



Section 106 Annual Infrastructure Funding Statement 2019/2020

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1. INTRODUCTION

- 1.1** On 1st September 2019, the Community Infrastructure Levy Regulations (CIL) 2010 (as amended) came into force and require that contribution receiving authorities must produce an annual Infrastructure Funding Statement (IFS).
- 1.2** The IFS provides a summary of all financial and non-financial developer contributions activity relating to Section 106 Legal Agreements (S106) for the previous financial year and must be published by 31st December, for the previous reporting year. The CIL Regulations specify the financial information which must be included within the IFS.

2. WHAT ARE SECTION 106 AGREEMENTS?

- 2.1** Planning obligations represent an important funding stream for the provision of county-wide services needed to deliver sustainable growth. They are also commonly referred to as 'section 106' and/or 'developer contributions'. A planning obligation is a legal obligation under Section 106 (s106) of the Town and Country Planning Act 1990 and is entered into to mitigate the impacts of a development proposal. S106 agreements are most commonly agreed between a local authority and a developer and are attached to a planning permission.
- 2.2** Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 statutory tests as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)¹ and in paragraph 56 of the NPPF; they are
- necessary to make the development acceptable in planning terms,
 - directly related to the development, and
 - fairly and reasonably related in scale and kind.
- 2.3** Another type of planning obligation is the Community Infrastructure Levy (CIL) which is a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. Local authorities can choose to introduce a CIL which is calculated on a £ per square metre (sq.m) basis on new development. County Councils are currently not permitted to be a CIL charging authority.
- 2.4** Derbyshire County Council is responsible for the delivery and operation of much of the large scale infrastructure required to support development such as highways, schools, libraries and waste. The County Council's requirements for S106 contributions are set out in its Developer Contributions Protocol. The County Council's Planning Services works closely with Local Planning Authorities to identify the impact of proposed development and ensure the infrastructure requirements needed to support development are identified through the Local Plan process.

¹ Regulation 122 Community Infrastructure Levy Regulations 2010 (as amended)

3. INFRASTRUCTURE FUNDING STATEMENT REQUIREMENTS

- 3.1** On 1st September 2019 amendments to the Community Infrastructure Levy Regulations 2010 (as amended) came into force which introduced a new duty on contribution receiving authorities to prepare an Annual Infrastructure Funding Statement.
- 3.2** The CIL Regulations require under Regulation 121A, that no later than 31st December in each calendar year a contribution receiving authority must publish an annual infrastructure funding statement which comprises the following 3 requirements:
- a)** a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);
 - b)** a report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);
 - c)** a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).
- 3.3** The CIL Regulations require the first annual IFS for the financial year 2019/20 to be published by 31st December 2020.
- 3.4** This document provides the Infrastructure Funding Statement Requirements as required by the CIL Regulations in Section 4, followed by case studies in Section 5, to help demonstrate how Section 106 projects are implemented and infrastructure provided to mitigate the impact of development.

4. INFRASTRUCTURE FUNDING STATEMENT

4.1 Based on Regulation 121A please find below Derbyshire County Council's Infrastructure Funding Statement covering the period 1 April 2019 to 31 March 2020.

Infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL

4.2 Derbyshire County Council is not a CIL charging authority.

The CIL Report

4.3 Derbyshire County Council is not a CIL charging authority. County councils can only collect the levy charged by district councils on developments for which the County Council gives consent. Currently the only CIL charging authority in Derbyshire is Chesterfield Borough Council. No consents which were chargeable developments were issued by Derbyshire County Council in Chesterfield Borough in 2019/20.

The Section 106 report

4.4 The detail set out in each section of this Section 106 report is based on the requirements set out in Schedule 2 of the CIL Regulations 2010 (as amended) and records only those obligations applicable to the County Council.

