

Nottingham City Council

Annual Infrastructure Funding Statement 2022-23



January 2025



Nottingham
City Council

Quick Guide to the Infrastructure Funding Statement 2022-23

The Community Infrastructure Levy (CIL) Regulations require all local planning authorities that enter into Section 106 planning obligations during a reporting year to publish an annual Infrastructure Funding Statement (IFS). The IFS should, as a minimum, include the information set out in [Schedule 2 to the Community Infrastructure Levy Regulations 2010](#) (as amended). This is the fourth IFS for Nottingham City and it covers the reporting period of **1 April 2022 to 31 March 2023**.

The IFS should give communities better insight into how Nottingham City Council has maximised the benefits and opportunities arising from development, such as new affordable homes, education and open space improvements and other infrastructure using money provided by developers as part of the planning process.

Contents

1.0	Introduction	1
	Key headlines from the statement	2
	Planning Obligations.....	2
	Planning Reform – new nationally set Infrastructure Levy?.....	4
2.0	Planning Obligations Report	5
	Local Plan Policies	5
	Supplementary Planning Documents/Guidance.....	12
	S106 Estimator Tool.....	13
	Use Class Order Changes.....	14
	Viability.....	14
	Infrastructure Funding Statement Requirements	14
3.0	Headline Figures	16
	Summary of Developer Contributions	16
	Monetary Contributions	16
	Monetary Contributions – Provided (Agreed) in 2022/23 per category	16
	Monetary Contributions – Received (paid) in 2022/23 per category	17
	Developer Contributions spent (expenditure) in 2022/23 per category.....	18
	Non-Monetary Contributions.....	22
	Example of Infrastructure Funding by Developer Contributions	22
	Other Infrastructure Funded by Planning Agreements in 2022/23.....	25
	Other Expenditure of Planning Obligation Receipts in 2022/23.....	25
	S106 Monitoring and Administration Costs	25
	Forecasting	26
	Planning Obligation receipts retained (Allocated and unallocated).....	27
	Other Allocated receipts from Planning Obligations	27
4.0	Conclusions	29
	Appendix 1: The Regulatory Requirements for Infrastructure Funding Statements....	30
	Appendix 2: List of Schedule 2 requirements for Section 106 Report of Infrastructure Funding Statements.....	31
	Glossary	32

1.0 Introduction

- 1.1 This report provides information on the financial and non-financial contributions sought and received from developers for the provision of infrastructure to support development in Nottingham City. It also sets out the subsequent use of those contributions by the Council. The report covers the financial year **1 April 2022 to 31 March 2023**. This Infrastructure Funding Statement (IFS) should provide transparency for developers over the use of Developer Contributions and highlights the benefits of new development to communities.
- 1.2 Local Authorities are required to produce an annual IFS that sets out details of Developer Contributions, receipts and anticipated expenditure. This is to provide clarity and transparency to local communities and developers on the infrastructure and expenditure and in aligning this to planned development, as envisaged in the [Local Plan](#).
- 1.3 Nottingham City Council does not have a Community Infrastructure Levy (CIL) in place and therefore seeks Developer Contributions through Planning Obligations.
- 1.4 Developers may also be required to enter into agreements under Section 278 of the Highways Act 1980 to secure permanent alterations or improvements to a public highway as part of a planning approval. Reporting on Section 278 Highways agreements is not a mandatory requirement and is not covered in this IFS.
- 1.5 Along with summary information, this IFS will also provide some examples of infrastructure projects that Nottingham City Council has delivered, planned, or allocated contributions towards during 2022-23. These demonstrate how Developer Contributions are an essential tool in unlocking and delivering growth across the city and ensuring that development provides the appropriate corresponding infrastructure.
- 1.6 The Council is committed to ensuring all planning contributions are used in a fair and transparent way whilst meeting the requirements set out in the Section 106 of the Town and Country Planning Act 1990.
- 1.7 Further to these statutory requirements the government recommends that local authorities also publish the raw data that informs the IFS. It is not a statutory requirement to release this data however; going forward it is hoped that improved procedures and reporting will allow this in future reporting years.

Key headlines¹ from the statement

1.8 Within the reporting year:

<ul style="list-style-type: none">• £5.0m of funding was monies agreed (used to fund capital expenditure) towards the provision of affordable housing, meeting the Council's increased demand for extra school places as well as enhancement of public open space and other infrastructure needs.
<ul style="list-style-type: none">• £7.9m has been monies received in S106 receipts - mostly Commuted Sums towards education, open space & public realm, affordable housing and highways, but also towards employment & training and flood mitigation.
<ul style="list-style-type: none">• £2.0m has been monies spent, mainly on infrastructure but also on employment & training.
<ul style="list-style-type: none">• There is a remaining balance (monies retained) of £16.5m in the infrastructure fund (including Employment and Training).

Planning Obligations

1.9 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to secure benefits or control or restrict development. The requirements of a Planning Obligation are designed to mitigate the impact of a specific development and make the development acceptable in planning terms.

1.10 A Planning Obligation might, for example, require the provision or contribution to a new or improved road, school, or local green infrastructure. Local planning authorities can also seek Planning Obligations to secure a proportion of affordable housing from residential developments. For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning Obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution. In this example, the Council may seek Developer Contributions towards education improvements, affordable housing (on site or off-site), employment and training and the provision of additional or enhanced open space.

1.11 A Planning Obligation may require the provision of on-site Infrastructure, or, in appropriate cases, a financial payment to enable the Council to provide the infrastructure off-site, or a combination of the two (such as the delivery of a new play area as part of a large development site and the provision of improvements to off-site open space).

¹ The same colour coding is used throughout this document for S106 monies – **Agreed**, **Received**, **Spent** and **Retained**.

- 1.12 Planning Obligations commonly require either one or more of the following;
- **site-specific financial contributions** - these are secured and must be used for defined purposes; for instance, the provision of education facilities, traffic and transport/highways related works, open space provision and affordable housing contributions (where accepted in lieu of on-site provision);
 - **provision of on-site** affordable housing, open space or education provision; and
 - **non-financial obligations**, including requirements such as training and employment, management provision and travel plans.
- 1.13 Planning Obligations may **only** constitute a reason for granting Planning Permission if they meet all of the following 3 criteria:
- 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.
- 1.14 These tests are set out as statutory tests in [Regulation 122](#) (as amended by the 2011 and 2019 Regulations) and as policy tests in the [National Planning Policy Framework](#).
- 1.15 Planning Obligations are registered as a local land charge and bind the land thus anyone who subsequently buys or takes an interest in the land will be bound by it.
- 1.16 Planning Obligations are secured on a site-by-site basis with payments typically being made in instalments as the development is built out and set “triggers” are met. Developer Contributions can only be spent for the purposes for which they are collected and often within an agreed timescale.
- 1.17 Spending is generally restricted to Infrastructure that is closely related or in close proximity to the originating development, (eg the same Ward area or adjoining wards). However, the Council covers a constrained geographical area which is generally easily accessible by public transport therefore Planning Obligations may in appropriate cases permit Developer Contributions to be committed or expended across the City. For example, in the case of Education, S106 funding could also be invested in developing or enhancing SEND provision anywhere in the city, as pupils with a specific SEND may need to travel to other settings which are not necessarily within their immediate local area. Similarly, open space contributions could be used to enhance a destination open space such as Wollaton Park or Victoria Embankment given that they have a much wider catchment area.
- 1.18 Affordable housing contributions spending will also be dependent on finding suitable housing sites, will be pooled with other funding including other S106 contributions and generally the need is city wide. Affordable housing

contributions are therefore often spent on supporting affordable housing schemes not within the locality of the site where the funding was secured from but instead on suitable sites which can be anywhere within the city.

