



**Rutland**  
County Council

**Rutland County Council  
Annual Infrastructure  
Funding Statement  
for  
Community Infrastructure  
Levy and Section 106**

**Reporting Period:**

**01 April 2020  
to  
31 March 2021**



## **Summary of document**

This Infrastructure Funding Statement is an annual report required to be published by 31<sup>st</sup> December each year on the Council's website. It provides a summary of the planning obligations both financial and non-financial relating to Section 106 Legal Agreements (S106) and a financial overview of the Community Infrastructure Levy (CIL) for the reporting period.

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## 1.0 INTRODUCTION

- 1.1 This Infrastructure Funding Statement (IFS) is an annual report required to be published on the Council's website by December 31<sup>st</sup> each year, to provide a summary of the financial and non-financial developer contributions relating to Section 106 Legal Agreements (S106) and the Community Infrastructure Levy (CIL) within Rutland County Council for a given financial year. In addition we have also included information relating to highway works completed as part of new developments through Section 278 agreements (S278).
- 1.2 The 2020 IFS included in an appendix the list of infrastructure that was approved on 11 January 2016 by regulation 123 as part of the RCC CIL charging schedule. It was intended that this infrastructure would be reviewed as part of the process for adoption of a new local plan. However, in September 2021 Council determined to withdraw the submitted Local Plan and commence on the preparation of a new Local Plan for Rutland. An updated list of infrastructure projects will be prepared to coincide with the preparation of a new Local Plan, which is scheduled for submission in 2021 and adoption in 2025.
- 1.3 The 2020 IFS re recognised that it was logical to defer any spending of CIL the submitted until the Local Plan had been adopted.
- 1.4 Given the decision made to withdraw the Local Plan, then there is an imperative for the County Council to determine priorities and governance for determining the strategic element of CIL expenditure in the interim period pending the adoption of a new Local Plan. Work is ongoing to assess the likely CIL-liable development which will occur over the next 3 to 5 years, and the likely impact of this development on existing infrastructure.
- 1.5 A flow chart for the interim prioritisation of strategic CIL expenditure by the County Council is set out in Appendix A. This is based on good practice from other local authorities and will enable any spending to be focused on key infrastructure needs that will support identified growth in the interim period until the adoption of a new Local Plan. Initially, it is proposed that expenditure is focused on critical infrastructure that is necessary to unlock and enable development or is considered essential to mitigate the impact of development. Individual decisions on CIL expenditure are expected to require specific Cabinet approval.
- 1.6 The Council has taken part in the Planning Advisory Service (PAS) Stage 2 pilots for good governance for developer contributions. A final report

from this study is expected, and it is intended that the outcome of this work will advise the Council on future governance for determining the strategic element of CIL expenditure.

- 1.7 CIL annual monitoring reports for the previous financial years are published on the Council's website.
- 1.8 Please note that data on developer contributions represents estimates at a given point in time and can be subject to change. However the data reported within this document is the most robust available at the time of publication.
- 1.9 Throughout the IFS there will be references to the follow definitions:
  - **Agreed** – Contributions that have been agreed with a signed legal document. Contributions may not have been collected/delivered and if the planning applications are not implemented, they will never be received.
  - **Received** – Contributions received, either non-monetary or monetary.
  - **Allocated** – Contributions that have been assigned to specific projects.
  - **Spent/Delivered** – Monetary or non-monetary contributions that have been used as intended, either by spending the allocated funds or completing the contribution as agreed.
  - **The reported year** – unless stated otherwise, this refers to the period 01/04/2020 – 31/03/2021

## 2.0 DEVELOPER CONTRIBUTIONS

### Section 106 Planning Obligations

- 2.1 Section 106 Agreements (S106) are legal agreements containing planning obligations which can be attached to a planning permission to mitigate the impact of a development.
- 2.2 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.

They must be:

- 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.