4.5 Please note with regard to the classifications in the sections below which are identified in Planning Practice Guidance, Travel and Transport has been categorised as the revenue funding associated with the provision of new or extended travel services and travel plan monitoring. The remaining categories are all capital funding for infrastructure.

a) The amount of money to be provided under any planning obligation which was entered into during 2019/20

PURPOSE	AMOUNT (£)
Primary Education	£4,383,637.49
Secondary and Post 16 Education	£4,292,303.54
Highways	£290,000.00
Travel and Transport	£284,750.00
Libraries	£0.00
Waste	£0.00
TOTAL	£9,250,691.03

4.6 Where a Section 106 is signed on an outline permission, the maximum potential contribution has been included in the figures above. This may reduce at reserved matters stage when the number of dwellings is finalised. Developer contributions are only payable should the development be delivered.

4.7 It must also be noted that the figures provided above are a snapshot in time, and planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so.

b) The total amount of money received under any planning obligation during 2019/20

PURPOSE	AMOUNT (£)
Primary Education	£4,777,228.32
Secondary and Post 16 Education	£3,505,417.53
Highways	£503,490.56
Travel and Transport	£156,126.85
Libraries	£20,000.00
Waste	£12,159.88
TOTAL	£8,974,423.14

c) The total amount of money under any planning obligation which was received before 2019/20, which has not been allocated by the authority

PURPOSE	AMOUNT (£)
Primary Education	£11,200,062.67
Secondary and Post 16 Education	£1,506,021.90
Highways	£0.00
Travel and Transport	£156,126.85
Libraries	£24,840.00
Waste	£23,303.28
TOTAL	£12,754,227.85

4.8 The amounts identified above are the funds which were received prior to 1 April 2019, and were unallocated as of 31 March 2019. A number of these funds have since been officially allocated in 2019/20.

d) The total amount of money under any planning obligation which was received before 2019/20, which has not been allocated by the authority

(i) in relation to affordable housing, the total number of units which will be provided

Nil

(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

Nil

e) The total amount of money (received under any planning obligations) which was allocated but not spent during 2019/20 for funding infrastructure

PURPOSE	AMOUNT (£)
Primary Education	£5,849,802.78
Secondary and Post 16 Education	£631,691.00
Highways	£0.00
Travel and Transport	£0.00
Libraries	£10,002.59
Waste	£10,128.76
TOTAL	£6,501,625.13

f) The total amount of money (received under any planning obligations) which was spent by the authority during 2019/20 (including transferring it to another person to spend);

PURPOSE	AMOUNT (£)
Primary Education	£7,662,538.92
Secondary and Post 16 Education	£608,385.51
Highways	£382,996.92
Travel and Transport	£8,634.95
Libraries	£9,997
Waste	£0
TOTAL	£8,672,553.71

g) In relation to money (received under planning obligations) which was allocated by the authority but not spent during 2019/20, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item

4.9 The table below records the total amount of developer contributions allocated to projects in 2019/20 but does not take account the amount of funds spent from these allocated funds during 2019/20.

PURPOSE	PROJECT	TOTAL AMOUNT ALLOCATED IN 19/20
Etwall Library	Provision of stock and resources for Etwall Library	£20,000.00
Duke of Norfolk Primary School	Hall extension, provision of a new external store and internal remodelling	£153,446.00
Etwall Primary School	Two additional classrooms	£225,660.00
Highfield Farm Primary School	Provision of new primary school	£4,384,581.00
Ashbourne Hilltop Primary and Nursery School	Two classroom extension	£202,031.13
Ashbourne Primary School	classroom extension and internal remodelling	£279,088.35
Dunston Primary School	Two additional multi -purpose teaching spaces, re-provision of WCs, additional storage, dual purpose corridor/learning space, re-modelling of existing accommodation to improve nursery and reception accommodation, enhance safeguarding at the entrance, increase storage and staff facilities.	£639,224.00
Overseal Primary School	Creation of secure lobby and new toilet	£66,351.00
Chellaston Fields Primary	New primary school provision	£83,529.00
Chellaston Academy	Expansion to include sports hall and other multi-use accommodation	£128,902.00
Belmont Primary School	Classroom extension	£134,311.00
Stanton Primary School	Expansion of the school to a 1 form entry	£87,425.00
Melbourne Junior School	Additional classroom	£24,588.00
Hasland Infant School	PE storage with access from the school hall and wider refurbishment scheme	£10,000.00
Queen Elizabeth Grammar School	Two storey new build to accommodate new changing rooms and 9 classrooms plus ancillary spaces	£631,691.00
Chinley Primary School	Replacement of temporary accommodation	£288,413.00
Kirk Langley Primary School	Three additional classrooms & toilet block with internal remodelling.	£174,744.00
Linton Primary School	Two additional classrooms	£144,423.00
The Pingle Academy	Construction of 10 classroom block	£317,673.90
Willington Primary School	Extension to create full size classroom and library extension	£132,791.00
John Port Spencer Academy	Sixth form, science block, access and car park expansion	£170,000.00
Newhall Household Waste Recycling Centre	Provision of additional capacity	£10,128.76