- 1.19 Monies are not spent outside of the City boundary unless in exceptional circumstances and only where the need is fully justified.

Planning Reform – new nationally set Infrastructure Levy?

- 1.20 Details of a new nationally set 'Infrastructure Levy' were originally published in 2020 in the government's White Paper, 'Planning for the Future' and confirmed in the Levelling Up and Regeneration Act. The government had said that it would see at least as much money raised to pay for local infrastructure and affordable housing as by the existing system of developer contributions in the planning process which would be scrapped.
- 1.21 The government had indicated that pilot programmes would be established, and the full implementation of the change could take over 10 years. Further details of how and when this replacement levy will be introduced are awaited although there is uncertainty what a new government would do. In the meantime, the current S106 requirements remain. Even if replaced, there will still be the need for the Council to monitor and administer existing Planning Obligations and in some cases S106 may still be the preferred route.

2.0 Planning Obligations Report

Local Plan Policies

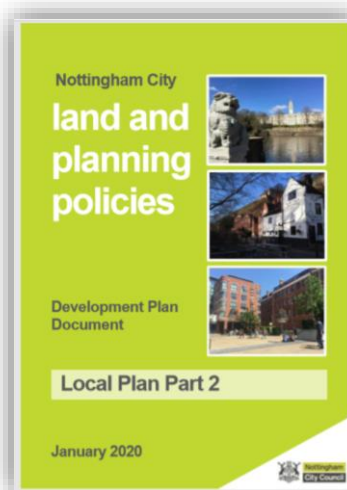
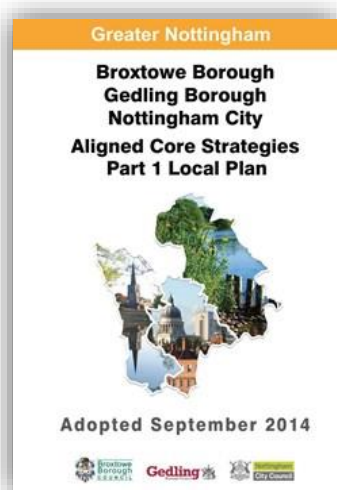
- 2.1 Nottingham City's Local Plan sets out the Council's policies and proposals for development and the use of land in its area. The Local Plan also sets out why and when Planning Obligations may be required in order to ensure that a development proposal is in accordance with the Local Plan.
- 2.2 In Nottingham the Local Plan comprises of the following²;

Part 1 (ACS)

[Nottingham City Aligned Core Strategy - ACS \(2014\)](#)

Part 2 (LAPP)



[Land and Planning Policies Document - LAPP \(2020\)](#)








- 2.3 The ACS includes a suite of strategic policies to deliver sustainable development in the City to 2028. In particular, [Policy 19: Developer Contributions](#) sets the general context for the Council to secure Developer Contributions as a result of development. This document is currently under review. For the latest position on the review please visit [Greater Nottingham Planning Partnership web page](#). The Local Plan is monitored by way of an annual [Authority Monitoring Report](#).
- 2.4 In the LAPP [Policy IN4: Developer Contributions](#) sets the context for how planning agreements will be negotiated to support necessary infrastructure. [Table 1](#) sets out the contributions that will be negotiated using the relevant Local Plan policies and details how these contributions are calculated, and where and what the contribution will be used for. It is also necessary to ensure that 'spend by' dates are met, to guarantee the Council is not at risk of exceeding the deadlines enabling developers to claw back these funds.



² The 'Local Plan' also includes the Nottinghamshire and Nottingham Waste Local Plan but this is not relevant in this case.




Table 1: Details of each type of the infrastructure, related Local Plan policies and further details

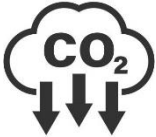
Type of Contribution	Related Local Plan Policy	Quantum of development/ calculations	In S106 Estimator	What are the contributions used for?	Where are contributions used?
<p>Employment and training</p> 	<p>Policy EE4: Local Employment and Training Opportunities</p>	<p>All schemes with build cost of over £1million.</p>		<p>Contributions are used on a variety of initiatives to help secure employment for city residents. These can include;</p> <ul style="list-style-type: none"> • providing a skilled bank of operatives to match to vacancies, apprenticeships, and work experience opportunities – also providing upskilling when identified to aid career progression • assisting residents with barriers into work access opportunities through the provision of employment support, training qualifications and PPE • assisting developers / contractors to maximise opportunities and benefits for city residents and environment through their Corporate Social Responsibility agendas <p>A percentage of contributions are also invested into the specialist team within the Nottingham Jobs service who align appropriate Developer Contributions with all Employment & Skills initiatives.</p>	<p>Employment and training opportunities are on development sites however other initiatives may be elsewhere in the city, for example Job Fairs, community engagement events, employability workshops, accredited training providers and sector- based work academy programmes.</p>

Type of Contribution	Related Local Plan Policy	Quantum of development/ calculations	In S106 Estimator	What are the contributions used for?	Where are contributions used?
<p>Open space including public realm</p> 	<ul style="list-style-type: none"> • Policy EN2: Open Space in New Development • Policy EN3: Playing Fields and Sports Grounds • relevant site allocations 	<p>All major planning applications for residential and B1 commercial developments over 1,000 sq m of floorspace. On site open space is calculated based on the average number of residents or workers likely to be accommodated on the site based on the size of housing or the type of commercial development. Alternatively, financial contributions are based on the per capita cost of maintaining the City's main parks, which is annually revised (see Annual update of Open Space costs).</p>		<p>The creation of new or enhanced open space within the city.</p> <p>This could be in the form of on-site provision with the developer providing the land and equipment or a contribution to provide improvements to existing open space/public realm or could be a combination of on-site provision and a financial contribution. Within the City Centre there are reduced opportunities to enhance existing open space and so contributions could be used towards enhanced public realm or alternatively enhancing open space outside of the city centre.</p>	<p>Determined locally in consultation with Ward Councillors. There may be cases where Open Space contributions are used outside of the ward, or adjoining wards for specific infrastructure that have a wider than local benefit and could include improvements to 'destination' open space or facilities that would have wider than local use. An example of this is funding being used for the refurbishment of the paddling pool at Victoria Embankment.</p>
<p>Drainage and flood protection</p> 	<p>Policy CC3: Water relevant site allocations</p>	<p>Major development where required to make development acceptable in planning terms. The need arising from the development will be determined by the scale and nature of the development on a case by case basis.</p>	<p>✘</p>	<p>To mitigate against the impact of flooding from the development where necessary.</p>	<p>Locally or further along water courses, determined on a case by case basis.</p>

