



Buckinghamshire Council

Infrastructure Funding Statement

1 April 2019 to 31 March 2020

## 1. Introduction

- 1.1 Local Authorities that receive contributions from developers must now produce<sup>1</sup> an Infrastructure Funding Statement (IFS) annually. This sets out details of developer contribution receipts and the infrastructure projects or types of infrastructure the Authority intends may be funded at least in part by the Community Infrastructure Levy (CIL).
- 1.2 Where parishes receive a proportion of CIL they are also required to produce a report for each financial year in which they receive CIL receipts
- 1.3 This is to provide local communities and developers with clarity and transparency on contributions received (including 'in-kind' contributions where infrastructure is provided directly), how these have been or are to be used, and, more broadly on the role of development in funding infrastructure.
- 1.4 Buckinghamshire Council came into being on 1st April 2020 replacing Buckinghamshire County Council, Aylesbury Vale District Council, Chiltern District Council, South Bucks District Council and Wycombe District Council.
- 1.5 This statement sets out the position for these areas for the financial year immediately prior to the establishment of Buckinghamshire Council (i.e. 2019/20). It covers both s106 contributions and CIL where this was in place.
- 1.6 Authorities that charge CIL have had to produce a report on receipts and expenditure since the regulations were introduced in 2010, but there has not been a requirement to report on section 106 contributions in this way before now.

### Headlines

- CIL was introduced in February 2020 in the former Chiltern and South Bucks Council areas.
- 551 affordable homes were delivered across Buckinghamshire.
- In 2019-20 the Councils across the Buckinghamshire Council area:
  - Secured £24,718,919 of s106 contributions from new development
  - Secured £4,188,319 in CIL
  - Passed £621,792 of CIL (the local allocation) to town and parish councils, with a further £150,502 secured for the unparished area of High Wycombe.
- The Councils spent £11,508,448 of s106 funds on infrastructure to mitigate development impacts and £3,549,458 of CIL on infrastructure to support the development of the Wycombe area

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<sup>1</sup>As required by the Community Infrastructure Levy (Amendment) (England) Regulations 2019 No.1103 that came into force 1 September 2019

## Developer Contributions to Infrastructure

- 1.7 Development often drives requirements for new infrastructure and is itself an important source of funding for infrastructure. Developer contributions can be provided:
- Through planning obligations within section 106 agreements<sup>2</sup> and unilateral undertakings – where it is not possible to address unacceptable impacts through a planning condition.
  - Through the Community Infrastructure Levy (CIL) – a fixed charge levied on new development to fund infrastructure.
- 1.8 Developers may also enter into s278 agreements<sup>3</sup> that allow them to make permanent alterations or improvements to a public highway, with the agreement of the Council as part of a planning approval. (The Council will look at the possibility of including information for S278 agreements within future versions of the IFS.)

## 2. Planning Obligations

- 2.1 Planning obligations are either set out within bilateral agreements or within unilateral undertakings. These are deeds between the local authority and developers that can be attached to a planning permission, to make developments that would otherwise be unacceptable in planning terms acceptable.
- 2.2 Under section 106 of the Town and Country Planning Act 1990 as amended, planning obligations are capable of:
- (a) restricting the development or use of the land in any specified way
  - (b) requiring specified operations or activities to be carried out in, on, under or over the land
  - (c) requiring the land to be used in any specified way
  - (d) requiring a sum or sums to be paid to the authority

Therefore, planning obligations can:

- Prescribe the nature of development (for example, requiring a given portion of housing as affordable)
- Compensate for loss or damage created by a development (for example, loss of open space)

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<sup>2</sup> Section 106 of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> section 278 of the Highways Act 1980

- Mitigate a development’s impact (for example, through increased public transport provision).

2.3 Regulations<sup>4</sup> state that a planning obligation may only constitute a reason for granting planning permission if it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2.4 Where financial contributions are required by a planning obligation within a section 106 agreement or a unilateral undertaking these are often referred to as section 106 or simply s106 contributions.

2.5 It may be necessary for a Council to secure contributions from a number of developments over a period of time before it is in a position to implement a scheme for which funds have been secured.

2.6 The following tables<sup>5</sup> show:

- S106 contributions held at 31 March 2020, split into the different infrastructure categories for which they have been secured by each of the former councils.
- S106 contributions collected between 1 April 2019 and 31 March 2020

Table 1 – S106 contributions held at 31 March 2020, split into the different infrastructure categories for which they have been secured by each of the former councils.