h) In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring 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;

LOCATION	PROJECT	AMOUNT SPENT (£)
Trowell Marsh Nature Reserve	Public Right of way improvement	£1,792.50
Peak Resort	Scheme development for traffic calming, pedestrian crossing and junction improvements.	£255,525.00
Meadow Lane & Stinting Lane, Shirebrook	Traffic Signals	£1,179.42
A61 corridor	Works to reduce congestion	£124,500.00
Various locations	Travel plan monitoring	£8,634.95
Etwall Library	Additional stock	£9,997.41
Tibshelf Community School	Two new classrooms and additional toilets	£12,662.78
Town End Junior School	Towards the provision of a new primary school building	£6,250.00
Tibshelf Infant and Nursery School	Towards the provision of a new primary school building	£6,250.00
Belper School and Sixth Form Centre	PE Facilities	£3,482.00
Etwall Primary School	Two new classrooms	£45,426.70
Field House Infant School	Multi Use Games Area	£644.86
Clowne Infant and Nursery School	Enclosing Quad area to create additional support space	£220,836.15
Clowne Junior School	Creation of group support space	£40,175.41
Chapel en le Frith Primary School	Two classroom extension	£124,194.47
Brockwell Junior School	Additional classroom	£31,039.56
Brockwell Nursery and Infant School	Internal remodelling to create specialist teaching areas, additional toilets, and external storage.	£13,560.72
Kirk Langley Primary School	Three additional classrooms	£1,086,083.95
Leys Junior School	Two additional classrooms	£582,616.53
Woodbridge Junior School	Additional Classroom	£129,942.49
Willington Primary School	Additional Classroom	£20,901.84
Repton Primary School	Improvements to reception classroom, reception area, and internal remodelling	£7,743.29

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LOCATION	PROJECT	AMOUNT SPENT (£)
Melbourne Infant School	Demolition and car park scheme	£129,311.45
Hilton Academy	Access Improvement	£3,353.65
Duke of Norfolk Primary School	New reception area	£10,585.81
Boulton Moor	New primary school	£353,583.69
Granville Academy	Science classroom improvements	£13,035.00
Laceyfields Academy	Group room	£6,731.28
The Curzon CE (Aided) Primary School	Multi Use Games Area	£49,999.99
Dunston Primary and Nursery Academy	School expansion	£554,578.93
Ashbourne Hilltop Primary School, Ashbourne Primary	New primary School	£30,399.34
John Port Spencer Academy	Sixth form, science block, access and car park expansion	£150,000.00
Highfields Farm School	New school	£3,705,921.83
Overseal Primary School	Extension to create secure lobby, office and toilets	£26,806.41
Hasland Infant School	Two classroom block	£42,604.78
Christ Church C of E Primary School	Additional classroom and group room	£284,864.95
The Pingle School	Construction of 10 classroom modular block	£317,674.04
Linton Primary School	Two new classrooms	£43,399.83
Chellaston Fields	New primary school	£216,262.70

- (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);