Type of Contribution	Related Local Plan Policy	Quantum of development/ calculations	In S106 Estimator	What are the contributions used for?	Where are contributions used?
Community facilities 	Policy LS5: Community Facilities	Major development where required to make development acceptable in planning terms. The need arising from the development will be determined by the scale and nature of the development on a case by case basis.	x	To fund new or enhanced community facilities that are required as a result of development.	Locally, determined on a case by case basis.
Highway/ Transport 	<ul style="list-style-type: none"> • Policy TR1: Parking and Travel Planning • Policy TR2: The Transport Network • relevant site allocations 	Major development where required to make development acceptable in planning terms. The need arising from the development will be determined by the scale and nature of the development on a case-by-case basis.	x	Section 106 Highway/Transport contributions generally go towards local transport/highway provisions outside developments, such as pedestrian crossings, signalised junctions, public realm improvements. Contributions have also gone towards public transport, pedestrian, cycling and rights of way improvements locally, which can link citywide and encourage sustainable travel. Planning Obligations can also be used to ensure a travel plan is Agreed for a development.	Contributions are generally used for improvements in the vicinity of the development (e.g. new bus stops or pedestrian crossings that serve a new development), although for provisions such as improved frequency of bus services, this may extend further within the City area. There may also be examples where development outside of the City will attract contributions to be spent on transport improvements within the City for example improvements to a bus service.

Type of Contribution	Related Local Plan Policy	Quantum of development/ calculations	In S106 Estimator	What are the contributions used for?	Where are contributions used?
<p>Education</p> 	<p>Policy LS5: Community Facilities</p>	<p>Residential development (excluding Purpose Built Student Accommodation). For education on sites of 10 or more dwellings (excluding 1 bed dwellings) the number of primary and secondary school places likely to be required is calculated based on the size and type of housing on the site. This number is then multiplied by the average cost of a school place, plus an additional amount for potential SEN places. The F07125-National School Delivery Cost Benchmarking - Primary, Secondary and SEN Schools - July 2022, is used as the basis for determining the per pupil cost, when calculating Education Contributions.</p>		<p>Contributions are used for new or enhanced education facilities, to accommodate pupil growth. Contributions could be used for a number enhancement including</p> <ol style="list-style-type: none"> Providing additional school places Providing new schools or school buildings Adapting, extending or enhancing existing school buildings Improving school grounds, sports and physical education facilities Developing, improving or extending SEND facilities (or other non-mainstream projects) in a special school, within a mainstream school or as specialist unit. 	<ul style="list-style-type: none"> Education contributions are usually invested in one or more of the primary and/or secondary schools in the local 'planning area' Planning areas are groups of local schools and are structured to reflect local circumstances, such as geographical location / close proximity, parental preference and pupil movement. Education contributions could also be invested in developing or enhancing SEND provision anywhere in the city, as pupils with a specific SEND may need to travel to other settings which are not necessarily within their immediate local area.

Type of Contribution	Related Local Plan Policy	Quantum of development/ calculations	In S106 Estimator	What are the contributions used for?	Where are contributions used?
<p>Affordable housing</p> 	<p>Policy HO3: Affordable Housing</p>	<p>Non Student - Major planning applications for residential development. 10% of homes on schemes 10-14 properties should be affordable and 20% on schemes of 15+ homes or sites or more than 0.5 Ha. If on site housing isn't provided a financial contribution can be made based on local house prices (see Updated costs).</p> <p>Student – same calculations as above but the number of units is calculated by dividing the total number of PBSA bedspaces by 5 (see Updated costs).</p>		<p>Where affordable housing cannot be delivered on site (for student development this is the assumption), a Commuted Sum can be accepted instead. These sums can then be redeployed by the Council in the delivery, development or acquisition of affordable homes, including through gifting or funding to other registered providers of social housing.</p>	<p>On site provision where developers provide in kind affordable housing. Where financial contributions are received then the money is spent citywide, determined on a case by case basis considering the availability of suitable sites and housing need. Financial contributions from student development are the preferred mechanism to secure affordable housing rather than on site due to the potential for conflict with residents with different housing needs and lifestyles. There may however be opportunities for onsite provision to be made in certain cases.</p>
<p>Biodiversity</p> 	<p>Policy EN6: Biodiversity</p>	<p>Biodiversity net gain (BNG) is a way to contribute to the recovery of nature while developing land. It is making sure the habitat for wildlife is in a better state than it was before development – net increase of 10%. This is to be a</p>	<p>x</p>	<p>Will apply from January 2024 for developments in the Town and Country Planning Act 1990, unless exempt. It will apply to small sites from April 2024.</p>	<p>There is an SPD on Biodiversity but it does not set out details about the 10% Biodiversity Net Gain. This requirement is however national and ideally the Biodiversity Net Gain would be on site. Alternatively it could resulted from</p>

Type of Contribution	Related Local Plan Policy	Quantum of development/ calculations	In S106 Estimator	What are the contributions used for?	Where are contributions used?
		national requirement starting in January 2024, but some Councils are considering increasing the requirement beyond 10%.			improvements in biodiversity in neighbouring sites or even sites further away presenting opportunities for landowners to provide BNG units from donor sites.
Other 	Policy IN4: Developer Contributions allows for the Council to seek contributions that are considered necessary to make developments acceptable.	Major development where required to make development acceptable in planning terms. The need arising from the development will be determined by the scale and nature of the development on a case by case basis.	x	Other examples of Developer Contributions could include public art, carbon offsetting and renewable energy mitigation and air quality improvements. However all contribution must meet the requirements of the legislation.	Locally, determined on a case by case basis.




2.5 Other Developer Contributions may be necessary to make developments acceptable in planning terms and may include for example heritage enhancement and protection, supporting policing/crime reduction, flood mitigation, air quality measures or reducing carbon. Overall, the Planning Obligation requirements will be determined by the scale, nature and location of the development on a case-by-case basis in line with the requirements of the legislation.

Supplementary Planning Documents/Guidance

2.6 Supplementary Planning Documents (SPDs) provide further detail and explanation to support policy in the Nottingham City Local Plan. SPDs are a Material Consideration in making decisions on planning applications.

2.7 Those guidance documents, which currently set out further details including the financial contributions the Council will seek are set out in Table 2.

Table 2: Infrastructure with associated Supplementary Planning Document/Guidance

Infrastructure	Supplementary Planning Document/Guidance
Open Space 	The Provision of Open Space in New Residential and Commercial Development.
Affordable Housing 	<ul style="list-style-type: none"> • Affordable Housing and Developer Contributions. • Affordable Housing Contributions arising from Purpose Built Student Accommodation.
Education 	Education Contributions from Residential Developments.

2.8 The cost for each type of infrastructure is reviewed on an annual basis on or around 1 April each year with details found on the Council's web site www.nottinghamcity.gov.uk/s106-costs. In addition, other SPDs are planned that will add further guidance to Local Plan policy, with some also setting out additional financial contributions that the Council will seek, please see the Council's web site www.nottinghamcity.gov.uk/latestplanningnews. The Council has a dedicated web page containing further details on Section 106 available at www.nottinghamcity.gov.uk/s106.

