

West Suffolk Council



Annual Infrastructure Funding Statement 2023 to 2024

July 2024

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1. Introduction

- 1.1. Under section 106 of the Town and Country Planning Act 1990 (s106) a local planning authority (LPA) can seek planning obligations, both physically on-site and contributions for off-site, when it is considered that a proposed development will have a negative impact, that cannot be dealt with by attaching conditions to the planning permission. New residential developments can place additional pressure on the existing social, physical, and economic infrastructure in the surrounding area. Planning obligations aim to reduce this additional pressure, by securing improvements to the infrastructure. S106 obligations may restrict the development or use of land, require specified operations, provisions, or activities to be carried out and/or require a sum of money to be paid.
- 1.2. The community infrastructure levy (CIL) 2010 legislation states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - a. necessary to make the development acceptable in planning terms
 - b. directly related to the development
 - c. fairly and reasonably related in scale and kind to the development.
- 1.3. Once the terms of the required s106 have been agreed, all parties with an interest in the land proposed for development, will sign the s106 legal deed. When the related planning permission is granted the s106 obligation is registered as a local land charge and obligates the landowner, staying with the land, obligating future owners until the terms are met.
- 1.4. If the local planning authority (LPA) collects a contribution for infrastructure, the monies will be held by that local authority in a specific ring-fenced account. Legally s106 sums can only be spent on the intended purpose, in accordance with the terms of the s106 obligation.
- 1.5. The legal agreements can have payback terms to pay back unspent monies to the developer. West Suffolk Council has a good track record in relation to s106 monies and has had and will continue to have a robust monitoring system in place, ensuring monies are spent in time and not paid back.
- 1.6. In a 2019 amendment to the CIL regulations, LPAs must now publish annual infrastructure funding statements on their websites. These statements cover various details about s106 obligations as required in the CIL regulations amendment at 10A.
- 1.7. This statement is West Suffolk Council's Annual Infrastructure Funding Statement for the financial year 2023 to 2024.

2. The required data under community infrastructure levy (CIL) 2019 10A part 3

2.1. The regulations require the council to publish the following data:

- a) the total amount of money to be provided under any planning obligations which were entered into during the reported year.
- b) the total amount of money under any planning obligations which was received during the reported year.
- c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority.
- d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of –
 - (i) in relation to affordable housing, the total number of units which will be provided.
- e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure.
- f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend).
- g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item.
- h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it 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
 - (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)
 - (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
 - (iv) 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.

3. West Suffolk Council's data for 2023 to 2024

- a. Money secured in planning obligations for West Suffolk Council was **£536,788.00** This figure includes sums not yet received because the related development may not yet have commenced or a payment trigger may yet to be reached.
- b. Money received by West Suffolk Council was **£506,651.84**
- c. Money unallocated that was received before year 2023 to 2024 was **£2,447,048.41**
- d. Non-monetary items secured specifically for West Suffolk Council were a total of 86 affordable homes.
- e. Money which was allocated but not yet spent was **£3,112,771.47**
- f. Total of money which was spent during year 2023 to 2024 was **£478,997.92**
- g. Details of money which was allocated but not spent are shown in **table 1.**
- h. Summary details of money which was spent during year 2023 to 2024 are:
 - i. Items of infrastructure paid for during year 2023 to 2024 are shown in **table 2.**
 - ii. The amount of money spent on repaying money borrowed was **£0.**
 - iii. The amount of money spent in respect of new monitoring fees was **£18,046.38**
 - iv. Total of all retained money at end of 2023 to 2024 year was **£6,146,331.29**
Which also includes the total of commuted sums held **£1,296,389.67**
The commuted sums are shown separately in **table 3.**

3.1. There was £6,118,677.37 at the start of the year but it is important to understand that nearly a quarter of this money is held for future maintenance of our public open space areas, such as play areas. £478,997.92 was spent on various projects listed in table 2 and the council has also allocated £3,112,771.47 to be spent on various projects as they come forward. This then leaves a much smaller sum of money from previous years, yet to be allocated. Allocating s106 monies often relies on pooling other s106 sums which may not have been received yet so that is why the council often has a number of years to spend the money.

