

Rother District Council

INFRASTRUCTURE FUNDING STATEMENT

2021/22

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1 Introduction

- 1.1 This report provides information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in the Rother District, and the subsequent use of those contributions by Rother District Council (RDC). The report covers the financial year 1 April 2021 – 31 March 2022, for the purposes of this report, this is known as the ‘funding year’. This is the third Infrastructure Funding Statement produced by RDC in line with Regulation 121A¹ and sets out the Community Infrastructure Levy (CIL) and Section ‘106’ which has been collected by RDC and those monies which have also been spent over the funding year.
- 1.2 Rother seeks developer contributions from relevant development through the CIL and Section 106 agreements (also known as “planning obligations”).
- 1.3 The structure of this report utilises the template provided by the Ministry of Housing, Communities and Local Government (MHCLG) published on the 20 November 2020.

CIL

- 1.4 The power to develop a CIL was introduced in 2010 and has been charged in Rother since April 2016. CIL is a set charge, based on the gross internal area floorspace of buildings, on most new development to help fund the infrastructure needed to address the cumulative impact of development across our area. Our adopted CIL [Charging Schedule](#) sets out our CIL charging rates.
- 1.5 The total CIL collected by RDC is divided into Strategic and Local CIL. Local planning authorities must use Strategic CIL to fund *‘the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area’*. There is also a neighbourhood portion of CIL – known as ‘Local CIL’ – which is similarly able to fund infrastructure but can also fund *‘anything else that is concerned with addressing the demands that development places on an area’*. Under ‘Local CIL’, a CIL charging authority (RDC) must pass 15% of Local CIL received to the Parish Council for the area where a CIL liable development takes place, rising to 25% if the Parish has a ‘made’ Neighbourhood Plan in place. In unparished areas, the CIL charging authority can spend equivalent amounts in the locality, following engagement with local communities.

Planning Obligations

- 1.6 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a negotiated agreement – a planning obligation – to mitigate the impact of a specific development, to make it acceptable in planning terms. The planning obligation might, for example, require the provision or contribution to a new or improved road, school, health facility or local green infrastructure. Local planning authorities can also seek planning obligations to secure a proportion of affordable housing from residential

¹ Regulation 121A - [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#)

developments. In some instances, Section 106 planning obligations may require payments to be made to parish councils.

2 Community Infrastructure Levy Report

A CIL charge is payable either within 60 days of the commencement of a development, or within the terms of an instalment policy set by the CIL charging authority. In Rother, CIL is payable as follows:

Amount of CIL Liability	Number of Instalments	Payment Periods and Amounts
Any amount less than £50,000	1	100% payable within 60 days of commencement
Amounts from £50,000 to £300,000	2	50% payable within 120 days of commencement A further 50% payable within 360 days of Commencement (or upon completion of development if earlier)
Amounts over £300,000	3	30% payable within 60 days; A further 35% payable within 420 days, and The final 35% payable within 660 days (or upon completion of development if earlier).

The Council adopted the [Instalment Policy](#) on 4 April 2016.

2.1 Headline Figures

CIL invoiced (set out in Demand Notices ²) in 2021/22	£2,004,227.80
CIL receipts³ received in 2021/22 (collected within the funding year)	£2,192,589.46
CIL receipts that CIL regulations 59E and 59F applied to ⁴	£0
CIL expenditure⁵ in 2021/22	£491,834.97
CIL retained⁶ at end of 2021/22 (4 th April 2016 to 31 st March 2022)	£5,234,041.89

² Includes any late payment or other surcharges, and interest, included in Demand Notices.

³ Total CIL receipts during reported year which includes any land and infrastructure “payments” received as “In-Kind” CIL payments; any CIL receipts subsequently set aside for CIL administration and ‘Local CIL’ purposes; any CIL surcharges/interest received, and CIL received for any other reason other than CIL collected on behalf of another CIL charging authority.

⁴ The total amount of CIL that was relevant to **CIL regulation 59E** (CIL previously paid to a parish or town council under CIL Regulation 59A or 59B which has subsequently been recovered from that parish Council) and **CIL regulation 59F** (a proportion of CIL that may be set aside to spend in the locality of a CIL liable development, which would otherwise have been paid to a parish or town council if such a council existed in the area where the CIL charge was incurred) .