Employment & Training

- 2.9 Developer Contributions are utilised by developers and subcontractors on each site by engaging in training and upskilling. Training is conducted by approved providers to enable the local workforce to increase their employability with courses that meet industry requirements. In addition to this training, upskilling opportunities paid through contributions allow contractors to uptake apprenticeships and NVQs at all levels to enable local people to broaden their skills and earning potential.
- 2.10 A percentage of contributions made by developers are also invested into a team of staff embedded within the Nottingham Jobs service which work to recruit local people to site opportunities, arrange training plans for residents and work with developers and contractors to maximise sites corporate social responsibility plans for benefit Nottingham’s citizens and economy.

S106 Estimator Tool





- 2.11 To help make the process of determining S106 open and transparent, Nottingham City Council has a tool to give a summary of likely financial contributions for the following infrastructure;

- Affordable Housing
- Open Space
- Education; and
- Employment & Training



- 2.12 The [S106 Estimator](#) calculates the following contributions that the Council may seek, dependent on the type of development (see Table 3).

Table 3 Infrastructure contributions calculated in the Nottingham S106 Estimator

Type of Scheme		 Open Space	 Employment & Training	 Education
Residential - non student	✓	✓	✓	✓
Residential - Purpose Built Student	✓	✓	✓	x
Commercial	x	✓	✓	x

- 2.13 This is a tool to help developers understand the likely contributions that the Council will seek. It cannot be a comprehensive assessment of all Developer Contributions that the Council may request considering a full evaluation of a

planning application taking into account all Material Considerations. For example, the Council may seek contributions towards flood mitigation or public transport improvements determined on a case by case basis and these are cannot calculated in the estimator. Further details can be found by visiting the S106 Estimator web page www.nottinghamcity.gov.uk/s106-estimator.

Use Class Order Changes

- 2.14 Since the adoption of the Local Plan, the government has made significant changes to the Use Class Order in 2020/2021. The Council has prepared a [Statement on Use Class Changes](#) which sets out how policies in the Local Plan and Supplementary Planning Documents that refer to specific use classes can be applied in light of these changes. The Council will continue to seek Developer Contributions in line with the adopted Local Plan and SPDs.

Viability

- 2.15 Developers should be taking into account the Council's S106 requirements and other planning policy's as part of their calculations when agreeing a purchase price for the land. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker – for Nottingham this is the planning committee. If an applicant considers there to be issues of viability due to the level of contributions being sought which would render a proposal undeliverable, they are required to submit robust viability assessment. Such assessments will be independently examined before the scale and nature of any reduction is agreed. It is expected that the developer will pay for this independent assessment.
- 2.16 Where it is found that normal requirements (on site provision of infrastructure or financial contribution) would make the scheme unviable and the application is still recommended for approval without a policy compliant Planning Obligation, the application must be determined by the Planning Committee with an officer report setting out clearly the reasons for any reduction in contributions.

Infrastructure Funding Statement Requirements

- 2.17 On the 1st September 2019, the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 were published. This introduced a new requirement into the Community Infrastructure Levy Regulations 2010 ('the Regulations') for all Charging Authorities to publish a document, before the 31st December each calendar year, known as 'the annual Infrastructure

Funding Statement'. An extract of the legislation is provided in [Appendix 1](#) with [Appendix 2](#) setting out a list of schedule requirements for the IFS.

- 2.18 As Nottingham City does not currently have a Community Infrastructure Levy, this document only needs to contain a 'Developer Contribution report about Planning Obligations in relation to the previous financial year. The document must be published on the Council's website www.nottinghamcity.gov.uk/ifs - where further information and previous IFSs can be found.
- 2.19 In addition, the IFS also provides an update on financial contributions collected through Planning Obligations. This includes details of new Planning Obligations which were **Agreed** upon during the reported year, the amount of money, which was **Received** during the reported year, the monies which have either been allocated or **Spent** (expended) within the reported year, and the amount of monies **Retained** at the end of the reported year. The report also gives a breakdown of any non-monetary agreements (agreed or provided in the reporting year).
- 2.20 It should be noted that data on developer contributions is imperfect as it represents estimates at a given point in time and can be subject to change. However, the data in this report is the most accurate and robust available at the time of publication.

3.0 Headline Figures

Summary of Developer Contributions

- 3.1 This sections provides an update on financial contributions collected through Planning Obligations, including;
- details of new Planning Obligations which were **agreed** upon during the reported year
 - the amount of money which was **received** during the reported year
 - the monies which have either been **spent (expended)** within the reported year
 - the amount of monies **retained** at the end of the reported year; and
 - the report also gives a **breakdown of any non-monetary** agreements.

Monetary Contributions

- 3.2 Set out below in [Table 4](#) are the headline financial contributions Agreed from Planning Obligations for the reporting period. The followings tables have been colour coordinated to show how they link so for example the 'Total money to be Agreed through Planning Obligations in 2022/23' is shaded purple and is broken down into each type of infrastructure in [Table 5](#).

Table 4: Monetary Contributions

	Revenue (£)
Total money Agreed through Planning Obligations in 2022/23 (see Table 5)	4,969,609
Total money received through Planning Obligations (whenever Agreed) in 2022/23 (see Table 6)	7,935,637
Total money, received through Planning Obligations (whenever Agreed), spent in 2022/23 (see Table 7)	1,981,865
Total money, received through Planning Obligations (whenever Agreed), retained at the end of 2022/23 ³ (see Table 13)	16,521,011
Total money, received through Planning Obligations (whenever Agreed), retained at the end of 2022/23 as 'Commutated Sums' for longer term maintenance .	n/a

* Includes top slice admin/monitoring fee.