3.2. The following table provides information on money (received under planning obligations) which was allocated by the authority but not spent during the reporting year (2023 to 2024) summary details of the items of infrastructure to which the money has been allocated, and the amount of money allocated to each item (part g).

3.3. There is often a time period between first allocating s106 monies to a

specific project and the money being spent. The s106 allocation may only be part of the intended project cost, therefore it cannot be spent until other sums are received and the project can be delivered.

Table 1 money allocated but not spent

| Details of the items of infrastructure | Money |
|--|----------------------|
| New decking at Red Lodge Pavilion | £37,097.61 |
| A new play area in Beck Row | £59,173.50 |
| Recreational Corridor Bury Road Kentford | £76,800.00 |
| Newmarket town centre project to improve High Street | £107,131.11 |
| Exning Allotment Association improvements to allotments | £6,473.11 |
| Football changing facilities at Hundon | £10,007.50 |
| Environmental improvements to Risbridge Meadows | £6,696.52 |
| 3G pitch Skyliner Way Sports Centre | £448,548.01 |
| Play equipment at Flying Fortress Park St James play area | £41,367.88 |
| St Olaves Road new community centre project | £137,805.98 |
| Warden post for Red Lodge special scientific interest site | £2,264.48 |
| Improvements to play area at Tayfen Road | £27,107.88 |
| Environmental improvements at Aspal Close | £70,025.32 |
| Improvements to health centre in Haverhill | £400,250.00 |
| Footpaths serving Manor Road | £12,450.53 |
| Improvements to Abbey Gardens | £254,662.49 |
| Improvements to play area at Green Road Newmarket | £92,657.19 |
| Improvements to Castle Fields play area | £25,862.69 |
| For maintenance of open space and play areas | £1,296,389.67 |
| Total balance at 31 March 2024 | £3,112,771.47 |

3.4. In 2023 to 2024 money spent on the following. (part h).

Table 2 items on which monies were spent

| | Items on which money was spent | Spent in year |
|----|---|----------------------|
| 1 | DC/13/0932/HYB new community centre at St Olaves Road, Bury St Edmunds | £23,856.00 |
| 2 | DC/14/0632/OUT West Row Bowls Club extension | £104,464.75 |
| 3 | DC/15/1697/FUL improvements to Henry Close play area in Haverhill | £16,348.00 |
| 4 | DC/19/2482/FUL the creation of a new Pump Track at Mildenhall Hub | £87,325.87 |
| 5 | DC/17/1614/FUL improvements to the New Cheveley Road play area in Newmarket | £22,760.74 |
| 6 | DC/14/1881/HYB St James Park play area Moreton Hall Bury St Edmunds | £70,589.68 |
| 7 | DC/18/1187/FUL upgrade of Haverhill paths 1 and 2 near Chapelwent Road | £24,208.00 |
| 8 | F/2000/0282/OUT improvements to Aspal Close Beck Row with work to the trees on site | £9,395.00 |
| 9 | F/2012/0704/FUL scoping work for the project to enhance Newmarket town centre | £18,880.00 |
| 10 | DC/16/0596/OUT warden at site of special scientific interest (SSSi) in Red Lodge | £3,027.45 |
| 11 | Committed sums for various sites (see table 3) | £80,096.05 |
| 12 | S106 monitoring and reporting | £18,046.38 |
| | Total of spent monies in 2023 to 2024 | £478,997.92 |

3.5. S106 money has helped improve play areas within the district this year. £87,325.87 has helped create a new Pump Track at the Mildenhall Hub and £24,208.00 has upgraded footpaths improving connectivity for a new development near Chapelwent Road in Haverhill.. Community facilities have also benefitted from £128,320.75, including an extension to a bowls club.

