CHESTERFIELD
BOROUGH COUNCIL

Infrastructure Funding Statement

Report for Financial Year 2021/22

December 2022

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Introduction

The Infrastructure Funding Statement sets out details of receipts from both Community Infrastructure Levy (CIL) and planning obligations (also referred to as S106 agreements) and anticipated expenditure. The intention is to provide clarity and transparency to local communities and developers on the infrastructure and expenditure and in aligning this to planned development. The Statement also offers an opportunity to re-assess CIL expenditure priorities in the light of any change in circumstances or evidence.

The CIL Regulations (2010) require CIL charging authorities to publish an annual Infrastructure Funding Statement by 31st December each year. The scope and format of the Infrastructure Funding Statement is shaped by the requirements of the CIL Regulations (2010).

This is the third Infrastructure Funding Statement for Chesterfield Borough.

This report covers the period 1st April 2021 – 31st March 2022.

The Infrastructure Funding Statement is presented in three parts:

Section 1:
The Infrastructure List
A statement of the infrastructure projects or types of infrastructure which the council intends will be wholly or partly funded by CIL

Section 2:
The CIL Report
A report on CIL income for 2021/22

Section 3:
The S.106 Report:
A report on planning obligations for 2021/22

Section 1: The Infrastructure List

1.1 The purpose of CIL is to help to provide the infrastructure needed to support the development of the Borough. CIL receipts (excluding 15% for the neighbourhood element and administration fees) are held in a centralised pot and will be used to fund the delivery of strategic infrastructure across the Borough.

1.2 The Council's Infrastructure List is a statement of the infrastructure projects or types of infrastructure which the Borough Council intends will be, or may be, wholly or partly funded by CIL.

1.3 When the Chesterfield CIL charging scheme was introduced in 2016, the Infrastructure List (known as the "Regulation 123 List") set out the types of infrastructure on which CIL revenue would be spent. The infrastructure list provided clarity on what CIL might be spent on and ensured that there was no duplication between CIL and S106 agreements in funding the same infrastructure projects, a requirement of the CIL Regulations at that time. The amendments to the CIL Regulations which took effect on 1st September 2019 deleted Regulation 123 Lists and replaced them with Infrastructure Funding Statements (IFS).

1.4 Currently there is no evidence to suggest the need for an immediate review of infrastructure spending priorities. The Infrastructure Strategy & Delivery Plan (IDP) was updated in support of the new Local Plan (adopted July 2020). The IDP identifies the essential strategic and local infrastructure which will be required at different times over the duration of the plan period to deliver the Plan strategy. It sets out what infrastructure will be needed and when, who will deliver it and how it will be funded. The IDP will continue to be updated in support of the Local Plan review. Given that the IDP was reviewed and updated in support of the Local Plan, the Infrastructure List remains consistent with the Plan's priorities and therefore the original CIL expenditure priorities remain valid, pending a further future review.

1.5 The Infrastructure List is set out below. The List will be reviewed each year and published in the annual Infrastructure Funding Statement.

Community Infrastructure Levy: Infrastructure List 2022
Infrastructure Type or Project
Strategic Green Infrastructure
• Public Open Space and/or play provision and/or improvements* • Sports and Playing Pitches* • Restoration of Chesterfield Canal • Access improvement to Green Wedges and Strategic Gaps • Biodiversity and habitat enhancement including tree planting*
Transport Infrastructure
• Improvements to A61 Chesterfield Inner Relief Road Junctions* • Chesterfield Staveley Regeneration Route • Hollis Lane Link Road • Implementation of Chesterfield Strategic Cycling Network* • Measures to improve walking, cycling and public transport provision within*: i. The A61 Corridor ii. The A619 Chatsworth Road iii. The A619 corridor through Brimington and Staveley iv. Access to Chesterfield Railway Station v. The proposed Strategic Cycle Network
Other Infrastructure
• Strategic Flood Defences and alleviation measures*
Education Provision
• Provision of additional pupil capacity in existing schools and contributions to a new school or schools to address shortfalls in capacity arising from new housing growth
**Excluding Site Specific measures arising as a result of specific development proposals, subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following:* *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; and* *c) fairly and reasonably related in scale and kind to the development.*

Part 2: The CIL Report

2021/22

2.0 Background

2.1 The Community Infrastructure Levy (CIL) is a mechanism to allow local planning authorities to raise funds from new development, to contribute to the cost of infrastructure projects that are, or will be, needed to support new development.