Monetary Contributions – Provided (Agreed) in 2022/23 per category

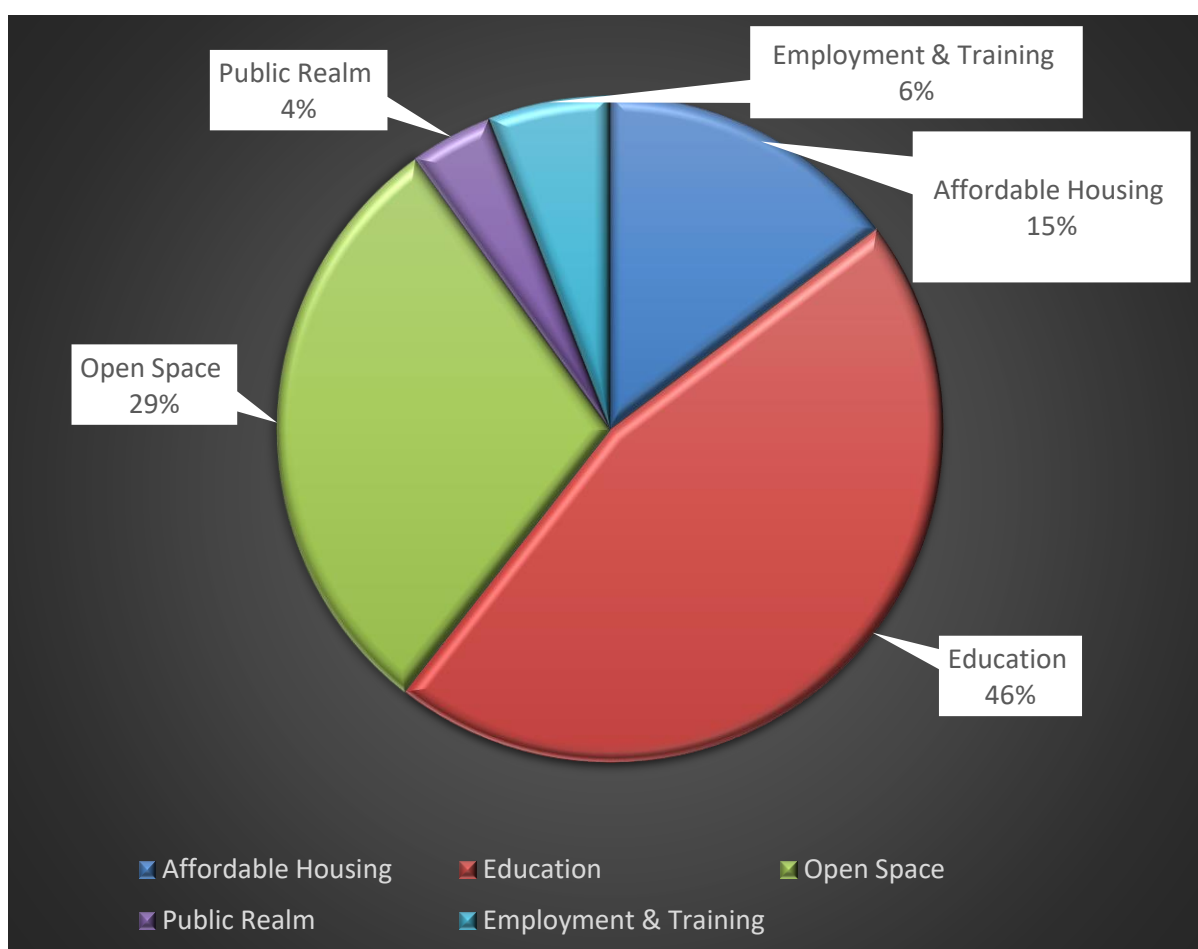
- 3.3 Set out in [Table 5](#) is a breakdown of the potential money that was **Agreed from Planning Obligations** per category broken down by capital and revenue contributions. It should be emphasised that these sums will only be realised if the Planning Permissions are implemented and the developments reach the required payment triggers. [Figure 1](#) also shows the breakdown of monies Agreed in the reporting year.

³ excluding 'Commutated Sums' for longer term maintenance

Table 5: Monies Agreed in 2022/23 per category

Type of Infrastructure	Capital	Revenue	Grand Total
Affordable Housing	732,913	0	732,913
Education	2,277,356	0	2,277,356
Flood Mitigation	0	0	0
Open Space	1,466,301	0	1,466,301
Public Realm	200,000	0	200,000
Transport & Highways	0	0	0
Employment & Training	0	293,039	293,039
Grand Total	4,676,570	293,039	4,969,609

Figure 1: Pie chart showing the proportion of S106 agreement by type/category



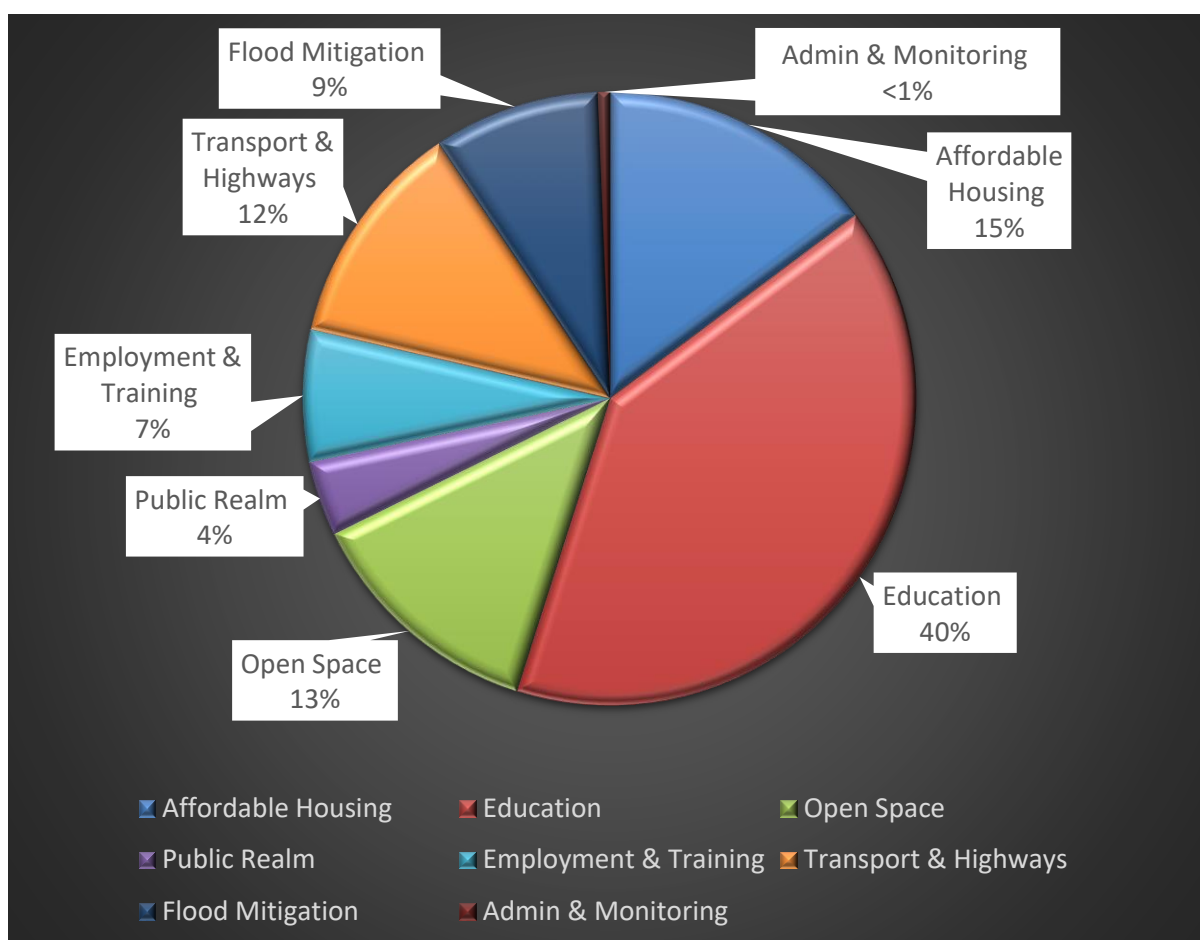
Monetary Contributions – Received (paid) in 2022/23 per category

3.4 Set out below in [Table 6](#) is a breakdown of the money that was received from Planning Obligations per category in the reporting year. This will include monies Agreed in previous years but received within the reporting year. [Figure 2](#) also shows the breakdown of monies received in the reporting year by infrastructure type.

Table 6 Monetary Contributions – Received in 2022/23 per category

Item of Infrastructure	Amount (£)
Affordable Housing	1,176,075
Education	3,182,031
Flood Mitigation	694,234
Open Space	1,017,321
Public Realm	314,860
Transport & Highways	953,708
Capital Total	7,338,229
Employment & Training	548,336
Admin & Monitoring	49,072
Revenue Total	597,408
Overall Total	7,935,637

Figure 2: Pie chart showing the proportion of infrastructure monies received.