3.6. At the end of 2023 to 2024 West Suffolk Council was holding the following committed sums (part h(iv)).

Table 3 commuted sums items

| Location of open space area | Opening balance | Spent in year | Received in year | Closing balance |
|---------------------------------------|------------------------|----------------------|-------------------------|------------------------|
| 1 Hanchett End, Haverhill | £25,000.00 | 0 | | £25,000.00 |
| 1 Hales Barn, Haverhill | £23,619.10 | £23,619.10 | | 0 |
| Cotton Lane, Bury St Edmunds | £3,659.79 | £3,659.79 | | 0 |
| Millfields, Chalkstone Way, Haverhill | £2,368.40 | £2,368.40 | | 0 |
| St James Park, Bury St Edmunds | £5,250.00 | £1,750.00 | | £3,500.00 |
| Glastonbury Court, Bury St Edmunds | £3,000.00 | £1,000.00 | | £2,000.00 |
| Ehringhausen Way, Haverhill | £3,530.71 | £882.67 | | £2,648.04 |
| Marham Park, Bury St Edmunds | £20,000.00 | 0 | | £20,000.00 |
| 2 Hanchett End, Haverhill | £20,407.00 | £2,081.40 | | £18,325.60 |
| Risbridge Meadow, Kedington | £9,698.27 | £1,939.66 | | £7,758.61 |
| Station Road, Lakenheath | £3,598.00 | £1,799.00 | | £1,799.00 |
| Walton's Way, Brandon | £5,465.00 | £1,366.00 | | £4,099.00 |
| Kings Warren, Red Lodge | £438,431.00 | £6,145.00 | | £432,286.00 |
| College Heath Road, Mildenhall | £6,000.00 | £1,500.00 | | £4,500.00 |
| Jeddah Way, Kentford | £6,575.00 | £694.00 | | £5,881.00 |

| Location of open space area | Opening balance | Spent in year | Received in year | Closing balance |
|--|------------------------|----------------------|-------------------------|------------------------|
| East Close, Bury St Edmunds | £9,535.50 | £1,059.50 | | £8,476.00 |
| Manning Road, Bury St Edmunds | £530,373.57 | £27,914.40 | | £502,459.17 |
| Anvil Jeddah Way, Kentford | £100,214.00 | £2,317.13 | | £97,896.87 |
| Manor Road Haverhill | £22,977.39 | 0 | | £22,977.39 |
| Chivers Road Haverhill | £58,558.73 | 0 | | £58,558.73 |
| Cemetery Road Wickhambrook | £44,007.30 | 0 | | £44,007.30 |
| Barrow Hill Barrow | £17,868.40 | 0 | | £17,868.40 |
| C and D Marham Park, Bury St Edmunds | | | £16,348.56 | £16,348.56 |
| Totals for commuted sums 2023 to 2024 | £1,360,137.16 | £80,096.05 | £16,348.56 | £1,296,389.67 |

S106 obligations secured in 2023 to 2024

3.7. There were 18 s106 secured by West Suffolk Council in the financial year 2023 to 2024, of which five were variations to previous agreements and eight were unilateral undertakings. The obligations secured a total of 272 new homes, of which 86 are affordable homes, to be provided by a registered housing provider. The council secured its policy target of 30 per cent affordable housing within all the s106 signed in 2023 to 2024, with one exception being a site which secured 100 per cent affordable housing submitted by a housing association. There were s106 obligations secured for a new hospital in Bury St Edmunds and three sites that required land which was secured for future bird nesting.

- Number of s106 secured in financial year 2023 to 2024 - 18
- Related new homes – 272
- Related affordable homes – 86