- 2.3 For residential development CIL will largely replace off-site S106 financial obligations e.g. contributions towards off-site infrastructure such as sports provision or school places. The Council will continue to use S106 agreements to secure affordable housing from residential development and essential site specific mitigation from residential and other types of development to make them acceptable in planning terms. The Council's requirements for S106 planning obligations are set out in the Council's adopted [Core Strategy DPD](#) with additional guidance in the [Planning Obligations SPD and Cabinet Report No. 119/2016 \(21 June 2016\)](#)
- 2.4 S106 contributions can either be provided on-site, for example through the provision of affordable housing, or off-site in the form of financial payments or provision off-site.

### **Community Infrastructure Levy (CIL)**

- 2.5 Rutland County Council formally adopted the Community Infrastructure Levy (CIL) Charging Schedule at its Full Council meeting on 11th January 2016. The Charging Schedule came into effect from 1st March 2016.
- 2.6 The amount of CIL payable is determined by the scale and type of development. Indexation is applied to the CIL rates on 1 January each year and published [Council's website](#).
- 2.7 As required by the CIL regulations 121C CIL Rutland County Council will use CIL income to help deliver strategic infrastructure projects across the county - please refer to Annex A. CIL payments received by RCC are proportioned in accordance with the CIL regulations as follows;
- Administration – 5% of all CIL income is retained by RCC to pay for the systems and salaries of staff that manage CIL collection and spend processes
  - 15% of the CIL receipts collected as a result of development within a given town or parish area will be passed to the relevant Town or Parish Council (Neighbourhood CIL). Payments will be capped at £100 (indexed) per council tax dwelling per year.
  - For areas with an adopted Neighbourhood Development Plan the proportion to be passed to the Town/Parish Council (Neighbourhood CIL) is increased to 25% with no cap.

- In areas with no Town/Parish Council, the 15% of CIL must be used by the Charging Authority to support development of the relevant area.
  - 80% (or 70% if a neighbourhood plan is in place) of CIL is to be applied to strategic infrastructure.
- 2.8 A Town/Parish Council must use the CIL receipts passed to it to support the development of the Town/Parish area, or any part of that area as required by CIL regulation 59C, by funding:-
- “The provision, improvement, replacement, operation or maintenance of infrastructure; or
  - Anything else that is concerned with addressing the demands that development places on an area.

### **S278 Agreements**

- 2.9 S278 agreements under the Highways Act 1980 are legally binding agreements between the Local Authority and a third party. S278 agreements are required to make permanent alterations or improvements to a public highway including where works are required on the highway because a planning permission has been granted. As such, when a scheme is deemed to be of benefit to the public, the highway authority is able to enter into an agreement with an applicant.

### **Forecasting**

- 2.10 National guidance suggests that councils should consider reporting on estimated future income where possible. Detailed information was not available at the time of writing this report however work is currently underway to create a trajectory of development in the interim period until a new Local Plan is in place to enable the forecasting of developer contributions within future versions of the IFS.

### **Future spend of Developer Contributions**

- 2.11 S106 contributions must be spent in accordance with the terms of the legal agreement. This is likely to include but not be limited to the provision of affordable housing, highway safety schemes, improvements to community and recreation facilities, health care facilities and provision or improvement of education facilities. Please note that as the Council adopted CIL in March 2016 the number of S106 agreements that the Council enter into in respect of financial contributions has reduced significantly.

2.12 As set out in paragraph 1.7 above, the governance process of both CIL/S106 is currently under review. The Council has taken part in the Planning Advisory Service (PAS) Stage 2 pilots for good governance for developer contributions. The outcome of this work will advise the Council on future governance for determining the strategic element of CIL expenditure.

### 3.0 KEY HEADLINE DATA

3.1

S106 Agreements 2020/2021		Community Infrastructure levy 2020/2021	
Total S106 Contributions collected	<b>£32,637.77</b>	Total CIL collected	<b>£391,550.30</b>
Total S106 contributions spent	<b>£243,277.42</b>	Total CIL expenditure	<b>£83,038.19</b>
Total S106 contributions remaining to be spent on projects	<b>£3,163,609.96*</b> <i>*includes £437,379.00 maintenance sum</i>	Total CIL remaining to be spent on strategic projects	<b>£1,786,464.23</b>

### 4.0 COMMUNITY INFRASTRUCTURE LEVY (CIL) CONTRIBUTIONS

4.1 The total value of demand notices issued in the reported period is **£97,305.98**. This value is of demand notices issued within the reported period that have not been suspended or superseded by new demand notices outside of the reported period.