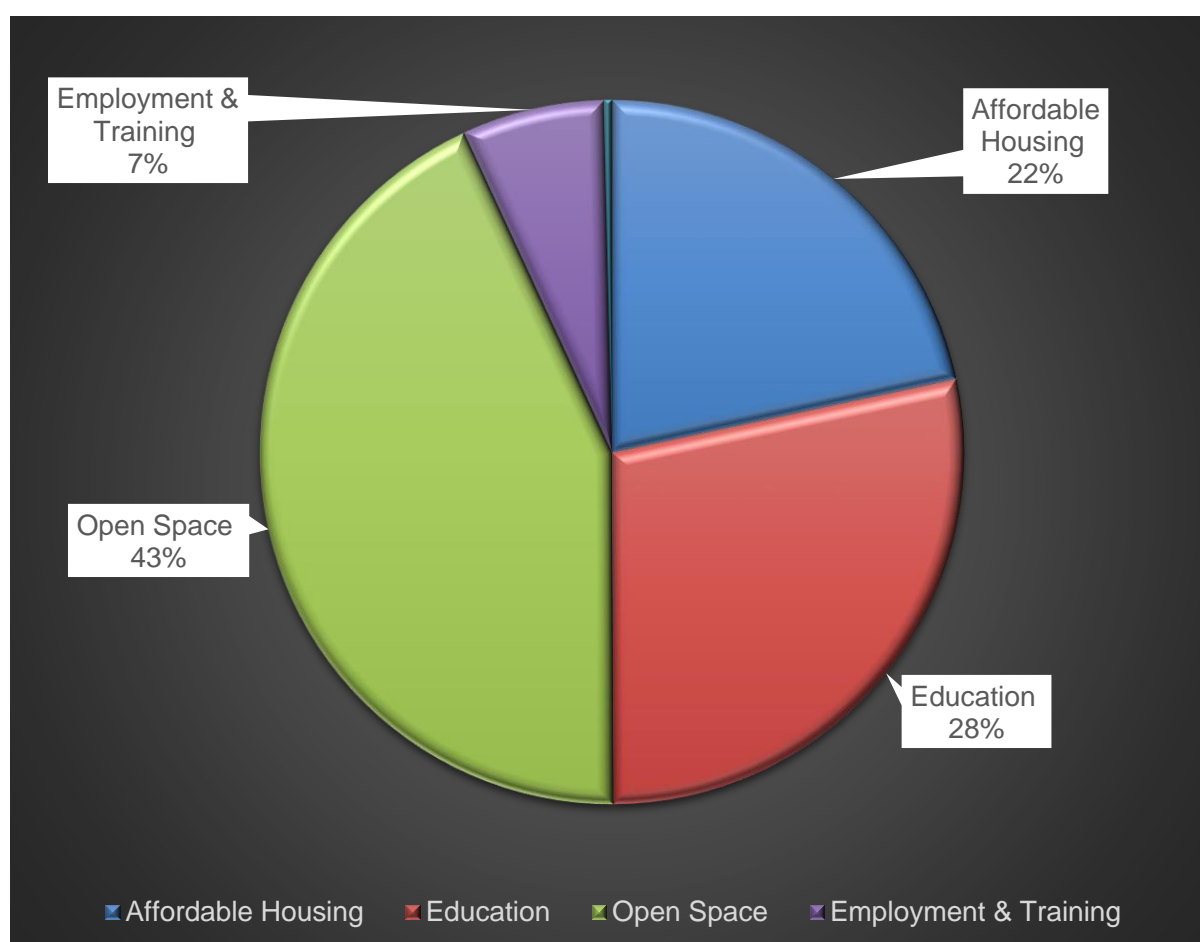
Developer Contributions spent (expenditure - spent) in 2022/23 per category

3.5 Set out below in [Table 7](#) is a breakdown by infrastructure type of the money spent in 2022/23 (whenever Agreed). Figure 3 shows the proportion of monies spent by infrastructure type.

Table 7: Monies spent in 2022/23 per category

Infrastructure	Capital	Revenue	Grand Total
Affordable Housing	428,780	0	428,780
Education	560,669	0	560,669
Flood Mitigation	0	0	0
Open Space	855,548	0	855,548
Public Realm	0	0	0
Transport & Highways	0	0	0
Employment & Training	0	129,994	129,994
Admin & Monitoring	0	6,874	6,874
Grand Total	1,844,997	136,868	1,981,865

Figure 3: Pie chart showing the proportion of monies spent by infrastructure type



3.6 Councils are required to report sums transferred to external organisations. There are no examples in this report year.

3.7 Detailed below in [Table 8](#) are items of infrastructure on which money received through Planning Obligations (whenever received) has been spent in 2022/23. Note that some capital projects are carried out over longer periods than and not just within the reporting financial year.

Table 8: Items of infrastructure on which money received through planning agreements (whenever received) has been **spent** in 2022/23

Item of Infrastructure	Amount (£)
Affordable Housing	
127086 - Beckhampton	428,780
Education	
127077 - Fernwood Primary Special - Expansion	37,245
127077 - Fernwood Academy	142,268
127077 - Fernwood Primary & Nursery	81,398
127490 - Djanogly Strelley Academy	5,009
300418 - CAP - Welbeck KS2 Space	50,383
127591 - Specialist Primary Provision	244,260
301927 - Middleton Primary SEND	105
Open Space	
115445 - Sunrise Nature Reserve	2,912
115447 - Lincoln St / Japonica Drive	1,598
118554 - Victoria Park & St Mary's Rest Garden	13,250
121329 - Whitemoor Nature Reserve	600
121331 - Stockhill Lane Park - Pavilion Imps	9,530
121411 - Lenton Rec / Grove Road Trees	8,141
121863 - Melbourne Park ⁴	-3,000
121865 - Broxtowe Country Park / Strelley Recreation Ground	52,006
121870 - Peggy's Park & Play Area	2,409
121876 - Valley Road Park & Play Area	2,640
123424 - Torvill Drive Play Area	2,580
123867 - Footpath resurfacing at Forest Rec and at Waterloo Promenade & Waterloo Rd.	5,164
123869 - Mill and Windmill Allotments, Leen Valley	3,180
124826 - Bulwell Bogs	3,600
124888 - Colwick Country Park	11,165
124891 - Coppice Park improvements	25,674
124894 - Area 6 Trees on parks and open spaces	8,093
124899 - Arkwright Walk Park	18,842
124900 - Locksley Play Area, Clifton	200
124902 - Trees in Area 8	23,586
125946 - Colwick Marina Pontoons	50,000
125960 - Improvements to Southglade Park	690
125961 - Bilborough Park Improvements	2,100
125962 - Green's Mill Park	3,619
125967 - Shipstone Street Play Area	1,700
125969 - Forest Recreation Ground	8,660
127169 - Quarry Holes Nature Reserve	722

⁴ Adjustment to previous year spend

127170 - Woodfield Road Park	22,500
127171 - Amesbury Circus Play Area	22,346
127174 - Camelot Ave / Hood Street Play Area / Carrington Underpass	1,000
127176 - Robin Hood Chase Gym	3,110
127178 - St Anns Tree Works	2,718
127179 - Ronald Street, Lenton & Radford Rec Grounds	37,935
127183 - Arboretum	2,000
127184 - Wallen Street	2,000
127185 - Bobber's Mill Playground	4,425
127186 - St Peter Churchyard	2,445
127187 - Arboretum Tree Works	5,442
127189 - Martin Pond Nature Reserve	148,934
300674 - Victoria Embankment HLF Delivery	265,032
301169 - Moor Road Play Area	10,000
301802 - Victoria Embankment Paddling Pool & Park Improvements	66,000
Grand Total	1,844,997

Non-Monetary Contributions

- 3.8 Set out below in [Table 9](#) are the non-monetary contributions that were agreed in the reporting period. These are often referred to as in-kind contributions and could include for example, affordable houses provided on site by a developer.

