Torbay Council

Annual Infrastructure Funding Statement

For

Community Infrastructure Levy and Section 106

Reporting Period:

 From 01 April 2023 to 31 March 2024

Published December 2024

**Introduction**

**David Edmondson - Divisional Director Planning, Housing & Climate Emergency**

Torbay is in a defining period for our place. Government investment and private sector interest has been secured for the growth and aspirational plans of the Council and Community. Delivery of those plans and ensuring that the major projects and investment knit together and enhance our lived, built and natural environment in line with our Community & Corporate plan, will require additional investment.

In addition to our own direct resources the Council can and does continue to seek developer contributions through Section106 Agreements and Community Infrastructure Levy (CIL) payments to support that delivery. It is therefore more critical than ever that those payments are secured, monitored and used in the most impactful manner. The successful implementation of the Exacom Obligations Suite back-office system and the appointment of the Infrastructure Programme Officer are contributing to ensuring there is a tight grip on Section 106 & CIL payments and expenditure.

The CIL Neighbourhood Proportion monies, 25% of CIL collected, due to our 100% coverage of Neighbourhood Plans across Torbay, are being allocated to Brixham Town Council directly and through the CIL Spend panel, to community led projects across Torquay and Paignton. Details and amounts can be found on the Exacom Public Facing Module.

[Torbay Council PFM - Home](https://pfm.exacom.co.uk/torbay/index.php)

**Community Infrastructure Levy Matters**

**Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 1**

1. The total value of demand notices issued in the reported period is £1,905,717.58.
This value is of demand notices issued within the reported period that have not been suspended or superseded by new demand notices outside of the reported period.

Of total value the amount from Liability Notices (liable floorspace after any relief that has been granted) is £1,902,708.23. The total value from surcharges imposed due to breaches of the Community Infrastructure Levy Regulations is £1,986.46 and the total value of the late payment interest accrued is £1,022.89.
2. The total amount of CIL collected within the reported period totals £238,983.47.
3. The amount of CIL collected prior to the reported period totals £1,752,854.43. Of this total the following amount was collected in Cash and as Land Transactions (including payments in kind and infrastructure payments) and the following amounts remain unallocated:

|  |  |  |
| --- | --- | --- |
| Type | Received | Unallocated |
| Cash | £1,752,854.43 | £0.00 |
| Land Payment | £0.00 | £0.00 |

1. The total amount of CIL collected prior to the reported period allocated in the reported period in relation to cash received is £1,428,785.30 and in relation to land payments (including payments in kind and infrastructure payments) is £0.00.
2. The total CIL expenditure recorded for the reported period is as follows:

|  |  |
| --- | --- |
| Type | Expenditure |
| Admin CIL | £11,949.18 |
| Neighbourhood CIL | £148,522.63 |
| CIL Land Payments | £0.00 |
| Other CIL Cash | £143,808.54 |
| Total Value | £304,280.35 |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Type | Allocated | Spent | Remaining |
| Admin CIL | £11,949.18 | £11,949.18 | £0.00 |
| Neighbourhood CIL | £144,822.63 | £144,822.63 | £0.00 |
| CIL Land Payments | £0.00 | £0.00 | £0.00 |
| Other CIL Cash | £167,785.02 | £143,808.54 | £23,976.48 |

1. i) The items of infrastructure on which CIL (including land payments) has been spent within the reported year, and the amount of CIL spent on each item is as follows:

| Infrastructure | Date | Amount | Description  |
| --- | --- | --- | --- |
| South Devon Link Road | 31 March 2024 | £143,808.54 |  |

Of this money spent within the reported year, the number of affordable housing units provisioned via the spend of CIL money is 0.

Of this money spent within the reported year, the following number of education places have been provisioned: N/A

ii) The amount of CIL spent 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) is as follows: N/A

iii) The amount of CIL collected towards administration expenses is £11,949.17. This was 5% of the total CIL receipts collected (£238,983.47) in the reported period.

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

The amount of CIL spent on administration expenses during the reported year was £11,949.18. This was 5% of the total CIL collected within the reported year.