4.2 The total amount of CIL collected within the reported period totals **£391,550.30**.

4.3 The amount of CIL collected prior to the reported period totals **£2,012,692.13**. There has been no land or infrastructure given in kind during the reported year.

Type	Received	Unallocated
Cash	<b>£2,012,692.13</b>	<b>£1,403,586.16</b>

4.4 The total amount of CIL collected prior to the reported period and which have been allocated in the reported period in relation to cash received is

**£507,749.46** There has been no land or infrastructure in kind collected prior to the reported year.

4.5 The total CIL expenditure recorded for the reported period is as follows:

Type	Expenditure
Admin CIL	<b>£19,577.52</b>
Neighbourhood CIL	<b>£49,914.31</b>
Other CIL Cash	<b>£13,546.36</b>
<b>Total Value</b>	<b>£83,038.19</b>

4.6 The total amount of CIL allocated and not spent during the reported period is as follows, this does not include allocations made within the reported year that have been fully spent:

Type	Allocated	Spent	Remaining
Admin CIL	<b>£19,577.52</b>	<b>£19,577.52</b>	<b>£0.00</b>
Neighbourhood CIL	<b>£69,882.63</b>	<b>£1,774.38</b>	<b>£68,108.25</b>
Other CIL Cash	<b>£13,546.36</b>	<b>£13,546.36</b>	<b>£0.00</b>

4.7 The items of infrastructure on which CIL has been spent within the reported year, and the amount of CIL spent on each item is as follows:

Infrastructure	Date	Amount	Spend Description
CCG East Leicestershire and Rutland (Third Party Spend)	31 March 2021	<b>£13,546.36</b>	Expansion of Empingham Surgery

4.8

The amount of CIL collected towards administration expenses is **£19,577.52**. This was 5% of the total CIL receipts collected (**£391,550.30**) in the reported period.

Rutland County Council has set a collection percentage of 5.00%. The percentage taken may differ due to Land payments (including payments in kind and infrastructure payments) not being allocated to administration expenses, Surcharges and Late Payment Interest not being split with Neighbourhood Areas.

The amount of CIL spent on administration expenses during the reported year was **£19,577.52**. This was 5% of the total CIL collected within the reported year.

It should be noted that administrative costs include IT hardware/software, legal costs, training costs and staff salaries.

There has been no CIL allocated within the reported year which has not been spent.

- 4.9 The total amount of CIL passed to a Town or Parish Council under Regulation 59A are as follows:

<b>Town/Parish Council</b>	<b>Date</b>	<b>Amount Passed</b>
<b>Caldecott</b>	30 September 2020	£669.23
<b>Caldecott</b>	31 March 2021	£669.23
<b>Edith Weston</b>	30 September 2020	£367.02
<b>Edith Weston</b>	31 March 2021	£3,303.14
<b>Essendine</b>	31 March 2021	£210.00
<b>Great Casterton</b>	30 September 2020	£5,322.68
<b>Great Casterton</b>	31 March 2021	£5,322.68
<b>Greetham</b>	30 September 2020	£1,105.15
<b>North Luffenham</b>	31 March 2021	£8,944.38
<b>Oakham</b>	30 September 2020	£750.00
<b>Oakham</b>	31 March 2021	£1,322.49
<b>Ridlington</b>	30 September 2020	£257.87
<b>Uppingham</b>	31 March 2021	£40,654.46
<b>Whissendine</b>	31 March 2021	£984.30
	<b>Total</b>	<b>£69,882.63</b>

Payments are transferred to local councils twice a year in April and October. Therefore payments collected between the dates of 1 October to 31 March of each year are passed to local councils in the following financial year. The CIL Regulations provide further information on how Town/Parish Councils should spend and monitor their allocations of CIL. The Regulations state that if Town/Parish Councils have not spent their CIL allocations made to them within five years of receipt, Rutland County Council can ask for the monies to be returned to the strategic pot. Please refer to the Town and Parish Council Annual Monitoring Reports on the Council's website.