⁵ Actual CIL expenditure during the reported year, regardless of when received, including ‘Local CIL’ allocations both where spent by the charging authority under CIL regulation 59E and 59F, and where passed to parish/town councils under regulation 59A or 59B), whether subsequently spent or not. Also includes CIL passed to external organisations under regulation 59(4) whether subsequently spent or not; CIL spent on administration of CIL; CIL “expenditure” in regard to any land and infrastructure payment received as “In-Kind” CIL payments from the point any development on the land is commenced or completed, and CIL refunded due to overpayments.

⁶ Total CIL retained – whenever received and including CIL retained to which regulation 59E and 59F applied (note: ‘Total CIL retained’ is not a regulatory reporting requirement in itself, but suggested it is included for greater clarity - the combined (regulatory) reporting requirements in items 2.4(f) to 2.4(i) in this report also cover the total amount retained.

2.2 CIL infrastructure expenditure⁷ in 2021/22

Summary details of the items of infrastructure on which CIL (including land payments) has been spent in 2021/22, and the amount of CIL spent on each item:

Infrastructure Project/Type	CIL allocated
Ticehurst Village Centre	£40,000.00
Sidley Recreation Ground Project	£145,231.72
Total	£185,231.72



Official opening of the Sidley Recreation Ground Project (photo courtesy of Canvas Spaces)

2.3 Other CIL expenditure in 2021/22

- a) Total amount of CIL spent in 2021/22 on repaying money borrowed, including any interest, and details of the items of infrastructure which that money was used to provide (wholly or in part):

£0

- b) Total amount of CIL spend on administrative expenses in 2021/22 and that amount expressed as a percentage of the total CIL received in 2021/22:

£100,211.39 (4.57%)

⁷ 'Infrastructure expenditure' mainly relates to CIL spent by the reporting authority but this section can include details of infrastructure provision undertaken by an external organisation who has been passed CIL funds by the reporting authority under regulation 59(4). The reporting authority should clearly specify in this section any infrastructure provision relevant to regulation 59(4).

- c) The amount of CIL passed to any parish or town council under CIL regulations 59A and 59B in 2021/22:

Parish/Town Council	CIL amount paid
Battle Town Council	£133,343.14
Brede Parish Council	£19,529.89
Camber Parish Council	£8,768.40
Catsfield Parish Council	£17,988.77
Crowhurst Parish Council	£1,271.45
Etchingham Parish Council	£3,780.00
Ewhurst Parish Council	£4,020.55
Guestling Parish Council	£1,670.07
Hurst Green Parish Council	£4,554.55
Icklesham Parish Council	£1,008.38
Northiam Parish Council	£7,192.80
Playden Parish Council	£1,377.29
Rye Town Council	£1,770.60
Udimore Parish Council	£115.98
Total	£206,391.87

- d) The amount of CIL passed to external organisations (other than parish/town councils) under CIL regulation 59(4):

£0

- e) Summary details of the expenditure of CIL on infrastructure, to which CIL regulations 59E or 59F applied during 2021/22:

None

2.4 CIL receipts retained (allocated⁸ and unallocated)

- a) The total amount of CIL receipts, received prior to 2021/22, which had been allocated (to an infrastructure project or item), but not spent, by the end of 2021/22:

£432,669.28

- b) The total amount of CIL receipts, received prior to 2021/22, which had not been allocated (to an infrastructure project or item) by the end of 2021/22:

£3,436,601.42

- c) The total amount of CIL receipts, whenever collected including 2021/22, which were allocated (whether allocated prior to or during 2021/22) but not spent during 2021/22:

£432,669.28

⁸ 'Allocated' means CIL sums retained by the reporting authority which have, or will be, passed to an internal team to fund a specific infrastructure project or infrastructure type.

- d) Summary details of the infrastructure projects or items to which CIL receipts, whenever collected including 2021/22, have been allocated (but not spent) and the amount allocated to each item:

Infrastructure Project/Type	CIL allocated
London Road Improvement Project, Bexhill – East Sussex County Council	£300,000.00
Sidley Recreation Ground Project, Bexhill - RDC	£47,669.28
Ticehurst Village Centre Project - Ticehurst Parish Council	£85,000.00
Total	£432,669.28

- e) Summary details of any Notices served in accordance with regulation 59E (to recover CIL previously passed to a parish or town council) and whether sums had been recovered by end of 2021/22:

None

- f) CIL receipts received in 2021/22 retained at the end of 2021/22 (other than those to which CIL regulation 59E and 59F applied):

£1,885,986.21

- g) CIL receipts received before 2021/22 retained at the end of 2021/22 (other than those to which CIL regulation 59E and 59F applied):

