monies held by the Council at 31 March 2021 due to be transferred to external bodies

Recipient	Amount held
None	
Total	£0.00

Monies agreed during 2021/22

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 open space, sport and recreation (OSSR).

Table 2 – Monies agreed during 2021/22

Infrastructure type	Monies agreed
Open Space, Sport and Recreation	£133,599.00
Community Facilities	£21,771.00
Green infrastructure Plymouth EMS	£9,409.78
NHS	£17,000
Monitoring fees	£3,830
Total	£185,609.78

Monies received during 2021/22

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 2021/22

Recipient	Monies received
West Devon Borough Council	£302,216.88
Other bodies	£3,649.45
Total	£305,866.33

Table 3b – Monies received during 2021/22 to be spent by WDBC

Infrastructure type	Monies received
Open Space, Sport and Recreation	£208,333.47
Affordable Housing	£93,883.41
Total	£302,216.88

Table 3c – Monies received during 2021/22 to be transferred to other bodies

Recipient	Monies received
Green Infrastructure Plymouth EMS	£3,649.45
Total	£3,649.45

Monies received that was allocated but not spent during 2021/22

3.6 Table 4 shows the amount of money that was allocated in 2021/22 but not spent, regardless of when the funding came in.

Table 4

Allocation	Monies allocated but not spent
Okehampton Town Council (zip wire)	£5,000.00
Robey Trust (new information boards)	£250.00
Tavistock Golf Club (irrigation system)	£11,284.51
Tavistock Tennis Club (court resurface)	£4,500.00
Tavistock Town Council (benches)	£11,236.40
Total	£32,270.91

Total monies spent in 2021/22

3.7 Tables 5a, 5b and 5c give details of the monies spent by WDBC or transferred to other bodies for spend during 2021/22

Table 5a – Total monies spent and transferred during 2021/22

Monies spent/transferred	Amount
West Devon Borough Council	£96,705.06
Transferred to other bodies	£0.00
Total	£96,705.06

Table 5b – Total monies spent by WDBC during 2021/22

Infrastructure project	Monies spent
Okehampton Community & Recreation Association (all-weather pitch rejuvenation)	£7,997.50
Okehampton Community Garden (storage shelves and lockers)	£476.15
Okehampton Town Council (creation of sensory garden)	£1,565.00
Okement Centre (replacement and additional outside furniture)	£4,165.86
Tavistock College (netting for all-weather pitch)	£2,287.50
Tavistock Community Football Club (pitch maintenance and replacement goal netting)	£4,621.00
Tavistock Community Sensory Garden (path improvements)	£2,000.00
Tavistock Rugby Club (clubhouse refurbishment)	£14,000.00
Tavistock Rugby Club (land purchase)	£40,000.00

Infrastructure project	Monies spent
Tavistock Tennis Club (court resurfacing)	£13,500.00
S106 Monitoring Fee deductions	£6,092.05
Total	£96,705.06

Table 5c – Total monies transferred during 2021/22

Recipient	Infrastructure project	Monies transferred
None		
Total		£0.00

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 2022

Money held by WDBC	Amount held
Total	£1,320,218.96

Non-monetary contributions agreed during 2021/22

3.9 Table 6 shows the non-monetary contributions that were agreed through S106 agreements during 2021/22. The non-monetary contributions include affordable housing and public open space.

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		
2536/20/OPA	Land South of Fore Street, Lifton, PL16 0BT	4 affordable dwellings
0321/20/OPA	Land at SX 571 979 North of Brandize Cottage, Folly Gate	6 affordable dwellings
		Total = 10 dwellings

Planning application reference number	Site/Location	Non-monetary contribution
Open Space		
2536/20/OPA	Land South of Fore Street, Lifton PL16 0BT	Open space specification submission
0321/20/OPA	Land at SX 571 979 North of Brandize Cottage, Folly Gate	Open space specification submission
		Total = 2 sites

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

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