



# **SECTION 106**

## **ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2020/2021**

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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 (1 April to 31 March) and must be published by 31st December every year. The CIL Regulations specify the financial information which must be included within the IFS.

## 2. PLANNING OBLIGATIONS

### WHAT ARE SECTION 106 AGREEMENTS?

**2.1** Planning obligations represent an important funding stream for the provision of infrastructure and 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** Section 106 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)<sup>1</sup> and in paragraph 57 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** 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.

### WHAT IS THE COMMUNITY INFRASTRUCTURE LEVY (CIL)?

**2.4** 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 (as a charging authority) can choose to introduce a CIL which is calculated on a £ per square metre (sq.m) basis on new development, with some exemptions or reliefs. The charging authority should specify in their charging schedule what types of development are liable for the levy and the relevant rates for these development types. Under the legislation, County Councils cannot be a CIL charging authority, however County Councils can collect the levy charged by district/ borough councils on developments for which the County Council gives consent.

<sup>1</sup> Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended)

2.5 In Derbyshire currently the only authority which charges a CIL is Chesterfield Borough Council. The Borough Council has developed a CIL Expenditure Strategy<sup>2</sup> which sets out how the Council will evaluate the specific infrastructure projects to prioritise which CIL will fund, in order to support growth and development across the borough.

### 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) 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 Section 4 of this document provides the Infrastructure Funding Statement detail as required by the CIL Regulations, followed by case studies in Section 5, to help demonstrate how S106 projects are implemented and infrastructure provided to mitigate the impact of development.

## 4. INFRASTRUCTURE FUNDING STATEMENT

4.1 Based on Regulation 121A below is the Derbyshire County Council's Infrastructure Funding Statement covering the period 1 April 2020 to 31 March 2021.

### REGULATION 121A PART A): 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.

### REGULATION 121A PART B): THE CIL REPORT

4.3 Derbyshire County Council is not a CIL charging authority. County Councils can only collect the levy charged in accordance with the district/borough council's Charging Schedule, 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 2020/21.

### REGULATION 121A PART C): THE SECTION 106 REPORT

4.4 The detail set out in each section of this S106 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, 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 encompass capital funding for infrastructure.

a) **The amount of money to be provided under any planning obligation which was entered into during 2020/21**

PURPOSE	AMOUNT (£)
Primary Education	£5,840,215.53
Secondary and Post 16 Education	£10,374,971.36
Highways	£882,400.46
Travel & Transport	£200,595.00
Libraries	£0.00
Waste	£0.00
<b>TOTAL</b>	<b>£17,298,182.35</b>



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 2020/21**

PURPOSE	AMOUNT (£)
Primary Education	£4,005,203.89
Secondary and Post 16 Education	£4,885,630.40
Highways	£1,159,154.43
Travel and Transport	£270,752.53
Libraries	£0.00
Waste	£12,560.42
<b>TOTAL</b>	<b>£10,333,301.67</b>

**c) The total amount of money under any planning obligation which was received before 2020/21, which has not been allocated by the authority**

PURPOSE	AMOUNT (£)
Education	£10,626,035.97
Highways	£1,625,072.77
Travel & Transport	£116,667.00
Libraries	£0.00
Waste	£23,303.28
Open Space and Leisure	£33,927.8
<b>TOTAL</b>	<b>£12,425,006.82</b>

4.8 The amounts identified above are the unallocated funds which were received prior to 1 April 2020.

d) **Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during 2020/21, including**

- 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**

Of the 22 S106 agreements signed in 2020/21, S106 obligations have also been secured for developers to directly deliver works towards:

- Production and implementation of Travel Plans
- Bus service enhancement

e) **The total amount of money (received under any planning obligations) which was allocated but not spent during 2020/21 for funding infrastructure**

PURPOSE	AMOUNT (£)
Primary Education	£57,994.30
Secondary and Post 16 Education	£2,132,555.10
Highways	£15,076.76
Travel and Transport	£0.00
Libraries	£6,480.00
Waste	£400.54
<b>TOTAL</b>	<b>£2,212,506.70</b>

f) **The total amount of money (received under any planning obligations) which was spent by the authority during 2020/21 (including transferring it to another person to spend);**