Table 9: Non-Monetary Contributions

Total number of affordable housing units to be provided through planning agreements Agreed in 2022/23.	0
Total number of affordable housing units, which were provided through planning agreements (whenever Agreed) in 2022/23 ⁵ .	0
Total number of school places for pupils to be provided through planning agreements Agreed in 2022/23.	0
Total number of school places for pupils, which were provided through planning agreements (whenever Agreed) in 2022/23 ⁶ .	0

- 3.9 In addition other non-monetary contributions can be secured through Planning Obligations. In the reporting period there are no in-kind open space provision secured by Planning Obligations.

Example of Infrastructure Funding by Developer Contributions

- 3.10 On the following pages are some examples of the type of projects that have been supported by Developer Contributions in the reporting year 2022-23 (see [Table 10](#)).

⁵ Not a regulatory requirement but it is suggested that authorities, for clarity and transparency, report on this.

⁶ Also not a regulatory requirement but it is suggested that authorities, for clarity and transparency, report on this item.

Table 10: Examples of Infrastructure provided with support of S106 agreements

Infrastructure	Details	Photo
<p>Affordable Housing</p> 	<p>Affordable Housing being delivered in 2022/23 and 2023/24 consisting of 108 affordable homes. Built by Vistry on behalf of Nottingham City Homes as part of a large mixed multi-tenure development on the Padstow and Ridgeway sites in Bestwood. Construction began in 2022/23 and is ongoing, with 33 complete to date; S106 affordable housing contributions comprise part of the overall capital budget.</p>	
<p>Open Space</p> 	<p>Work is underway to restore the historic Victoria Embankment Paddling Pool, bringing a modern water play facility for future generations to enjoy.</p> <p>The scheme is supported by the National Lottery Heritage Fund, government levelling up funds and importantly Section 106 contributions.</p>	

Education



S106 funding for education has been used to create an additional learning space for Key Stage 2 children at Welbeck Primary School in the Meadows, for intervention work groups and booster sessions, to improve learning and attainment outcomes.



Employment and Training



S106 engagement with Bowmer & Kirkland, who delivered the new Design & Digital Arts building for their client Nottingham Trent University, achieved and exceeded Employment and Training targets during the build of this state of the art facility. Community projects were also supported including mock interviews for those considering entering the sector as a career choice



Other Infrastructure Funded by Planning Agreements in 2022/23

- 3.12 The regulations require that details are set out of additional infrastructure funded by Planning Obligations in the financial period 2022/23. However, as there are none of this type there is nothing to report. [Table 11](#) confirms there was no additional infrastructure funded by Planning Obligations in the financial period 2022/23.

Table 11: Additional infrastructure funded by Planning Obligations in the financial period 2022/23

Infrastructure Project/Type	Planning Agreement receipts spent
Nothing to report	N/A

Other Expenditure of Planning Obligation Receipts in 2022/23

- 3.13 The regulations require that details are set out of the total amount of money received through Planning Obligations (whenever Agreed and money received), spent in 2022/23 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). For Nottingham this is zero as the Council does not borrow ahead of receipt (see [Table 12](#)). Decisions are not taken until the sums are in hand.

Table 12: Other expenditure of Section 106 receipts in 2022/23

Infrastructure item	Planning agreement spent repaying money borrowed
Nothing to report	N/A

S106 Monitoring and Administration Costs

- 3.14 It is important that Planning Obligations are monitored to ensure compliance and the required infrastructure is provided. The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now allow Councils to charge a monitoring fee through S106 planning agreements, to cover the cost of the monitoring and reporting on delivery of that S106 agreement as described above. Monitoring fees can be used to monitor and report on any type of planning agreement, for the lifetime of that agreement. However, monitoring fees should not be sought retrospectively for historic agreements. Councils must report on monitoring fees in their IFS.
- 3.15 The Regulations allow monitoring fees to be either a fixed percentage of the total value of the Planning Obligation or individual agreement; or could be a fixed monetary amount per agreement; or Councils may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.

- 3.16 All Planning Obligations require monitoring on a regular basis to determine whether any triggers for payment have been reached. These trigger points can include for example commencement, completion or occupation of development. It is only when these triggers are reached that contributions are required to be paid. Although the onus is on developers informing the Council when these triggers are met, this is not always the case, and these often have to be followed up.
- 3.17 To cover some of the cost of monitoring and administering S106 agreements, Nottingham City Council currently takes 3% of financial contributions to a maximum of £6784 (2022/23) subject to the maximum cost increasing in line with the Retail Price Index each year on 1 April (see [S106 Contributions revised costs page](#)). The sum taken from each contribution depends on the specific agreement and when this was agreed.
- 3.18 The total amount of money, received through Planning Obligations (whenever Agreed and money received), spent in 2022/23 in respect of monitoring (including the preparation of the Planning Obligation report for this Infrastructure Funding Statement) in relation to the delivery of Planning Obligations was **£6,874**. This does not show the direct spend for staff resources in relation to monitoring of S106 nor does it take into account the full cost of monitoring and administration of Planning Obligations by the Council either within planning, legal, finance or any of the spending departments.
- 3.19 The Council is looking to examine the full cost of monitoring and administration of Planning Obligations and will be reviewing the fees to ensure that they are proportionate and better reflect the actual cost of monitoring and administration and could be utilised to improve the overall Planning Obligations process.

Forecasting

- 3.20 National guidance suggests that councils should consider reporting on estimated future income where possible. The Council will look at the feasibility of incorporating forecasting of developer contributions within future versions of the IFS. However it is hard to predict when major schemes will be approved and agreements made for new S106s, key triggers be met and contributions being required to be paid, or when schemes for the use of S106 monies will be completed and monies spent.

Planning Obligation receipts retained (Allocated and unallocated)

- 3.21 The total sum of Planning Obligation monies retained at the end of 2022/23 was **£16,521,011**. The sum of **£5,218,693** was already allocated to projects as shown in [Table 13](#). A further **£11,302,318** was unallocated at the 31 March 2023. Of this, **£3,915,017** was received prior to 2022/23, and **£7,387,301** was received in year.
- 3.22 Allocation of Developer Contributions to projects can take some time. Developer Contributions are not always the sole funding for projects, especially within Affordable Housing, Education and Open Space, and the development of projects and assembly of a complete funding package can take time to put in place. In addition, spending departments are sometimes awaiting receipt of other Developer Contributions or other funding sources in order to combine them for particular projects. [Table 13](#) show the detailed breakdown of the monies retained at the end of 2022/23.