2.2 The Community Infrastructure Levy Regulations 2010 (as amended) (Regulation 62) require Infrastructure Funding Statements to include a report on specific items of CIL income and expenditure for each financial year. Parish and Town Councils must produce their own CIL reports (under Regulation 62A).

2.3 CIL took effect in Chesterfield Borough on all CIL-liable development which was granted from 1st April 2016. Therefore 2021/22 is the sixth financial year in which CIL has been charged and in which CIL payments were collected.

CIL Expenditure

CIL Strategic Fund

2.4 The following strategic CIL expenditure was committed in 2021/22

Applicant	Project	Evidence of need / support for planned growth	Value of funding award (£)
Derbyshire County Council (Country-side)	Resurfacing of Chesterfield Canal towpath; Bilby Lane-Hollingwood Hub	Proposal supports sustainable travel initiatives. Planned developments at Inkersall & Brimington and along Staveley regeneration corridor adjacent to canal	**70,000**
Derbyshire County Council (Signals)	Upgrade to existing Brimington High Street signal controller – phase 1	Proposal contributes to wider strategy to improve air quality in Brimington AQMA. Planned developments at Inkersall & Brimington and along Staveley regeneration corridor	**30,000**
Chesterfield Canal Trust	Bridge for Trans-Pennine Trail crossing over canal between Eckington Rd & Bellhouse Lane, Staveley (Design)	Established through IDP & in adopted Local Plan	**50,000**
TOTAL			**£150,000**

2.5 Future CIL expenditure will take place in accordance with the CIL Expenditure Strategy (approved by Cabinet in July 2018) (https://www.chesterfield.gov.uk/media/759153/cil-expenditure-strategy.pdf). The CIL Expenditure Strategy sets out the process which the Council will follow in identifying the specific items of infrastructure upon which CIL revenue will be spent to support growth and development across the Borough.

2.6 In future reporting years where there are monies that have been spent/transferred, the Infrastructure Funding Statement will set out the details. The Council has approved further expenditure during 2022/23 and this will be reported in the next Infrastructure Funding Statement.

CIL Neighbourhood Portion

2.7 The Community Infrastructure Levy Regulations (Regulation 59A) place a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This is known as the neighbourhood portion.

A. Parish Areas

2.8 The 2010 Regulations require charging authorities to pass the 15% of CIL receipts directly to parish councils where the chargeable development has taken place. Parishes can contribute towards strategic projects but are autonomous in taking spending decisions.

2.9 In the two parish areas of the Borough, Staveley and Brimington, the neighbourhood portion of CIL receipts is passed to Staveley Town Council or Brimington Parish Council where chargeable developments take place in their areas. Staveley Town Council or Brimington Parish Council have a duty to report annual CIL income and expenditure.

B. Non-Parish Areas

2.10 Where CIL-chargeable development takes place in a non-parish area, the Council retains the levy receipts but must spend the neighbourhood portion on, or to support, local infrastructure, or anything else that is concerned with addressing the demands that development places on an area. Funds from the neighbourhood portion can be used for a wider range of spending than is the case with the strategic portion.

2.11 A CIL Neighbourhood Fund has been established to fulfill this purpose, managed through the Chesterfield Health & Wellbeing Partnership. As this approach had been used for a number of years, a review was started during 2021/22 to consider if the process could be improved. During the review a significantly opportunity emerged around UK Shared Prosperity Funding (UKSPF), with a funding prospectus being published by Government in April 2022. In August 2022 a provisional settlement was agreed for Chesterfield Borough Council and a draft investment plan was submitted. This included a proposal to co-ordinate the CIL neighbourhood fund and UKSPF to maximise outcomes for communities across both funds. Confirmation of funding was delayed but we expect to operate a combined scheme during 2023/24.