Infrastructure	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Buckinghamshire County	Total (£)
Affordable Housing	2,057,409	2,300,139	2,079,082	3,343,259	0	9,779,889
Open Space & Leisure	16,546,734	0	0	857,077	0	17,403,811
Transport/ Highways	1,041,836	0	0	324,421	14,934,533	16,300,790
Education	0	0	0	4,798	19,982,903	19,987,701
Community Facilities	0	0	0	346,297	0	346,297
Other	1,936,109	0	0	215,836	0	2,151,945
<b>Total (£)</b>	<b>21,582,088</b>	<b>2,300,139</b>	<b>2,079,082</b>	<b>5,091,688</b>	<b>34,917,436</b>	<b>65,970,433</b>

<sup>4</sup> These tests are set out as statutory tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and reiterated in National Planning Policy Framework (paragraph 56).

<sup>5</sup> Throughout, figures have been compiled from excel data, hence may include small apparent rounding errors.

Table 2 – S106 contributions collected between 1 April 2019 and 31 March 2020

Infrastructure	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Buckinghamshire County	Total (£)
Affordable Housing	-	378,093	1,835,953	959,542	-	3,173,588
Open Space & Leisure	3,747,390	-	-	206,949	-	3,954,339
Transport/ Highways	-	-	-	106,340	4,921,445	5,027,785
Education	-	-	-	-	12,555,736	12,555,736
Community Facilities	-	-	-	3,642	-	3,642
Other	-	-	-	3,829	-	3,829
<b>Total (£)</b>	<b>3,747,390</b>	<b>378,093</b>	<b>1,835,953</b>	<b>1,280,302</b>	<b>17,477,181</b>	<b>24,718,919</b>

2.7 These figures show how development has contributed to infrastructure and how far the former Councils were successful in securing s106 contributions. The levels of contributions secured in the different areas reflected:

- The levels of development, especially major developments, in the former council areas
- Statutory responsibilities – Buckinghamshire County Council was the Education Authority and the Highway Authority
- The availability of CIL as another source of developer funding in the former Wycombe district
- Local infrastructure priorities

#### S106 expenditure in 2019/20

2.8 Key projects implemented in 2019 -20 with s106 funding:

**Open Space/Leisure schemes** included the extension of the Princes Risborough Springs Leisure Centre, refurbishment of the Court Garden Leisure Centre in Marlow and Public Realm Improvements at the Aqua Vale Centre in Aylesbury. Smaller leisure projects were led and delivered by parish councils including the Haddenham Play Area Improvements.

**Community Facilities schemes** included Aston Clinton’s new Community Centre project, Weston Turville Village Hall Improvements and the New Café and Toilet on the Rye in High Wycombe.

**Transport & Highway schemes** have been delivered across the County. Projects include Aylesbury Town Signage improvements, Traffic Calming in Widmer End, Footway improvements in Spittal Street (Marlow), Parking, Real Time Passenger Information and Bus Stop improvement schemes across Buckinghamshire.

**Environmental Improvement schemes** included a new Swale on the Rye, River Wye Bio-diversity project, Rye Dyke Improvements, Hughenden Park Tree trails and public realm improvements around the Exchange in Aylesbury.

**Affordable Housing schemes** included the Modular Units at Bath Road, Taplow, Housing at Raans Road and Birch Close in Amersham. As well as projects within the Wycombe and Aylesbury area, 551 affordable homes were delivered across Buckinghamshire.

- 2.9 A summary of s106 expenditure is shown below. A breakdown is included at Appendix A.

Table 3 Summary of s106 expenditure

Area	Amount (£)
Aylesbury Vale	1,899,000
Chiltern	210,000
South Bucks	758,370
Wycombe	4,565,916
Buckinghamshire County	4,075,162
<b>Total</b>	<b>11,508,448</b>

### 3. The Community Infrastructure Levy

- 3.1 The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area after it has gone through a process of assessing the evidence base in public prior to the adoption of the levy.
- 3.2 This process takes account of the cost of infrastructure, the viability of development, other sources of funding for infrastructure and the administrative expenses in connection with the levy. The levy rates are published in the charging schedule for each area on the Council's website, for the Wycombe Area this information can be found [here](#) and for the Chiltern & South Bucks Area this information can be found [here](#).
- 3.3 In contrast to s106 contributions:
- there does not need to be a direct link between the payment and the infrastructure provided
  - the use of CIL is not specified at the point of collection
  - its calculation is an administrative process rather than a negotiation based on an assessment of development impacts
  - it applies to developments that are often smaller in scale.