PURPOSE	AMOUNT (£)
Primary Education	£2,831,104.33
Secondary & Post 16 Education	£536,393.95
Highways	£20,212.00
Travel & Transport	£3,067.75
Libraries	£0.00
Waste	£10,499.06
<b>TOTAL</b>	<b>£3,401,277.09</b>

- g) In relation to money (received under planning obligations) which was allocated by the authority but not spent during 2020/21, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item

LOCATION	PROJECT	TOTAL AMOUNT ALLOCATED IN 2020/21
John Port Spencer Academy	Additional art and design teaching accommodation for 11-16 and sixth form pupils + car park extension	£788,987.33
John Port Spencer Academy	Infrastructure project required to support of the expansion	£45,79.65
John Port Spencer Academy	Improve and enlarge the science block	£32,835.54
Queen Elizabeth Grammar School	Expansion scheme	£142,451.51
The Ecclesbourne School	Sixth form and science block projects	£1,163,701.07
Aston-on-Trent Primary School	New classroom	£97,132.08
Bolsover Infant & nursery School	Modular classroom with group room	£58,802.66
Leys Junior School	2 classroom block	£20,793.51
St John's CE Primary School (Ripley)	Classroom extension	£36,979.94
Hasland Junior School	Playground improvement	£21,041.36
Chesterfield Library	Additional facilities including bookstands, chairs, easels and activity sets	£6,480.00
Footpath 22	Footpath improvements	£10,000.00
Repton Footpath 27	Footpath improvements	£5,076.26

**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	TOTAL AMOUNT ALLOCATED IN 2020/21
Curzon Primary School	Multi use games area	£18,394.06
Highfields Spencer Academy	Provision of new primary school	£728,659.50
Laceyfields Academy	Remodelling and extension	£19,696.85
Heath Primary Academy	Additional teaching accommodation	£284,975.25
Clover Lees Spencer Academy	New primary school	£318,012.09
Duke of Norfolk Primary School	Hall extension, provision of a new external store and internal remodelling	£97,864.27
Hilton Academy	Access Improvement	£10,010.00
Overseal Primary School	Creation of secure lobby and new toilet	£20,353.25
Willington Primary School	Extension to create full size classroom and library extension	£181,499.29
Tibshelf Community School	Two new classrooms and additional toilets	£37,880.55
Woodbridge Junior School	New classroom	£167,624.14
Croft Infant School	Remodelling	£592.15
Brockwell Junior School	Entrance Lobby and Office	£9,743.12
Clowne Junior School	Creation of group support space	£18,602.11
Linton Primary School	Two additional classrooms	£316,688.30
Etwall Primary School	Two additional classrooms	£147,397.01
Belper School and 6th Form Centre	PE Facilities	£17,886.00
Heanor Gate Science College	Expansion of the School	£50,000.00
Chinley Primary School	New classroom block - replacement of temporary accommodation	£288,413.43
Melbourne Infants School	Demolition and car park scheme	£18,441.69
Melbourne Junior School	Additional classroom	£24,588.8
Hasland Junior School	Two classroom block	£384.64
The Ecclesbourne School	Sixth Form Expansion and Science Block Refurbishment	£380,627.40
St Johns Primary, Ripley	Classroom extension	£28,020.06
John Port Spencer Academy	Sixth form, science block, access and car park expansion	£100,000.00
Bolsover Infant and Nursery School	Additional classroom	£70,66.57
Roes Lane, Crich	Noise pump	£10,499.06
Peak Resort, Chesterfield	Highways mitigation	£20,212.00
Travel Plans	Monitoring	£3,067.75

- 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	TOTAL AMOUNT ALLOCATED IN 2020/21
Bolsover Infant & Nursery School	modular classroom and group room	£65,896.23
Leys Junior School	2 classroom block	£20,793.51
Linton Primary School	Two additional classrooms	£215,664.37
St John's CE Primary School (Ripley)	single classroom extension	£65,000.00
Aston on Trent Primary School	new classroom	£97,659.00

- 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.**

PURPOSE	AMOUNT (£)
Education	£26,093,615.84
Highways	£2,756,859.84
Travel & Transport	£521,255.84
Libraries	£34,842.59
Waste	£58,020.71
Open Space & Leisure	£33,927.80
<b>TOTAL</b>	<b>£29,498,522.62</b>

- 4.9 The value of funds retained at the end of 2020/21 are shown above, however these funds may also be formally allocated or identified for projects which are in development:

- 4.10 No funds have been retained as commuted sums for maintenance.