Table 13: Monies retained at the end of 2022/23

Monies retained at the end of 2022/23	Allocated as at 31/03/23, but not yet spent at that date	Unallocated as at 31/03/22 (received prior to 2022/23)	Unallocated as at 31/03/22 (received during 2022/23)	Total
Affordable Housing	468,780	757,755	1,176,075	2,402,610
Education	842,429	1,824,333	3,182,031	5,848,793
Flood Mitigation	0	0	694,234	694,234
Open Space	1,066,275	818,421	1,017,321	2,902,017
Public Realm	0	412,390	314,860	727,250
Transport	1,511,408	46,155	953,708	2,511,271
Capital	3,888,892	3,859,054	7,338,229	15,086,175
Employment & Training	1,329,801			1,329,801
Transport & Highways	0	0	0	0
Revenue	0	0	0	1,329,801
Total	5,218,693	3,859,054	7,338,229	16,415,976
Admin & Monitoring	0	55,963	49,072	105,035
Total	5,218,693	3,915,017	7,387,301	16,521,011

Other Allocated receipts from Planning Obligations

- 3.23 This section sets out additional information on expenditure of Planning Obligation receipts, the following sums are revenue expenditure, so are not infrastructure. In 2022/23, **£129,994** was spent on Employment & Training

and Transport, as outlined in [Table 14](#). At the end of the financial period, the sum of **£1,329,801** was held for Employment & Training.

Table 14: Other Allocated receipts from Planning Obligations

Revenue Expenditure funded through Planning Obligations	Sum
Employment & Training Total	129,994
Staffing costs	66,016
Training & related expenditure	63,978
Revenue Total	129,994

4.0 Conclusions

- 4.1 Nottingham City Council is committed to ensuring that Developer Contributions are used in a fair and transparent way to maximise the benefits and opportunities arising from development, such as new affordable homes, open space and education improvements.
- 4.2 This IFS shows that a significant amount of S106 agreements have been agreed for a range of infrastructure both on site as part of new development and Developer Contributions secured to provide off site infrastructure improvements.
- 4.3 The Council is committed to improving the collection and delivery of Developer Contributions and the monitoring of income and expenditure to align with the requirements of the annual Infrastructure Funding Statement.
- 4.4 If you have any further queries or comments about this statement please contact the Planning Policy and Research Team via email at localplan@nottinghamcity.gov.uk.

Appendix 1: The Regulatory Requirements for Infrastructure Funding Statements

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

Regulation 121A states:

Clause	Details
1	Subject to paragraph (2), no later than 31st December in each calendar year a Contribution Receiving Authority must publish a document ('the annual infrastructure funding statement') which comprises the following;
1a)	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');
1b)	a report about CIL, in relation to the previous financial year ('the reported year'), which includes the matters specified in paragraph 1 of Schedule 2 ('CIL report');
1c)	a report about Planning Obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ('section 106 report').
2	The first annual infrastructure funding statement must be published by 31st December 2020.
3	A Contribution Receiving Authority must publish each annual infrastructure funding statement on its website.

Appendix 2: List of Schedule 2 requirements for Section 106 Report of Infrastructure Funding Statements

Reporting requirement (Schedule 2, Paragraph 3 and (optional) 4)	
3a)	the total amount of money to be provided under any planning obligations* which were entered into during the reported year;
3b)	the total amount of money under any planning obligations* which was received during the reported year;
3c)	the total amount of money under any planning obligations* which was received before the reported year which has not been allocated by the authority;
3d)	summary details of any non-monetary contributions to be provided under planning obligations* which were entered into during the reported year, including details of— <ul style="list-style-type: none"> i. in relation to affordable housing, the total number of units which will be provided; 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;
3e)	the total amount of money (received under any planning obligations*) which was allocated but not spent during the reported year for funding infrastructure;
3f)	the total amount of money (received under any planning obligations*) which was spent by the authority (including transferring it to another person to spend);
3g)	in relation to monies (received under planning obligations*) which were 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 allocated to each item;
3h)	in relation to monies (received under planning obligations*) which were spent by the authority during the reported year (including transferring it to another person to spend), summary details of— <ul style="list-style-type: none"> i. the items of infrastructure on which monies (received under planning obligations*) were spent, and the amount spent on each item; ii. the amount of monies (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 monies (received under planning obligations*) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations*.
3i)	the total monies (received under any planning obligations*) during any year which were retained at the end of the reported year, and where any of the retained monies have been allocated for the purposes of longer term maintenance ('Commuted Sums'), also identify separately the total amount of Commuted Sums held.

Glossary

Throughout the IFS the terms below have the following meaning:

Term	Definition
Agreed	Contributions that have been agreed within a Planning Obligation. Contributions may not have been collected/delivered and if the relevant planning permission is not implemented, they will never be received.
Allocated	Planning Obligations retained by the Council which have, or knowingly will be, used to fund a specific infrastructure project or infrastructure type. 'Allocated' also includes sums which will knowingly be passed to an external organisation.
Contribution Receiving Authority	A council to which a sum (or non-monetary contribution) is required to be paid under a Planning Obligation entered during the reported year.
Commutated Sum	A financial payment made, in accordance with a Planning Obligation, by a developer towards the provision of, a Developer Contribution, for example, affordable housing.
Development	The carrying out of building, engineering, mining or other operations in, on, over or under the land; or the making of any material change in the use of any buildings or other land, as defined in the Town and County Planning Act 1990 as amended. Unless it is defined under the Act as 'permitted development', Planning Permission is required for the carrying out of any development of land.
Developer Contributions	A collective term used to refer to financial and non-financial requirements which have been secured by a "Planning Obligation
Infrastructure	Means not only physical infrastructure such as roads but also other provision that is directly required as a result of development and may for example include open space, affordable housing and education provision.
Material Consideration(s)	A factor or factors which a local planning authority may consider in making a decision on a planning application before it. In certain circumstances, such a factor, or a combination of them, may be sufficient to lead the Council to determine the application other than in accordance with the provisions of the development plan. Where that occurs, the factor or factors involved must, by law, be genuine planning matters, relating to the development and use of land, and must fairly and reasonably relate to the application concerned.
Planning Permission	A written consent to the carrying out of development issued by a local planning authority or, on appeal, by a Planning Inspector or the Secretary of State. The permission is normally subject to conditions and will lapse if the development is not started within a stated period of time. Planning Permission for buildings may be in outline where the principle is approved, subject to the later submission of further applications for the approval of reserved matters.

Secured/Agreed	Contributions that have been agreed within a signed legal document. These contributions have not been collected and if the planning applications are not implemented or trigger points raised then they will never be received or received in full.
Supplementary Planning Document (SPD)	Adopted policy statements that either elaborate key policies set out in the Local Plan or set out how policies apply to a particular site. They are prepared to cover particular development topics, or area-based issues, such as planning briefs. SPDs are a Material Consideration in the determination of planning applications and were formerly known as Supplementary Planning Guidance (SPG).
Trigger	Sets out when a Developer Contribution is to be provided. For example, employment & training contributions are often required prior to the commencement of development, whereas open space funding may not be required until development is ready for occupation.
This Financial Year	Unless stated otherwise, this refers to the period 1 April 2022 – 31 March 2023 .

Please contact us at localplan@nottinghamcity.gov.uk



Nottingham
City Council