- A proportion of the CIL is allocated locally, and to cover its administration.
- 3.4 Prior to the establishment of Buckinghamshire Council, CIL was adopted in three of the Councils:
- Wycombe District Council, now known as West Buckinghamshire, adopted CIL in 2012
  - Chiltern District Council and South Bucks District Council, now known as East Buckinghamshire and South Buckinghamshire, adopted a common charging schedule in February 2020
- 3.5 The charging schedules for these areas continue for the respective areas as part of Buckinghamshire Council. The Aylesbury Vale area does not currently have a CIL charging schedule in operation.

### Use of CIL

- 3.6 According to the CIL regulations, the Council as Charging Authority, can use up to 5% of CIL collected towards administration of CIL.
- 3.7 The Council also has a duty to pass funds to town or parish councils ('local councils'). This is known as the local allocation and amounts to 15% of CIL funds collected in a given area, rising to 25% in areas which have an adopted neighbourhood development plan. The local allocation in the unparished area of High Wycombe, is ring-fenced for use within that area.
- 3.8 The Regulations state that the funds passed to 'local councils' must be used:
- 'to support the development of the local area by funding (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or (b) anything else that is concerned with addressing the demands that development places on an area.'
- This is a wider definition of how the funds may be used compared to how Buckinghamshire Council can use CIL funds (as the Council is restricted to funding infrastructure to support the development of the area).
- 3.9 According to the CIL regulations, the Council as Charging Authority, can only spend the remaining CIL on:
- "the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area" (Regulation 59).
- The Planning Act 2008 states that infrastructure includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces.

### 3.10 Government guidance on the use of CIL<sup>6</sup> says that it can be used

‘to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities<sup>7</sup>. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities.

This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their Development Plan. Charging authorities may not use the levy to fund affordable housing.

Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed.

The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.’

#### CIL collected in 2019-20

- 3.11 Wycombe District Council **collected £4,188,319 during 2019-20** in CIL (Balance as of 31 March 2020). Tables 4 and 5 provide a breakdown of CIL collected, allocated and transferred biannually to Local Councils (parishes and town councils) within its administrative area (these funds are transferred twice a year around April and October and cover the preceding 6 months). Demand notices issued in 2019-20 totalled £4,537,702.

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<sup>6</sup> [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>7</sup> for further details, see [section 216\(2\) of the Planning Act 2008](#), and [regulation 59](#), as amended by the [2012](#) and [2013 Regulations](#)



Table 4 Wycombe Area CIL overview (31 March 2020) (£)

<b>Total CIL receipts for the year (a) + (b) + (c)</b>	<b>4,188,319</b>
CIL Retained by Buckinghamshire Council inc. Unparished Area (a)	3,338,527
Total CIL allocated to administrative expenses (b) <sup>8</sup>	228,000
Total CIL passed to Local Councils (c)	621,792
Total CIL ring-fenced for Unparished Area (d)	150,502
Total CIL expenditure during 2019-20 (e)	3,549,458
Balance 2019-20 (f) = (a)-(e)	-210,931
Opening Balance 2019-20 (g)	10,975,099
Closing Balance 31 March 2020 (h) = (f) +(g)	10,764,169
Funds committed to projects but not yet spent (i)	8,436,366
Uncommitted CIL funds available 31 March 2020 (j) = (h)- (i)	2,327,803

Table 5 Wycombe District Council CIL passed to Local Councils during 2019-2020 (as at 31 March 2020)

Parish	Amount (£)
Bledlow cum Saunderton	32,840.94
Chepping Wycombe	33,033.43
Downley	2,417.04
Great and Little Hampden	17,877.65
Great and Little Kimble	19,648.45
Hazlemere	10,708.46
Hughenden	15,534.34
Lacey Green	2,430.60
Lane End	9,424.99
Little Marlow	7,500.00
Longwick cum Ilmer	382,254.66
Marlow Bottom	783.49
Marlow Town Council	19,670.26
Princes Risborough	8,731.27
Stokenchurch	5,874.30
Wooburn and Bourne End	53,062.12
<b>Total</b>	<b>621,792</b>

3.12 As CIL was not introduced in Chiltern & South Bucks areas until February 2020 no CIL was collected during the reporting period.

