

Parishes Liaison Forum, 24th February 2016

Briefing Note- Infrastructure and Development in Bath and North East Somerset

This note should be read in conjunction with the materials for the [recent parish training session on Planning Policy](#) held in November 2015.

1. Policy and Delivery Framework

An underlying principle in the preparation of the Core Strategy has been the need for new development to be well-aligned with the necessary infrastructure required to support sustainable growth. The adopted [Core Strategy Section 1e](#) sets out the overall approach to infrastructure, as follows:

“The Infrastructure Delivery Programme (IDP) outlines how necessary social, transport and green infrastructure are aligned with new development. It focuses particularly on delivery mechanisms in the first 5 years of the Plan period. Essential infrastructure required to support the District-wide strategy is outlined in the relevant section of the Core Strategy”.

More detail is provided under each of the chapters relating to specific areas of the District.

Pages 36-43 of The [Draft Placemaking Plan](#) also set out [District Wide Strategy and Policies](#) in relation to infrastructure, confirm that:

“The approach is to ensure that investment in infrastructure is secured. Delivery will be assisted through a range of funding mechanisms from the Council, the West of England LEP, the Government and the private sector. “

The [Infrastructure Delivery Programme](#) (January 2016) forms part of the evidence base to support the Local Plan and Planning Obligations Supplementary Planning Document (SPD) and Community Infrastructure Levy (CIL). The Programme sets out in more detail the infrastructure requirements for the area to 2028/29. It is broken down according to the following detailed categories:

- Affordable Housing
- Energy
- Education- including early years, primary, and secondary (pp 43-60)
- Health – including primary and secondary care, mental health and community health and social care (pp 62-72)
- Minerals and Waste
- Water and Drainage
- Green Infrastructure
- Transport
- Leisure and built sports facilities

- Public realm
- Community facilities - including police, fire, libraries

For each of these categories, specific schemes are identified as well as costs, funding sources, lead agencies and relevant policies. Infrastructure investment may come from a variety of sources, depending on the nature and type of scheme, including:

- Section 106 agreements (see below)
- Community Infrastructure Levy Regulation 123 funding (see below)
- Agency capital programmes
- DFT major transport schemes
- West of England and Local Enterprise Partnership funding

2. [Community Infrastructure Levy \(CIL\)](#)

CIL aims to reduce the costs and increase certainty in the negotiation of planning obligations. By providing for the pooling of funds, CIL breaks the former planning obligation regime's requirement for a direct link between a contribution and a particular development. A Briefing was provided to Parish Councillors on this at the recent training session and the relevant slides are included below:

Bath & North East
Somerset Council

Community Infrastructure Levy

- » Largely replaces s.106 contributions. From April 2015 in B&NES. Backed by law with tough penalties for non-payers.
- » Calculated using a tariff per m² of net GIA. Paid by "liable party". Exemptions and payment by instalments allowed.
- » Paid to B&NES first, then proportion (15% capped at £100 per CT property if there is no NDP in place, 25% uncapped if NDP is in place) paid by B&NES to PCs every 6 months.
- » PCs must spend their CIL (within 5 years) to *support development in their area* (i.e. infrastructure or anything else that addresses demands placed by development).
- » PCs to report by 31 Dec on how much received and how spent (on their website or on B&NES website).

Community Infrastructure Levy

- » Planning applications granted permission prior 5th April 2015 not CIL liable
- » For those applications granted permission post 5th April 2015 CIL is charged when Reserved Matters permission granted – as this is the point at which floorspace of scheme is known
- » 25% local proportion paid from when Neighbourhood Plan is 'made'

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The local authority approved the Community Infrastructure Levy (CIL) charging schedule in February 2015. This came into effect on 6th April 2015. CIL is a “tariff” system that allows the local authority to raise funds from developers to contribute to the costs of providing some of the infrastructure needed for new development.