3.8. The full list of s106 obligations secured in 2023 to 2024 is as follows.

Table 4 list of S106 obligations secured

| Planning reference | Deed type and site address | Date of deed |
|---------------------------|--|---------------------|
| DC/22/1257/VAR | Deed of Variation Land at Thelnetham Road, Hopton | 25 April 2023 |
| DC/22/0593/HYB | S106 Agreement Land at Hardwick Manor, Hardwick Lane, Bury St Edmunds | 27 April 2023 |
| DC/21/1242/OUT | S106 Agreement Land at Black Bear Lane, High Street, Newmarket | 12 May 2023 |
| DC/21/1242/OUT | Unilateral Undertaking Restoration works at Queensferry Lodge High Street Newmarket forming part of the Site known as Land at Black Bear Lane, The Former Swimming Pool, Rowley Drive, Former White Lion and Queensbury Lodge Street, Newmarket | 25 May 2023 |
| DC/21/1426/FUL | Unilateral Undertaking Land at All Saints Hotel, The Street, Fornham, St Genevieve | 27 June 2023 |
| DC/22/0593/HYB | Unilateral Undertaking Land at Hardwick Manor, Hardwick Lane, Bury St Edmunds Land at Sheepden Lane, Lindsey Land at Ash Street, Semer | 20 September 2023 |
| DC/22/1294/FUL | S106 Agreement Land off Compiegne Way, Bury St Edmunds | 5 October 2023 |
| DC/19/2145/OUT | Unilateral Undertaking Land at the Plough Inn, 62 The Street, Icklingham | 24 October 2023 |
| DC/19/2347/FUL | S106 Agreement Land East of Russet Drive, Bilberry Close and Parsley Close Manor Wood, Red Lodge | 26 October 2023 |

| | | |
|-----------------|--|---------------------|
| DC/22/0476/FUL | Unilateral Undertaking Land at Zone 2 Land West of Rougham Industrial Estate, Rougham Tower Avenue, Rougham Land Within the Rougham Estate, Bury St Edmunds | 14 November 2023 |
| DC/22/1858/FUL | Unilateral Undertaking Land at Zone 4 Land West of Rougham Industrial Estate, Rougham Tower Avenue, Rougham Land Within the Rougham Estate, Bury St Edmunds | 14 November 2023 |
| DC/23/0291/FUL | Unilateral Undertaking Land at the Garage Areas, Emmanuel Close, Mildenhall | 23 November 2023 |
| DC/13/0408/OUT | Deed of Variation Land at Hatchfield Farm, Newmarket | 21 December 2023 |
| F/2013/0394/OUT | Deed of Variation Land West of Eriswell Road, Lakenheath | 21 December 2023 |
| F/2013/0394/OUT | Unilateral Undertaking Land West of Eriswell Road, Lakenheath | 21 December 2023 |
| DC/22/1137/FUL | S106 Agreement Land North of Tayfen Road, Bury St Edmunds | 25 January 2024 |
| DC/19/1711/OUT | Deed of Variation Land West of Three Counties Way, Three Counties Way, Withersfield | 15 February 2024 |
| F/97/646/FUL | Deed of Variation Land at 17-25 Heasman Close, Newmarket | 29 February 2024 |

All s106 monies for 2023 to 2024

3.9. The following table provides an overview of all the s106 monies held by West Suffolk Council at the start of financial year 2023 to 2024, all monies paid in, all monies spent and the closing balance, shown rounded to the nearest pound. This table shows the total figures for all infrastructure items.

Table 5 all s106 monies

| West Suffolk infrastructure type | 2023 to 2024 opening balance | 2023 to 2024 received | 2023 to 2024 spent | Spend detailed in Table 2 | Year-end balance |
|---|-------------------------------------|------------------------------|---------------------------|----------------------------------|-------------------------|
| Affordable housing | £1,707,373 | £58,322 | | | £1,765,695 |
| Community facilities | £165,725 | £12,304 | £23,856 | Item 1 | £154,173 |
| Health | £988,729 | £276,738 | | | £1,265,467 |
| Public open space | £1,686,187 | £124,892 | £335,092 | Items 2 to 8 | £1,475,987 |
| Newmarket long stay car parks | £23,153 | | | | £23,153 |
| Red Lodge environmental | £37,097 | | | | £37,097 |
| Newmarket Town Centre | £126,011 | | £18,880 | Item 9 | £107,131 |
| Exning allotments | £6,473 | | | | £6,473 |
| Warden at site of special scientific interest Red Lodge | £5,292 | | £3,027 | Item 10 | £2,265 |
| Breckland Special Protection Area | £2,500 | | | | £2,500 |
| Haverhill Cemetery | £10,000 | | | | £10,000 |
| Commuted sums | £1,360,137 | £16,349 | £80,096 | Item 11 | £1,296,390 |
| New monitoring fee | 0 | £18,046 | £18,046 | Item 12 | 0 |
| Totals | £6,118,677 | £506,651 | £478,997 | | £6,146,331 |