<sup>8</sup> 5.44% of Total CIL receipts was allocated to administrative expenses – this include 0.44% of corrections from prior years

## CIL expenditure in 2019/20

Table 6 Wycombe District Council CIL Funded Projects during 2019-2020 (as at 31 March 2020)

Project	Amount (£)
High Wycombe Town Centre Master Plan (Queen Victoria Road and Easton St improvements)	1,742,879
Westbourne Street (landscaping)	6,422
High Wycombe Town Centre Enhanced Maintenance/public realm improvements	96,683
Bus Network Support and smart ticketing	34,707
High Wycombe Cycleways (project feasibility work)	32,479
Bourne End/Wycombe Rail Link	1,040
Cressex Business Park Access (project feasibility work)	182,250
Minibus Bourne End Community Centre	38,000
Footway/environmental improvements Spittal St, Marlow	49,124
Hughenden Quarter Green Infrastructure (tree planting and maintenance)	3,047
Parking & Environmental Improvements (Globe Park signing and lining scheme)	200,100
Chiltern Conservation Board 'Chalk, Cherries & Chairs' Project	100,000
Princes Risborough Community Centre	57,727
Holmer Green School Expansion	735,000
Adaptions to GP Surgeries including provision of level access	270,000
Total	3,549,458

- 3.13 The expenditure in table 6 excludes £130,931 from the local allocation that funded local projects in 2019/20 at the recommendation of High Wycombe Town Committee. These projects included the new cemetery, river wye interpretation board and Pastures church.

## 4. The infrastructure projects or types of infrastructure the authority intends to be funded at least in part by CIL

- 4.1 The Council has ambitious plans in the face of significant infrastructure challenges and requirements and an area where development is constrained by designations such as green belt and AONB. Buckinghamshire Council's responsibilities for infrastructure are much wider than those of the former District Councils.

- 4.2 These challenges and requirements have been set out in the Infrastructure Delivery Plans (IDP's) of the former Councils and more recently consolidated in the Buckinghamshire Strategic Infrastructure Tool.
- 4.3 More work is required to set out what infrastructure will be provided directly by development or directly funded by development through s106 contributions and s278 works and what funding gaps remain.
- 4.4 Where development gives rise to the need for infrastructure directly the Council will aim to secure contributions through planning obligations, in preference to using CIL.
- 4.5 The Council approved its Capital and Investment Strategy on 24 February 2021. This sets out key areas where one might expect to see investment directed, taking account of capital investment objectives and corporate priorities. This includes infrastructure that supports the development of the area and which may be funded by CIL:
- Investments that facilitate growth, economic development and regeneration, such as Wycombe area regeneration, and Princes Risborough growth areas,
  - New infrastructure such as roads and schools to support the growth in housing
  - Meeting the statutory requirement to provide school places.
- 4.6 New and emerging priorities will become more clear as work on the Buckinghamshire Local Plan and other Council strategies and projects progresses.
- 4.7 In this context the CIL collected by the Council is only one relatively small funding source, but one that offers flexibility in how it may be used, provided this is for infrastructure that supports the development of the area.

### Decision Making

- 4.8 The Council will generally allocate CIL funds through the Medium Term Financial Plan (MTFP) which is reviewed annually. (The approved Buckinghamshire Council Capital Programme 2021/22 to 2024/25 is available [here](#))
- 4.9 The Capital and Investment Strategy sets out guidance on prioritisation of bids. In addition, in relation to CIL the Council will
- be conscious of the broad relationship between schemes and development that generate CIL while recognising the impacts of development
  - only use CIL to fund infrastructure that supports the development of the area.
- 4.10 Each year the Capital Programme will be developed as part of the Medium-Term Financial Plan, culminating in approval by full Council in February each year in accordance with the broad timetable set out below.