1. Regarding CIL collected and allocated within the reported year that has not been spent, summary details of what has been allocated, is remaining to be spent and what it has been allocated towards is as follows:

| Infrastructure | Amount Allocated | Amount Unspent | Allocation Dated |
| --- | --- | --- | --- |
| Berry Head Mitigation | £23,976.48 | £23,976.48 | 11 May 2023 to 31 March 2024 |

1. i) The total amount of CIL passed to a neighbourhood zone under Regulation 59A (collected on behalf of the neighbourhood zone in cash), cash collected and allocated towards Neighbourhood CIL, and 59B (cash provided by the Charging Authority to Neighbourhood Zones equivalent to what they would have received on a payment in kind), are as follows:

| Zone | Date | Amount Passed |
| --- | --- | --- |
| Paignton | 29 June 2023 | £25,000.00 |
| Paignton | 04 January 2024 | £15,000.00 |
| Paignton | 18 January 2024 | £3,000.00 |
| Paignton | 19 February 2024 | £18,447.50 |
| Paignton | 18 March 2024 | £24,123.24 |
| Torquay | 21 August 2023 | £350.00 |
| Torquay | 19 December 2023 | £1,606.20 |
| Torquay | 28 December 2023 | £14,393.80 |
| Torquay | 18 January 2024 | £3,050.00 |
| Torquay | 26 January 2024 | £850.00 |
| Torquay | 01 February 2024 | £3,000.00 |
| Torquay | 01 February 2024 | £14,301.89 |
| Torquay | 06 February 2024 | £20,000.00 |
| Torquay | 18 March 2024 | £850.00 |
| Torquay | 28 March 2024 | £850.00 |

The following amounts were allocated towards neighbourhood zones under Regulation 59B, cash provided by the Charging Authority to Neighbourhood Zones equivalent to what they would have received on a payment in kind, during the reported year: N/A

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

| Infrastructure | Amount | Date | Spend Description |
| --- | --- | --- | --- |
| Babbacombe Path Improvements | £1,200.00 | 01 August 2023 | Clearance Works |
| Lighting Paignton | £25,000.00 | 19 October 2023 | Purchase, Install and service lighting in Paignton. |
| Glen Sannox Babbacombe | £350.00 | 21 August 2023 | Glen Sannox Babbacombe |
| Ellacombe Community Garden | £1,606.20 | 19 December 2023 | Ellacombe Community Partnership |
| Community and Young Peoples Garden | £14,393.80 | 28 December 2023 | Community Garden in Ellacombe |
| Refurbishment of Changing Rooms at Paignton Rugby Club | £15,000.00 | 04 January 2024 | Paignton Rugby Club refurbishment of Changing Rooms |
| Off-road Path from Babbacombe Theatre to Beach | £3,050.00 | 18 January 2024 | Offroad path improvements |
| Path Clearance | £850.00 | 26 January 2024 | Path Clearance |
| CCTV for Plainmoor Pool | £3,000.00 | 01 February 2024 | Swim Torquay Ltd. CCTV. |
| Refurbishment of Accessible Changing Room Plainmoor Pool | £14,301.89 | 01 February 2024 | Swim Torquay. Accessible Changing Room. |
| Upton Park Community Cafe | £20,000.00 | 06 February 2024 | Cafe |
| Clearance of Public Footpath | £850.00 | 18 March 2024 | Clearance of Footpath |
| Clear Footpaths | £850.00 | 28 March 2024 | Clearance of Footpaths |
| Upgrade of Gymnastics Equipment | £18,447.50 | 19 February 2024 | Gymnastics Equipment |
| People's Parkfield: Landscape Improvements | £24,123.24 | 18 March 2024 | Long lasting green improvements |
| People's Parkfield: Landscape Improvements | £3,000.00 | 18 March 2024 | Long lasting green improvements |
| Stoodley Knowle Meadow Play Park - equipment repair | £2,500.00 | 29 June 2023 | Equipment repair |

1. i) The total collected by Torbay Council for the reported year under Regulation 59E (CIL returned to the Charging Authority after 5 years if not spent) was £0.00 and under Regulation 59F, CIL collected and retained by the Charging Authority for areas that are not designated Neighbourhood Zones, was £59,249.25.

ii) The amount of CIL allocated during the reported year under Regulation 59E, CIL returned to the Charging Authority that had been passed to a Neighbourhood Zone and had not been applied to infrastructure after a 5-year period, during the reported year is as follows: N/A

The amount of CIL spent under Regulation 59E during the reported year is as follows: N/A

The amount of CIL allocated during the reported year under Regulation 59F during the reported year is as follows: N/A

The amount of CIL spent under Regulation 59F during the reported year is as follows:

| Infrastructure | Amount | Date | Spend Description |
| --- | --- | --- | --- |
| Stoodley Knowle Meadow Play Park - equipment repair | £2,500.00 | 29 June 2023 | Zone: Torquay Equipment repair |
| Babbacombe Path Improvements | £1,200.00 | 01 August 2023 | Zone: Torquay Clearance Works |

1. i) The amount of CIL requested under Regulation 59E for the reported year is as follows per neighbourhood zone: N/A

ii) The amount of CIL still outstanding for recovery under Regulation 59E at the end of the reported year for all years is as follows for each neighbourhood zone: N/A