£3,348,055.68

- h) CIL receipts received in 2021/22 to which CIL regulation 59E or 59F applied, retained at the end of 2021/22:

£0

- i) CIL receipts received prior to 2021/22 to which CIL regulation 59E or 59F applied, retained at the end of 2021/22:

£0

2.5 The (CIL) Infrastructure List

“a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”)”

The Council’s IFS is informed by the most up-to-date Infrastructure Delivery Plan (IDP), which was last published in 2019 along with the Infrastructure Priority List which is used for CIL governance purposes. The Infrastructure Priority List is comprised of priority, feasible and costed items from the IDP, along with additional projects identified through annual and regular contact with Town & Parish Council’s and Infrastructure Providers, and from expressions of interest for inclusion on the list. A new IDP will be prepared as part of the evidence base to support the new emerging Rother Local Plan.

The purpose of an IDP is to identify and assist with managing the provision of infrastructure required to support development set out in the adopted or emerging Development Plan. The current Development Plan comprises: The Core Strategy (adopted 2014); the Development and Site Allocations (DaSA) Local Plan (adopted 2019); and 'Made' Neighbourhood Plans for Battle; Burwash, Crowhurst; Rye; Salehurst and Robertsbridge; Sedlescombe; and Ticehurst.

It is important to clearly identify what infrastructure is needed to deliver the development set out within the Development Plan. Much of the infrastructure will be delivered within the district boundary but other elements may cross boundaries, be deliverable by several providers and benefit development in more than one planning authority.

The current IDP Schedule identifies infrastructure fundamental to the delivery of the objectives and spatial strategy of the Core Strategy. It identifies both the infrastructure required to support the level and distribution of development proposed in the Local Plan and also those infrastructure improvements that are required to resolve existing deficiencies and promote sustainable communities. For the purposes of this IFS, the existing IDP (2019) will be used as a basis for making decisions relating to key infrastructure as required by the 'infrastructure list' as set out in Regulation 121A. Further details, setting out the outputs, justification, lead bodies, approximate costs, funding, timeframe for delivery etc can be found in the [IDP](#) Schedule.

Since the last IFS was published, Rother District Council has continued early engagement on the new Local Plan that will cover the period 2019-2039, as the current Core Strategy Local Plan is now more than 5 years old, having been adopted on 29 September 2014. As part of this work, the Council is in the process of preparing its proposed development strategy and updating the IDP. The Council has begun early engagement with Infrastructure Bodies to start to obtain up-to-date information regarding infrastructure provision within the District before formal consultation takes place for the Regulation 18 stage of the Local Plan review process, in 2023.

2.6 Strategic CIL Allocations Panel

The Council has approved an updated process for allocating the strategic portion of CIL. The Governance Arrangements & Funding Decision Protocol, which sets out this process, was approved by Council on 31 January 2022. This protocol details how the Strategic CIL Allocations Panel, which is comprised of Members with officer support, will invite, prioritise and allocate strategic CIL funding. The funding will be allocated from three funding pots, which will fund different types and locations of infrastructure priorities, including one pot which is specifically designated for projects which mitigate against the climate emergency.

The Panel will invite applications for funding from infrastructure projects on the Infrastructure Priority List and then consider and decide whether to allocate funding. The Panel will follow the decision making and prioritisation guidance set out in the Funding Decision Protocol to assess each application, they will also be informed by officer assessments and recommendations. The decisions of the Panel will require approval, via delegated authority, from the Chief Executive. Projects for which funding is allocated will enter into Funding Agreements and be subject to regular and ongoing monitoring

3 Section 106 (Planning Obligations) Report

3.1 Headline Figures

Monetary Contributions

Total money to be provided through planning obligations agreed in 2021/22	£43,326.01
Total money received through planning obligations (whenever agreed) in 2021/22	£990,492.72
Total money , received through planning obligations (whenever agreed), spent ⁹ in 2021/22	£97,666.70
Total money , received through planning obligations (whenever agreed), retained ¹⁰ at the end of 2021/22 (excluding “commuted sums” for longer term maintenance)	£3,266,609.28
Total money , received through planning obligations (whenever agreed), retained at the end of 2021/22 as “commuted sums” for longer term maintenance only	£0

Non-Monetary Contributions

Total number of affordable housing units to be provided through planning obligations agreed in 2021/22	115
Total number of affordable housing units which were provided ¹¹ through planning obligations (whenever agreed) in 2021/22	64
Total number of school places for pupils to be provided through planning obligations agreed in 2021/22	Zero
Total number of school places for pupils which were provided ¹² through planning obligations (whenever agreed) in 2021/22	Zero

⁹ “spent” includes sums transferred to an external organisation to spend but does not include sums held internally, whether allocated or otherwise to a specific infrastructure project or type.