LOCATION	PROJECT	AMOUNT SPENT (£)
Ashbourne Hilltop Primary and Nursery School	School expansion to primary including 2 classroom extension	£202,031
Ashbourne Primary School	School expansion to primary including classroom extension and internal remodelling	£279,088
Kirk Langley Primary School	Three additional classrooms & toilet block with internal remodelling.	£174,744.00
Linton Primary School	Two additional classrooms	£144,423.00
Church Gresley Infant and Nursery School	New School	£130,805.34
Stanton Primary	Expansion of School	£87,425.00
Willington Primary School	Additional classroom	£68,791.00
Melbourne Infant School	Car park/Demolition	£24,588.00

- (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

- 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.

4.10 The value of funds retained at the end of 2019/20 are as follows. However these may also be formally allocated or identified for projects which are in development:

PURPOSE	AMOUNT (£)
Education	£20,577,881.36
Highways	£2,640,232.13
Travel and Transport	£267,513.26
Libraries	£34,842.59
Waste	£33,432.04
TOTAL	£23,553,901.38

4.11 No funds have been retained as commuted sums for maintenance.

5. EXAMPLES OF INFRASTRUCTURE DELIVERY THROUGH SECTION 106 IN 2019/2020

CHRIST CHURCH C OF E PRIMARY SCHOOL - ADDITIONAL CLASSROOM AND GROUP ROOM

Summary

An extension project was completed in September 2019 to provide an additional classroom and group room at Christ Church C of E Primary School in Chesterfield. The scheme enables the school to have a full suite of classroom accommodation to provide for their intake of up to 30 pupils per year.

The project enabled the net capacity of the school to increase from 178 to 210 in order for the school to adequately accommodate its Published Admission Number of 30.

The new classroom was project managed by YMD Boon on behalf of Derby Diocese.

Total project cost:

£294,500.50



S106 FUNDING

APPLICATION	SITE	AMOUNT (£)	DEVELOPER
CHE/11/00717/FUL	Former Rugby Club, Sheffield Road Chesterfield	£92,638.50	Miller Homes

CHELLASTON FIELDS – NEW PRIMARY SCHOOL

Summary

A new 1 form entry primary school, built by Persimmon Homes with additional contributions from 3 further developments, opened on 5th September 2019. The County Council worked closely with Persimmon and their design team to ensure the school accommodation was provided in line with current Department for Education (DfE) guidance

The Spencer Academy Trust was appointed as the operator of the school and worked alongside the County Council throughout the construction programme. In September 2019 the school initially opened for Reception and Year 3 children, with the school filling in subsequent intakes.

Facilities Include:

- a specialist practical room and group room
- open plan library
- large hall for whole school gatherings, performances and sport
- underfloor heating, heat recovery system and carbon dioxide monitoring
- playground with sports markings
- turfed playing field including an under 11-sized football pitch available for community use
- fire protection sprinkler system

Total project cost

In kind, built by Persimmon, with additional funding as shown below.



S106 FUNDING

APPLICATION	SITE	AMOUNT (£)	DEVELOPER
9/2012/0568	Swarkestone Road	In Kind	Persimmon
9/2013/0663	Holmleigh Way	£407,765.24	Bellway Homes
9/2016/0583	Woodgate Drive	£83,529.25	Bellway Homes
DER/08/12/00945	Land off Woodlands Lane	£194,985	Redrow

6. FUTURE SPENDING PRIORITIES

- 6.1** The types of infrastructure that the authority intends to fund, either wholly or partly, by the use of planning obligations is set out in the County Council's Developer Contributions Protocol.
- 6.2** This is supported by the development of the County Council's Strategic Growth and Infrastructure Framework (SGIF) which includes the most strategic projects, which the County Council alongside partners are actively working to progress and have a recognised route towards delivery. To achieve this the County Council actively engages with partners to ensure the economic potential and infrastructure priorities for Derbyshire are identified to help meet the climate change agenda, good growth agenda, unlock development and to create sustainable communities.