Jun – Aug      Portfolio groups/Directorates develop capital bids

	(Robust business cases produced and supported by the relevant Directorate Head of Finance)
Early Sep	Corporate Finance consolidates bids and reports summary to Corporate Management Team (CMT) CMT advise on strategy to resolve any gap.
Mid Sep	Property/ICT/Highways Boards review bids and prioritise
Sept/Oct	Service Director Corporate Finance (SDCF) convenes a Corporate Capital Investment Board meeting of Board Lead Members/officers to scrutinise bids in detail and arrive at a proposal for a balanced capital programme.
Mid Oct/Nov	CMT reviews SDCF proposal and agrees recommendation to Cabinet
Dec	Cabinet approves draft capital programme for consultation
Jan -Feb	Follows MTFP approval process in parallel with the revenue budget

#### The unparished area of High Wycombe

- 4.11 In relation to the unparished area of High Wycombe, the High Wycombe Town Committee recommends schemes to be funded from the local allocation of CIL collected within that area.
- 4.12 Within the unparished areas, and since 12 December 2019 the Daws Hill neighbourhood plan was adopted ('made'). Accordingly, within the Daws Hill neighbourhood plan area, since that time, the local allocation collected has been 25% rather than 15%. However, the level of CIL liable development and hence the sums involved are relatively small.
- 4.13 In accordance with the regulations the local allocation collected within the Daws Hill area can be used to support the development of that part of the charging authority's area that is not within the area of a local council, ie the unparished area.

Figure 1. Plan showing the Daws Hill neighbourhood plan area.



## 5 Next Steps

- 5.1 The Council is currently considering a consolidated software platform to manage and report developer contributions consistently and in more detail across Buckinghamshire. This will enable more information to be provided in future statements.
- 5.2 In parallel the Council is restructuring the management of developer contributions within the Directorate of Planning, Growth and Sustainability and is taking opportunities for closer working and simplified decision making as a result of the reorganisation of local government in Buckinghamshire.
- 5.3 The Council is aware of, and shares, the desire for greater Member involvement in the allocation and use of CIL. Officers are currently developing options to achieve this for agreement by Members.

## Appendix A – S106 spend 2019-20 (£)

Aylesbury Vale	Spend
Leisure Projects(including public realm improvements around Exchange and Aqua Vale)	1,660,000
ALUTS (Aylesbury Transport Projects - Signage around Aylesbury Town Centre)	60,000
Other Projects (Policing services in Buckingham)	150,000
Other Projects (Community Arts projects)	29,000
<b>Total</b>	<b>1,899,000</b>

Chiltern & South Bucks	Spend
Raans Road and Birch Close , Amersham	210,000
Modular units at Bath Road, Taplow	578,277
Acquisition/Purchase of 801 Bath Road, Taplow	141,642
Staff	38,450
<b>Total</b>	<b>968,370</b>

Buckinghamshire County Council	Spend
Transport Projects:	
Langley Park Enhancements	12,464
Steeple Claydon Footpath Upgrade	52,500
Bus Stop Contribution (Haddenham, Aston Clinton, Pitstone, Padbury)	104,166
RPTI and Bus Stops	30,989
Public Transport Contribution	13,446
TRO, Marlow	9,992
Little Horwood TRO	3,309

Worlds End Lane TRO, Weston Turville	13,177
Dollicot Road Haddenham TRO	7,772
Richings Park Parking	11,579
Land East of Stanbridge Road, Haddenham	10,703
Education Projects:	
Haddenham St Marys	358.91
Holtspur	871.44
Oak Green	675.31
Bierton	682,227
Great Kimble	387,006
Oakridge	4,378
Green Ridge	226,203
Maids Morton	45,069
Abbey View	481,188
Denham Village Infant	121,924
Mandeville	1,001,352
Misbourne	275,752
Amersham School	220,904
Royal Latin	71,647
Beaconsfield	285,510
Total	<b>4,075,162</b>

Wycombe	Spend
Desbox Project - Baker Street Phase 3a	573,252
Court Garden Leisure Centre Refurbishment	1,746,352
Risborough Springs Extension Project	1,085,701
High Wycombe to Bourne End Pedestrian/Cycle Route	23,590
Traffic Calming Widmer End	3,958
Spittal Street, Marlow footway/environmental improvements	38,876

Swale on the Rye	15,006
New Café & Toilets on the Rye	45,707
River Wye Biodiversity High Wycombe	26,100
Rye Dyke Improvements (including planting)	16,808
Holmers Farm Skate Park	149,362
Liston Court Marlow lighting scheme	6,754
Desborough Recreation Ground resurfacing	17,000
Hughenden Park Tree Trails Project	3,750
Stokenchurch Transport Improvements	9,917
Princes Risborough Heritage Trail	2,215
Affordable Housing delivery	800,000
Keep Hill Footpath	1,568
<b>Total</b>	<b>4,565,916</b>