1. i) The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, for the reported year and that had not been spent is £23,976.50.

ii) The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, from 01 June 2017 to the end of the reported year that had not been spent is £209,131.50.

iii) The amount CIL collected and that had not been spent under Regulations 59E and 59F during the reported year are as follows: N/A

iv) The amount of CIL collected from 01 June 2017 to the end of the reported year under Regulations 59E and 59F that has not been spent is as follows:

| Type | Retained |
| --- | --- |
| Regulation 59E | £0.00 |
| Regulation 59F | £267,295.76 |

**Section 106 Matters**

**Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 3**

1. The total amount of money to be provided under any planning obligations which were entered during the reported year is £506,047.06. This figure does not consider indexation (inflation/deflation) that may be applied when the money becomes due.
2. The total amount of money received from planning obligations during the reported year was £1,113,851.38.
3. The total amount of money received prior to the reported year that has not been allocated is £2,079,824.59.
4. During the reported year the following non-monetary contributions have been agreed under planning obligations:

i) The total number of affordable housing units to be provided as on-site provision agreed under planning obligations is 46.

The total number of affordable housing units to be provided by S106 off site funding allocations made within the reported period is 0.

ii) The following education provisions agreed under S106 agreements: N/A

The following education provisions have been funded by offsite S106 and other funding sources allocated during the reported year: N/A

Summary details of all non-monetary obligations agreed within the reported year are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Covenant Type/Service | Deed Date | Clause | Planning Application |
| S106 Misc/S106 Monitoring | 20/04/2023 | 5.1.2 | P/2022/0888 |
| S106 Misc/S106 Monitoring | 20/04/2023 | 5.3 | P/2022/0888 |
| Notice Submission/S106 Monitoring | 20/04/2023 | 5.4.1 | P/2022/0888 |
| Notice Submission/S106 Monitoring | 20/04/2023 | 5.4.2 | P/2022/0888 |
| Notice Submission/S106 Monitoring | 20/04/2023 | 5.4.3 | P/2022/0888 |
| POS/Recreation - Contribution/Natural Environment | 04/10/2023 | S1 1.2 | P/2021/1093 |
| Council Covenant(s)/S106 Monitoring | 04/10/2023 | S2 1.1 | P/2021/1093 |
| Notice Submission/S106 Monitoring | 02/05/2023 | S3.1 | P/2022/0772 |
| Notice Submission/S106 Monitoring | 02/05/2023 | S3.2 | P/2022/0772 |
| Occupation/Use Restriction(s)/S106 Monitoring | 02/05/2023 | S4 1.2 | P/2022/0772 |
| Occupation/Use Restriction(s)/S106 Monitoring | 02/05/2023 | S4 1.3 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 Part 1 1.1 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 Part 1 1.2 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 Part 1 1.3 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 Part 1 1.4 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 part 1 1.5 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 Part 1 1.6 | P/2022/0772 |
| Travel Plan - Compliance/Strategic Transport | 02/05/2023 | S5 Part 1 1.7 | P/2022/0772 |
| Highways - Contribution/Highways | 02/05/2023 | S5 Part 2 1.4 | P/2022/0772 |
| Sustainable Transport - Contribution/Strategic Transport | 02/05/2023 | S5 Part 3 1.1 | P/2022/0772 |
| Sustainable Transport - Contribution/Strategic Transport | 02/05/2023 | S5 Part 3 1.2 | P/2022/0772 |
| Sustainable Transport - Contribution/Strategic Transport | 02/05/2023 | S5 Part 3 1.4 | P/2022/0772 |
| Council Covenant(s)/S106 Monitoring | 02/05/2023 | S6 .1 | P/2022/0772 |
| Council Covenant(s)/S106 Monitoring | 02/05/2023 | S6 .2 | P/2022/0772 |
| Council Covenant(s)/S106 Monitoring | 02/05/2023 | S6 .3 | P/2022/0772 |
| Council Covenant(s)/S106 Monitoring | 02/05/2023 | S6 .4 | P/2022/0772 |
| Notice Submission/S106 Monitoring | 01/06/2023 | S1 1. a | P/2021/0120 |
| Notice Submission/S106 Monitoring | 01/06/2023 | S1 1. b | P/2021/0120 |
| Notice Submission/S106 Monitoring | 01/06/2023 | S1.3 | P/2021/0120 |
| Variation of Definitions/S106 Monitoring | 02/11/2023 | S1 | P/2022/1146 |
| Planning Misc/S106 Monitoring | 07/12/2023 | S 3 | P/2022/0771 |
| SUDS - Scheme/Spec/Strategic Planning | 07/12/2023 | S9 2.3 & 2.4 & 2.5 | P/2022/0771 |
| Highways - S278/S38 Agreement/Highways | 07/12/2023 | S10 2.1 & 2.2 | P/2022/0771 |
| Council Covenant(s)/S106 Monitoring | 07/12/2023 | S12 1.2 | P/2022/0771 |