- 4.10 The following spends within the reported year have been passed to a third party to spend on the provision, improvement, replacement, operation or maintenance of infrastructure under Regulation 59(4):

Infrastructure	Date	Amount	Spend Description
CCG East Leicestershire and Rutland <b>(Third Party Spend)</b>	31 March 2021	<b>£13,546.36</b>	Expansion of Empingham Surgery

- 4.11 The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, for the reported year and that had not been spent is **£281,521.98**.
- 4.12 The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, from 01 March 2016 to the end of the reported year that had not been spent is **£1,786,464.23**.
- 4.13 Regulation 59E relates to CIL monies received by a Town and Parish Councils that has not been spent within 5 years of receipt, or has been spent but not in accordance with the regulations.
- 4.14 Regulation 59F relates to CIL monies received in areas which do not have local councils (i.e. Parish or Town Councils).
- 4.15 There has been no receipts or expenditure where regulations 59E and apply in the reported year.
- 4.16 The Council did not serve any notices in accordance with Regulation 59E of the CIL regulations in the reported year.
- 4.17 The amount CIL collected and that had not been spent under Regulations 59E and 59F during the reported year are as follows:

Type	Retained
<b>Regulation 59E</b>	<b>£0.00</b>
<b>Regulation 59F</b>	<b>£7,021.84</b>

4.18 The amount of CIL collected from 01 March 2016 to the end of the reported year under Regulations 59E and 59F that has not been spent is as follows:

Type	Retained
Regulation 59E	£0.00
Regulation 59F	£8,671.84

## 5.0 S106 CONTRIBUTIONS

5.1 The total amount of money to be provided under any planning obligations which were entered during the reported year is **£1,000.00**. This figure does not consider indexation (inflation/deflation) that may be applied when the money becomes due.

5.2 The total amount of money received from planning obligations during the reported year was **£32,637.77**.

5.3 The total amount of money received prior to the reported year that has not been allocated is **£1,499,827.84**.

5.4 During the reported year the following non-monetary contributions have been agreed under planning obligations:

- The total number of affordable housing units to be provided is **4 plus a potential of 23 additional affordable housing units**. Please note the potential number of affordable housing units is subject to change and will be determined by the total number of dwellings submitted on a Reserved Matters planning application.
- There have been no education provisions either on-site or off-site agreed during the reported year.

Covenant Type/Service	Deed Signed	Planning Application
Affordable Housing On-Site	25/08/2020	2019/0469/FUL
Affordable Housing On-Site	19/08/2020	2019/1228/OUT
Public Open Space/Recreation Sport and Leisure	19/08/2020	2019/1228/OUT
Highways and Transportation	01/09/2020	2019/0433/FUL
Affordable Housing On-Site	11/02/2021	2019/0525/OUT
Affordable Housing On-Site	19/08/2020	2019/1228/OUT

- 5.5 The total amount of money from planning obligations allocated towards infrastructure during the reported year was **£1,085,839.59**. Of this amount **£842,562.17.00** was not spent during the reported year.
- 5.6 The total amount of money from planning obligations spent during the reported year was **£243,277.42**. Of this amount **£118,520.27** was spent by a third party on behalf of Rutland County Council.
- 5.7 The following items have had money allocated towards them during the reported year with unspent allocations:

Infrastructure	Allocated	Date Allocated	Unspent
Barleythorpe Road Car Park	£3,196.38	12/06/2020	£3,196.38
Rutland Hopper Bus Service	£67,768.00	12/06/2020	£33,168.00
Great Casterton Primary Extension- Third Party Spend	£43,000.00	12/06/2020	£43,000.00
Rutland 'Open for Visitors' Campaign	£27,669.78	15/09/2020	£27,669.78
Affordable Housing - Brooke Road	£605,528.00	20/01/2021	£605,528.00
Affordable Housing - Derwent Drive Oakham	£80,000.01	01/12/2020	£80,000.01
Affordable Housing - Cottesmore Road, Uppingham	£50,000.00	01/12/2020	£50,000.00

- 5.8 The items of infrastructure that planning obligation money has been spent on and the amount spent are as follows:

<b>Infrastructure</b>	<b>Spent</b>	<b>Date Spent</b>	<b>Spend Description</b>
<b>Affordable Housing</b>	<b>£8,885.92</b>	<b>31/03/2021</b>	<b>Extension to existing property to provide larger accommodation.</b>
<b>Leicestershire Fire and Rescue</b>	<b>£7,933.63</b>	<b>29/04/2020</b>	<b>Maintenance of Fire Hydrants * includes third party spend</b>
<b>Rutland Hopper Bus Service</b>	<b>£34,600.00</b>	<b>31/03/2021</b>	<b>Oakham Hopper Bus Service</b>
<b>Greetham Tennis Courts Refurbishment</b>	<b>£20,411.00</b>	<b>31/03/2021</b>	<b>Refurbishment of Greetham Tennis Courts *Includes Third Party spending</b>
<b>North Luffenham Civic Amenity Waste Site</b>	<b>£27,506.81</b>	<b>31/03/2021</b>	<b>Automatic Number Plate Recognition system upgraded and construction of new egress from North Luffenham Household Waste Recycling Centre</b>
<b>Replacement of Parking Pay and Display machines (PDM)</b>	<b>£28,897.00</b>	<b>31/03/2021</b>	<b>Replacement of pay and display car parking machines</b>
<b>CCG East Leicestershire and Rutland</b>	<b>£90,175.64</b>	<b>31/03/2021</b>	<b>Empingham Surgery Expansion *Includes Third Party spending</b>
<b>North Luffenham Community Centre Refurbishment</b>	<b>£24,867.42</b>	<b>31/03/2021</b>	<b>North Luffenham village hall refurbishment</b>
<b>Total Spent</b>	<b>£243,277.42</b>		

- 5.9 There was no S106 money spent on repaying money borrowed in the reported year.

- 5.10 The Council did not request any S106 monitoring fees in the reported year. Our policy for collecting S106 monitoring fees is currently under review and we will consider the introduction of S106 monitoring fees,

where possible and appropriate, as part of the Council's annual budget setting process.

- 5.11 The total amount of money retained at the end of the reported year is **£3,163,609.96**. Of this amount retained an amount of **£437,379.00** has been retained for long term maintenance e.g. maintaining public open space.

Please refer to the table below for a breakdown of the retained maintenance amount.

Description	Amount
<b>Total collected for long term maintenance in the reported year</b>	<b>£00.00</b>
<b>Total allocated towards maintenance</b>	<b>£36,000.00</b>
<b>Total spent on maintenance</b>	<b>£00,000.00</b>

- 5.12 S106 contributions are received for specific infrastructure or service requirements generated by the related development. Please note therefore that S106 monies shown as remaining can normally only be used in line with the agreement entered into. Information on the individual Section 106 agreements entered into with the developer can be found on the [Rutland County Council Planning Public Access](#) using the planning application reference number.

## 6.0 S278 AGREEMENTS

- 6.1 The following agreements were entered into during the reported year in respect to Highways Agreements under Section 278 of the Highways Act 1980.

Planning Application	Location	Summary of S278 works	Cost
N/A	Leicester Road, Uppingham	New footpath to link 2 x Uppingham School entrances	<b>£7,766.18</b>
2019/0614/FUL	Land off Land End Way, Oakham	New vehicular access off Lands End Way and pedestrian refuge island on Lands End Way	<b>£11,541.41</b>

- 6.2 There was no infrastructure provided under a S278 highway agreement was provided during the reported year.

## 7.0 Projects



*S106 funds were used to upgrade the Automatic Number Plate Recognition system and the construction of new egress at North Luffenham Household Waste Recycling Centre. This enabled the site to operate as a one way system which was particularly helpful during the COVID pandemic and has improved the traffic flow making it more efficient and safe for both site users and staff.*



*S106 contributions enabled Greetham Parish Council to improve Greetham community facilities by the refurbishment of the tennis courts.*