¹⁰ ‘Retained’ refers to S106 sums remaining unspent and therefore includes sums both ‘allocated’ and ‘unallocated’.

¹¹ Not a regulatory requirement but it is suggested that authorities, for clarity and transparency, report on this

¹² Not a regulatory requirement but it is suggested that authorities, for clarity and transparency, report on this item

3.2 Section 106 infrastructure expenditure¹³ in 2021/22

Summary details of the items of infrastructure on which money received through planning obligations (whenever received) has been spent in 2021/22, and the amount of money, received through planning obligations, spent on each item:

Item of Infrastructure	Planning obligation spent
Unit 10 Ravenside: Cabinet Approved Spend CB20/121 Bexhill Town Centre Bexhill Railway Footbridge Planning Permission	£696.00
Worsham Farm: Combe Valley Countryside Park	£61,145.10
Cricketers Field, Staplecross: Playspace contribution	£7,541.42
Total	£69,382.52

3.3 Other expenditure of planning obligations receipts in 2021/22

- a) Total amount of money, received through planning obligations (whenever agreed and money received), spent in 2021/22 on repaying money borrowed, including any interest, and details of the items of infrastructure which that money was used to provide (wholly or in part):

£0

- b) Total amount of money, received through planning obligations (whenever agreed and money received), spend in 2021/22 in respect of monitoring (including reporting under CIL regulation 121A) in relation to the delivery of planning obligations:

£28,284.18 – in relation to planning obligations from Worsham Farm (RR/2015/1760/P)

3.4 S106 receipts retained (allocated¹⁴ and unallocated)

- a) The total amount of money, received through planning obligations prior to 2021/22, which had not been allocated (to an infrastructure project or item) by the end of 2021/22:

£0

- b) The total amount of money, received under any planning obligation in any year, which had been allocated (to an infrastructure project or type) for spending by the end of 2021/22 but which had not been spent:

¹³ Reporting authorities should report sums transferred to external organisations in this section (as such sums are regarded as “spent” in the regulations) and can add details of the infrastructure provided in regard to such transfers of money, where the sums have subsequently been spent.

¹⁴ ‘Allocated’ means S106 sums retained by the reporting authority which have, or will be, passed to an internal team to fund a specific infrastructure project or infrastructure type.

£3,266,609.28

- c) Summary details of the infrastructure projects or items to which receipts from planning obligations, whenever collected including 2021/22, have been allocated (but not spent) and the amount allocated to each item:

Infrastructure Project/Type	Planning Obligation funds allocated
Ferry Road, Rye: Greenway Contribution to the provision of a cycleway to link to Ferry Road, Rye	£45,000.00
Gould Drive/Moor Lane, Westfield: Local Sustainable Accessibility and Improvements Contribution	£21,791.95
Woodlands Way, Land at Westfield & Westridge, Countrycrafts, Robertsbridge: Affordable Housing	£55,662.88
Rock Lane: Affordable Housing	£111,146.73
Broom House, Flimwell: Affordable Housing	£50,000.00
Land Adj to Watch Oak House, Chain Lane, Battle: Affordable Housing	£85,438.50
Lillybank, Battle: Affordable Housing	£46,701.38
Unit 10 Ravenside, Bexhill-on-Sea	£883,357.54
Land off Pebsham Lane, Bexhill-on-Sea: Leisure Centre/Open Space Art & public realm contribution Community Worker contribution Starter employment units within Bexhill	£709,333.47: £411,443.07 £193,280.00 £27,540.00 £77,070.40
Station Road Northiam: Improvements of Northiam Recreation Ground Contribution towards extension to cemetery	£217,703.80: £167,334.80 £50,369.00
The Saltings: Creation of area of saltmarsh in the Rother Estuary	£36,853.45
Ambers Rise: Provision of offsite Play Space	£653.00
Worsham Farm: Countryside Park Leisure facilities Off site Open Space Off site Open Space	£736,882.14: £157,888.22 £234,009.96 £322,703.87 £22,280.09
Barnhorn Road: Leisure centre	£266,084.44
Total	£ 3,266,609.28