CIL Receipts

2.13 CIL contributions are payable upon commencement of all CIL-liable schemes permitted since 1st April 2016. CIL revenues have accumulated steadily as further CIL-liable developments have reached commencement stage. Table 1 below shows a summary of the CIL monies received in 2021/22 financial year. A more detailed breakdown is provided in Table 2.

Table 1: Chesterfield Community Infrastructure Levy Scheme 2021/22: Summary of CIL receipts:

Total CIL receipts collected (2021/22) £	Admin portion (5%) £	Neighbourhood portion (parished & non-parished areas) (15%) £ [1]	Strategic portion (80%) £	CIL Receipts from previous years retained (2016-2021) [2] £	Amount spent (2021/22) £	Strategic Amount retained and available 80%)[3] (2016-22) £
819,075	40,953.75	122,861.25	655,260.00	860,864	150,000	1,366,124

[1] (or £100 per dwelling)
[2] Regulation 121A 1(l) (ii) of the Community Infrastructure Levy Regulations 2010 (as amended) requires a charging authority to report the amount of CIL from previous years retained at the end of the reported year
[3] Regulation 62 4(d) of the Community Infrastructure Levy Regulations 2010 (as amended) requires a charging authority to report the total amount of CIL receipts retained at the end of the reported year.

Table 2: Chesterfield Community Infrastructure Ley Scheme 2021/22: Detailed breakdown

Details	%	£
Total value of CIL set out in all demand notices issued during **2021/22**[4]		**1,438,540**
Total amount of CIL receipts for 2021/22[5]		**819,075**
Total amount of CIL receipts, collected before 2021/22 but which have not been allocated[6]		**860,864**
Total amount of CIL receipts, collected before 2021/22 and which have been allocated in the reported year[7]		**150,000**
Total amount of CIL expenditure for 2021/22[8]		**50,000**
Total amount of CIL receipts, whenever collected, which were allocated but not spent during 2021/22[9]		**100,000**
(g) in relation to CIL expenditure for 2021/22 the reported year, summary details of[10]—		
(i) Items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item;		**50,000**
(ii) Amount of CIL 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);		**0**
(iii) Amount of CIL spent on administrative expenses during 2021/22	**5**	**40,953.75**

[4] 1(a) the total value of CIL set out in all demand notices issued in the reported year.

[5] 1(b) the total amount of CIL receipts for the reported year.

[6] 1(c) the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated.

[7] 1(d) the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year.

[8] 1(e) the total amount of CIL expenditure for the reported year;
[9] 1(f) the total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year.

[10] 1(g) in relation to CIL expenditure for the reported year, summary details of—
(i) the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item;
(ii) the amount of CIL 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 CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation;

(h) in relation to CIL receipts, whenever collected, which were allocated but not spent during 2021/22, summary details of items of infrastructure on which CIL (including land payments) has been allocated, and amount of CIL allocated to each item[11];		**n/a**
(i) the amount of CIL passed to[12]:		
(i) Staveley Town Council (ii) Brimington parish council	**15**	**7,214.85** **27,547.16**
(ii) any other person		**0**
(j) Details of receipt and expenditure of CIL repaid by local councils during 2021/22 and applied during 2021/22[13]: (i) total CIL receipts; (ii) infrastructure to which CIL receipts has been allocated/ spent		**Nil** **0** **n/a**
(k) summary details of any notices served on local councils[14], including: (i) Total value of CIL receipts requested from each parish council; (ii) Any funds not yet recovered from each parish council at end of year		 **0** **0**
(l) Total amount of[15]:		
(i) CIL receipts for the reported year retained at the end of the reported year (other than those passed to local councils);		**1,366,124**
(ii) CIL receipts from previous years retained at the end of the reported year (other than those passed to local councils)		**860,864**
(iii) CIL receipts for the reported year recovered from local councils		**0**

[11] 1(h) in relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item;
[12] 1(i) the amount of CIL passed to—
(i) any parish council under regulation 59A or 59B; and
(ii) any person under regulation 59(4);
[13] 1(j) summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including—
(i) the total CIL receipts that regulations 59E and 59F applied to;
(ii) the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item;
[14] 1(k) summary details of any notices served in accordance with regulation 59E, including—
(i) the total value of CIL receipts requested from each parish council;
(ii) any funds not yet recovered from each parish council at the end of the reported year;
[15] 1(l) the total amount of—
(i) CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied;
(ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied;
(iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year;
(iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year.