## 5. EXAMPLES OF INFRASTRUCTURE DELIVERY THROUGH SECTION 106 IN 2020/2021

### HIGHFIELDS SPENCER ACADEMY – NEW PRIMARY SCHOOL

#### SUMMARY

The Highfields Spencer Academy opened to pupils in September 2020. This new one form entry primary school also includes a 26 place nursery and was built to support the Highfield's Farm development of 1000 dwellings in South Derbyshire. An off-site construction method and modular design enabled completion within a nine month period. The total project costs £5.5 million and was funded by developer contributions, supplemented with a further £1.1m provided by Derbyshire County Council capital funds.

The school contains seven classrooms, a reception, nursery and a double-storey main hall with the external facilities including a soft play area, large playing field, and multi-use games area.

The project was delivered in partnership with Scape Group, Derbyshire County Council, Lungfish Architects, Spencer Academies Trust, Concertus, Eco Modular, BEC and DWS.

#### TOTAL PROJECT COST

£5.5 million.

#### S106 FUNDING

APPLICATION	SITE	AMOUNT	DEVELOPER
9/2014/0275	Highfields Farm, Findern	£4,384,581.33	Miller Homes Barratt Homes Taylor Wimpey

#### CONSTRUCTION VIDEOS CAN BE VIEWED AT:

1. Progress of the Spencer Highfields Academy in Littleover, Derby by Morgan Sindall Construction - YouTube
2. Highfields Spencer Academy | where modular delivered #abetterway - YouTube



PHOTOGRAPH  
COURTESY OF  
THE SPENCER  
ACADEMY TRUST



## ETWALL PRIMARY SCHOOL – TWO CLASSROOM EXTENSION

### SUMMARY

In response to significant housing development in the vicinity and as Phase 1 of the expansion plans, Etwall Primary School has been expanded to provide two new classrooms. The additional accommodation has been achieved by converting the school's existing library into a classroom and providing a new single storey extension to house an additional classroom and library. The circulation space has also been reconfigured, and toilet provision adapted and rationalised with 2 of the toilets being ambulant accessible. The scheme was designed to match the appearance of the existing school. This now takes to school to a 1.5 Form Entry school with a capacity for 315 pupils.

### TOTAL PROJECT COST

£673,100.

### S106 FUNDING

APPLICATION	SITE	AMOUNT	DEVELOPER
9/2013/1040	Willington Road Etwall	Willington Road Etwall	Bloor Homes
9/2015/0354	Willington Road Etwall	Willington Road Etwall	Bloor Homes
9/2016/1216	Willington Road Etwall	Willington Road Etwall	Bloor Homes
9/2014/1136	New House Farm, Etwall Road, Mickelover	New House Farm, Etwall Road, Mickelover	Barratt & David Wilson Homes North Midlands David Wilson Homes East Midlands



PHOTOGRAPH  
COURTESY OF  
ETWALL PRIMARY  
SCHOOL



## CHINLEY PRIMARY SCHOOL – NEW CLASSROOM PROVISION

### SUMMARY

This project involved the removal of an undersized existing prefabricated portacabin style classroom to the rear of the school and its replacement with a purpose-built permanent building. The new building is larger in scale than the existing prefab and provides 2 additional classrooms, a suitably sized staff room and 2 group teaching rooms all with ancillary welfare provision for both teachers and pupils. It has been designed to complement the existing traditional form of the school having a pitched roof and a glazed link to the main school building and being constructed from natural stone and slate.

### TOTAL PROJECT COST

£616,000.

### S106 FUNDING

APPLICATION	SITE	AMOUNT	DEVELOPER
HPK/2012/0323	Forge Bleach Works, Forge Road Chinley	£288,412.43	Wainhomes (North West) Ltd



PHOTOGRAPH  
COURTESY OF  
CHINLEY PRIMARY  
SCHOOL



## 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 strategic projects which the County Council, alongside partners, are actively working to progress. The County Council actively engages with partners to ensure the economic potential and infrastructure priorities for Derbyshire are identified in order to help address climate change, the good growth agenda, to unlock development and create sustainable communities.