The Local Authority Regulation 123 list sets out the infrastructure types that it intends to fund, partly or wholly, through CIL receipts. These are:

- **Strategic Transport Infrastructure** including cycling and walking infrastructure, and public transport (excluding development specific mitigation works on, or directly related to, a development site);
- **Green Infrastructure** to deliver the requirements set out in the Green Infrastructure Strategy (excluding on site provisions);
- The **Early Years provision** set out in the Childcare Sufficiency Assessment (Except for the Whitchurch Strategic Site and Bath Western Riverside Charging Zone proposal);
- **School Schemes** set out in the Schools Organisation Plan (except primary schools and places required by strategic site and Bath Western Riverside Charging Zone proposals); the Council is in the process of updating the Schools Organization Plan to reflect any changes since the Plan was last published and this will be discussed at the [Children and Young People Policy Development and Scrutiny Panel](#) on 22nd March and will also be reported to Cabinet on 4th May.
- **Social Infrastructure**, including social and community facilities, sports, recreational, play infrastructure and youth provision, and cultural facilities (excluding on site provisions);
- **Strategic Energy Infrastructure** (excluding on site provisions);
- **Health and well-being infrastructure** (excluding on site provisions);

- **Strategic waste facilities;**
- **Strategic Flood Risk Management infrastructure** (excluding on site provisions).

The decision on how to spend the CIL income will be made as part of an annual process that aligns with the Council's annual revenue budget and capital programme setting. The Council's Cabinet will make the final decision on the release of CIL funds. All the CIL collected will be used to support infrastructure for the communities within the District and will be allocated as follows:

- **Local Funds:** 15% of CIL (up to a maximum of £100 per Council Tax dwelling in the area per annum) or 25% with adopted Neighbourhood Plans will be passed directly to local communities;
- **Administration Costs:** Up to 5% of CIL receipts will be used within Planning Services to cover costs associated with monitoring, managing and collecting CIL;
- **Strategic Funds:** The remaining CIL receipts will be allocated by B&NES Council.

Funds will be targeted to address infrastructure priorities identified in the Infrastructure Delivery Plan. The timetable will run on an annual basis and will be aligned with the budget decision making process, including a review of the Regulation 123 List if necessary. The allocation decisions will be based on funds actually available and risk assessed projection of future funding.

CIL must be spent on the provision, improvement, replacement, operation or maintenance of infrastructure needed to support the development of the area. It is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies, unless these are likely to be made more severe by new development. CIL receipts can only be spent on capital projects, although capital spending to improve existing assets or to extend their life is also permissible.

Local Funds will be passed from B&NES to the Parish/Town Councils twice a year on 28th April and 28th October

3. Section 106

In addition to CIL, Part 2 of the [Supplementary Planning Document on Planning Obligations](#), focuses on the type of planning obligations that the Council will seek to secure through the Section 106 mechanism. It sets out the policy context and, where appropriate, the trigger above which obligations will be sought in relation to each obligation type. The obligation types are as follows:

- Affordable Housing including Extracare Housing (see below)
- Transport Infrastructure Works

- Public Transport
- Green Infrastructure
- Adoption of On-Site Green Space, Allotments and Landscaping Schemes
- Tree Replacement
- Site Specific Targeted Recruitment and Training in Construction
- Fire Hydrants
- Education facilities (see below)
- Other Site Specific Measures

The Affordable Housing section of the SPD contains significantly more detail than other sections, as Affordable Housing obligations will be secured solely through the Section 106 mechanism, without funding from CIL

In relation to S106 contributions to education, the Council will be notified of the proposed mix of dwellings in the development and the following pupil yield figures based on type of dwelling and number of bedrooms will be used to calculate the contribution:

| No. of bedrooms | | | | | | |
|----------------------------------|-------|----|--------|----|----|----|
| | Flats | | Houses | | | |
| Primary pupils per 100 dwellings | 4 | 30 | 9 | 30 | 46 | 65 |