retained at the end of the reported year;		

Table 3: CIL–Liable Development: Monies Received 2021/22

Planning application/ CIL Reference	Location (Ward/ Parish)	Invoices raised for CIL in 2021/22	Amount of CIL paid in 2021/22 £	Outstanding CIL to be paid in 2022/23
CHE/17/00416/FUL	West / None	0	28,580	0
CHE/16/00486/OUT; CHE/17/00130 REM	Hasland/ None	4,130	4,130	0
CHE/18/00361/FUL	Hasland/ None	5,998	5,998	0
CHE/19/00730/FUL	Brockwell/ None	8,002	8,002	0
CHE/17/00634/OUT; CHE/20/00195/REM	Lowgates & Woodthorpe/ Staveley	13,888	13,888	0
CHE/19/00200/FUL	Holmebrook /None	24,997	24,997	0
CHE/18/00432/FUL	St Helens /None	27451	27,451	0
CHE/18/00779/FUL/ CHE/19/00229/FUL	St Leonards /None	39,807	39,807	0
CHE/19/00229/FUL	St Leonards /None	19,483	19,483	0
CHE/20/00456/FUL	Brimington North /Brimington	2,319	2,319	0
CHE/18/00787/FUL	St Leonards /None	7,044	7,044	0
CHE/18/00859/FUL	Middlecroft & Poolsbrook /Staveley	0	31,851	0
CHE/19/00292/FUL	St Leonards /None	3,730	3,730	0
CHE/21/00813/REM1	St Leonards /None	288	288	0
CHE/20/00305/FUL	Walton/	489,119	366,839.25	122,279.75

	None			
CHE/20/00869/REM	Brimington South /Brimington	725,315	181328.75	543,986.25
CHE/20/00249/FUL	Rother/ None	11,539	11,539	0
CHE/20/00078/FUL	Rother/ None	41750	41750	0
Total			819,075	

Part 3: The S.106 Report

3.1 Planning obligations are an important funding stream to help provide the infrastructure needed to support new growth and development. Planning obligations are also referred to as 'Section 106 Agreements' or 'developer contributions'.

3.2 A planning obligation is a legal obligation under Section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a new development. S106 agreements are most commonly agreed between the local authority and a developer and are attached to a planning permission.

3.3 Planning obligations help to mitigate the impact of a 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)[16] and in paragraph 56 of the NPPF. The legislation requires that every planning obligation 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.

3.4 In addition to the Borough Council entering into planning obligations, Derbyshire County Council is also responsible for delivering and operating specific areas of large-scale infrastructure required to support development, including 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 is also required to publish its own Infrastructure Funding Statement. The Borough Council works closely with the County Council's Planning Services to identify the impact of proposed development and ensure the infrastructure requirements needed to support development are identified through the Local Plan process.

3.5 The S.106 Report for 2021/22 is set out below. The details are based on the requirements of the CIL Regulations 2010 (as amended).

[16] **Regulation 122 Community Infrastructure Levy Regulations 2010 (as amended)**

Table 4: Summary of S.106 agreements 2021/22:

Newly Secured Money	£
Total amount of S.106 money signed up in new legal agreements during 2021/22	
	153,300

Money held by the Council	£
Total amount of S.106 monies received from developers during 2021/22	230,575.14
Total amount of S.106 monies held from previous years	1,060,065.32

Money Spent by the Council	**£**
Total amount of S.106 monies spent by the Council (or transferred to another body to spend) during 2021/22	47,261.40

Table 5: Detailed breakdown of S.106 agreements 2021/22:

a)	**The amount of money to be provided under any planning obligation which was entered into during 2021/22**

Purpose	**£**
Affordable Housing:	124,800
Green Space:	0
Sports Provision:	0
Public Art:	25,000
Education:	0
Highways:	3,500
Travel Plans:	0
Health:	0
Miscellaneous	0
TOTAL	153,300

b)	The total amount of money received under any planning obligation during 2021/22