1. The total amount of money from planning obligations allocated towards infrastructure during the reported year was £970,551.75. Of this amount £919,259.13 was not spent during the reported year.
2. The total amount of money from planning obligations spent during the reported year was £352,628.15. Of this amount £0.00 was spent by a third party on behalf of Torbay Council.
3. The following items have had money allocated towards them during the reported year with unspent allocations:

| Infrastructure | Allocated | Date Allocated | Unspent |
| --- | --- | --- | --- |
| Berry Head Mitigation | £3,835.00 | 11 May 2023 to 31 March 2024 | £2,022.00 |
| Torbay Waste and Recycling | £792.00 | 08 June 2023 | £792.00 |
| Palace Avenue Park Improvements | £24,434.26 | 05 December 2023 | £24,434.26 |
| Torbay Road Cycle Route Design | £6,010.07 | 31 March 2024 | £6,010.07 |
| ZEBRA2 | £166,396.71 | 01 March 2024 | £166,396.71 |
| Generic Lifelong Learning Project | £103.23 | 05 November 2023 | £103.23 |
| Compass House Surgery Extension | £89,246.80 | 16 January 2024 | £89,246.80 |
| Lidl Kings Ash Rd Ecology Mitigation at Westerland Valley | £106,544.00 | 13 June 2023 | £106,544.00 |
| Roselands Primary School | £523,710.06 | 22 May 2023 | £523,710.06 |

1. In relation to money which was spent by Torbay Council during the reported year:

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

| Infrastructure | Spent | Date Spent | Spend Description |
| --- | --- | --- | --- |
| Berry Head Mitigation | £9,994.75 | 23 November 2022 to 23 February 2024 | Footprint Ecology Berry Head mitigation review Berry Head Rabbit Lawn Scrub Clearance Order no. 319644 INV – 0427 |
| Churston Cove Access Project | £3,648.00 | 01 October 2023 |  |
| America Lane improvement works | £231,274.53 | 31 March 2020 to 31 March 2024 |  |
| Edginswell Station | £44,642.91 | 31 March 2019 to 31 March 2024 |  |
| Browns Bridge Junction | £4,274.49 | 31 March 2021 to 31 March 2024 |  |
| Brixham Bus Service Subsidy | £35,189.69 | 31 March 2023 to 14 April 2024 | Saturday's  |
| Torquay Bus Service Subsidy | £16,226.36 | 31 March 2024 to 08 May 2024 |  |
| Sustainable Transport | £0.42 | 31 March 1999 to 31 March 2024 |  |
| Safer Communities Project | £7,377.00 | 31 March 2011 to 31 March 2024 |  |

ii) The amount of planning obligation money spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide are as follows: N/A

iii) The amount of planning obligation money spent in respect of administration of planning obligations and monitoring in relation to the delivery of planning obligations during the reported year was £6,201.00.

1. The total amount of money retained at the end of the reported year is £4,381,778.04. Of this amount £0.00 has been retained for long term maintenance. Please see the below table for a breakdown of the retained maintenance amount.

| Description | Amount |
| --- | --- |
| Total collected for long term maintenance | £119,829.35 |
| Total allocated towards maintenance | £119,829.35 |
| Total spent on maintenance | £119,829.35 |

For more details click on the Exacom Obligations Office projects link:

 [Torbay Council PFM - Projects](https://pfm.exacom.co.uk/torbay/projects.php)

**Section 278 Matters
Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 4**

Click on this link to access the agreements entered into during the reported year in respect to Highways Agreements under Section 278 of the Highways Act 1980:

[https://www.torbay.gov.uk/roads/highway-maintenance/road-adoption/torquay-road-agreements/](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.torbay.gov.uk%2Froads%2Fhighway-maintenance%2Froad-adoption%2Ftorquay-road-agreements%2F&data=05%7C02%7CErika.Clouder%40torbay.gov.uk%7C5098637aae004b914fa808dc32017c96%7C13577bd8494345d98d3c304f184f6582%7C0%7C0%7C638440229164939748%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=Zu%2FtSRXFnqdrd%2BGZauce77%2F4qpMJppBSJJ1msoynMlI%3D&reserved=0)

The financial values of these are not included in the matters under **Schedule 2 Section 3** of this report.