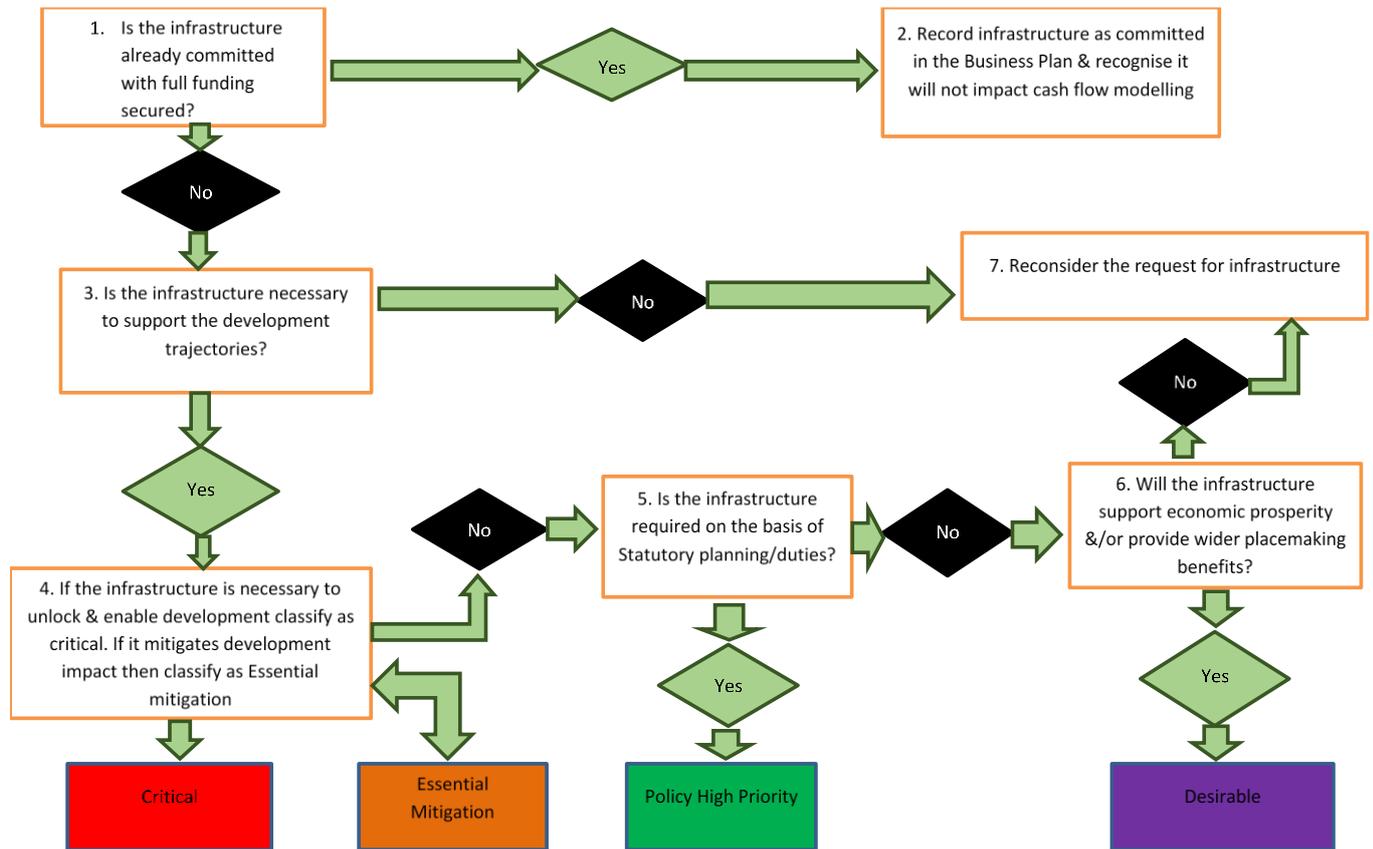
*CIL Neighbourhood funds were used by Barleythorpe Parish Council to install a defibrillator at The Old Buttercross Pub, Panniers Way, Oakham.*



*CIL Neighbourhood funds used by Uppingham Town Council to provide new play equipment at Tod's Piece, Uppingham.*

## Appendix A

### Interim prioritisation of strategic CIL expenditure



**A large print version of this document is available on request**

Rutland County Council  
Catmose, Oakham, Rutland LE15 6HP

01572 722 577  
[enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
[www.rutland.gov.uk](http://www.rutland.gov.uk)