Purpose	**£**
Affordable Housing:	96,960.85
Green Space:	20,556.29
Sports Provision:	0
Public Art:	35,000
Education:	0
Highways:	0
Travel Plans:	0
Health:	78,058
Miscellaneous	0
TOTAL	230,575.14

c)	The total amount of money under any planning obligation which was received before 2021/22, which has not been allocated by the authority

Purpose	**£**
Affordable Housing:	0
Green Space:	0
Sports Provision:	0
Public Art:	0
Education:	0
Highways:	0
Travel Plans:	0
Health:	0
Miscellaneous	0
TOTAL	Nil

d)	Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during 2021/22, including

		Comment
(i) in relation to affordable housing, the total number of units which will be provided		6
(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		**0**

e)	The total amount of money (received under any planning obligations) which was allocated but not spent during 2021/22 for funding infrastructure

Purpose	**£**
Affordable Housing:	96,960.85
Green Space:	20,556.29
Sports Provision:	0
Public Art:	35,000
Education:	0
Highways:	0
Travel Plans:	0
Health:	78,058
Miscellaneous	0
TOTAL	230,575.14

f)	**The total amount of money (received under any planning obligations) which was spent by the authority during 2021/22 (including transferring it to another person to spend);**

Purpose	**£**
Affordable Housing:	0
Green Space:	0
Sports Provision:	38800.00
Public Art:	7630.10
Education:	0
Highways:	0
Travel Plans:	0
Health:	0
Miscellaneous	831.30
TOTAL	47,261.40

g)	In relation to money (received under planning obligations) which was allocated by the authority but not spent during 2021/22, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item

Purpose	**£**
Affordable Housing:	96,960.85
Green Space:	20,556.29
Sports Provision:	0
Public Art:	35,000
Education:	0
Highways:	0
Travel Plans:	0
Health:	78,058
Miscellaneous	0
TOTAL	230,575.14

Table 6 below summarises developer contributions allocated to projects in 2021/22

Application Reference	S.106 date	Address	Financial	Non- Financial
CHE/16/00114/OUT	28/03/2022	Site Adjacent to Carpenter Avenue		• Affordable Housing • % for Art
CHE/18/00764/FUL	10/12/2021	Oldfield Farm		Wildlife Enhancement
CHE/20/00159/FUL	26/11/2021	Land off St Augustines Road		• % for Art
CHE/17/00263/FUL	26/11/2021	Land to West of Bevan Drive Inkersall	• % for Art (£25,000)	Deed of Variation of previous agreement
CHE/20/00314/FUL	29/09/2021	Land at Basil Close	• TRO (£3,500) • Affordable Housing (£124,800)	

h)	Summary of money (received under planning obligations) which was spent by the authority during 2021/22 (including transferring to another body to spend)

Purpose	£
Affordable Housing:	0
Green Space:	0
Sports Provision:	0
Public Art:	0
Education:	0
Highways:	0
Travel Plans:	0
Health:	0
Miscellaneous	0
TOTAL	NIL

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);	Nil
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;	Nil

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	**£**
Affordable Housing:	130,960.85
Green Space:	173,063.76
Sports Provision:	0
Public Art:	322,261.42
Education:	159,586.14
Highways:	95,000.00
Travel Plans:	0
Health:	78,058
Miscellaneous	250,468.52
TOTAL	1,209,398.69

Details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year.	Not applicable
Details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year.	Not applicable

Monitoring and Review

The information in the Infrastructure Funding Statement will feed into the review of the Chesterfield Local Plan and future CIL reviews to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the Local Plan.

Further information:

Relevant links on the Council's website:	
Chesterfield Local Plan	https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan.aspx
Community Infrastructure Levy	https://www.chesterfield.gov.uk/planning-and-building-control/planning-permission-and-development-management/community-infrastructure-levy.aspx
Infrastructure Strategy & Delivery Plan	https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/evidence-base/infrastructure-study-and-delivery-plan.aspx
Development Management	https://www.chesterfield.gov.uk/planning-and-building-control/planning-permission-and-development-management.aspx
Authority Monitoring Report	https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/authority-monitoring-report.aspx