

HARLOW DISTRICT COUNCIL
Infrastructure Funding Statement
2021



Covering Period 1st April 2020 – 31st March 2021

Summary of 2020/21 Reporting Year:

- **As of 31st March 2021 £2,321,662 of developer contributions were held by the Council**
- **No contributions are held for long term maintenance/ commuted sums**
- **£110,918 of developer contributions were collected from developers of which £2,700 is for monitoring purposes**
- **No S106 contributions were spent in the reporting year**
- **£482,934 was secured for off-site projects in Harlow including healthcare, library provision, sustainable transport, outdoor space and public art**
- **£16,719 was secured for County Council education projects**
- **14 affordable homes were secured on-site**

1. What is the Infrastructure Funding Statement?

- 1.1. Local planning authorities that have received developer contributions must publish, at least annually, an Infrastructure Funding Statement (IFS) summarising their developer contributions (or planning obligation) data. Infrastructure Funding Statements will give policy makers, developers and the public better insights into how developer contributions are supporting new development and local infrastructure in Harlow.
- 1.2. The preparation of an IFS was made a statutory obligation of the local authority in September 2019 and must be prepared by 31st December each year beginning December 2020. It must be prepared in accordance with the [Community Infrastructure Levy \(CIL\) regulations](#) and [National Planning Policy Framework](#) (NPPF).
- 1.3. The IFS must include the following:
 - Developer contributions received in the reporting year
 - Developer contributions secured in the reporting year
 - Developer contributions spent in the reporting year
 - Developer contributions held at the beginning of the reporting year and at the end of the reporting year
 - Projects/infrastructure items/schemes which developer contributions have been received/secured/spent on including costs.
- 1.4. It must also include information on non-monetary schemes that have been agreed through a planning obligation (see section 3 on planning obligations) such as affordable housing units or school places and where planning obligations have been used for commuted sums (long term maintenance), monitoring purposes and any repayments for borrowing money.
- 1.5. For those local authorities who have adopted a Community Infrastructure Levy (CIL), the IFS will also cover the contributions collected from this mechanism. Section 278 agreements, relating to highway works, are also reported in an IFS. These are reported separately by the relevant highway authority, in this case Essex County Council.

2. What period does the Harlow IFS cover?

- 2.1. The 2021 Harlow IFS covers the reporting period of 1st April 2020 to 31st March 2021. It will include developer contributions received, secured and spent in this time period.
- 2.2. For information, the IFS also presents projects and infrastructure items identified in the Harlow Local Development Plan (HLDP) and Infrastructure Delivery Plan (IDP) which developer contributions will contribute towards.

3. What is a Planning Obligation?

- 3.1. Planning obligations, also known as developer contributions, help to mitigate the impact of unacceptable development to make it acceptable in planning terms. 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 to the local area.
- 3.2. Planning obligations are legal obligations and seek contributions, either monetary or non-monetary from a developer or landowner. An obligation can only be sought if it meets the following tests:
 - a) it is necessary to make the development acceptable in planning terms;
 - b) it is directly related to the development; and
 - c) it is fairly and reasonably related in scale and kind to the development.
- 3.3. Planning obligations can be made via a Section 106 agreement (S106) entered into by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority.
- 3.4. The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the district. In some cases, it can be a combination of both on-site provision and off-site financial contributions.
- 3.5. Some local planning authorities have established a Community Infrastructure Levy (CIL) which is a fixed charge levied on new development to fund infrastructure. A CIL must be consulted upon, and approved, and a charging schedule setting out levy rates published before it can be used. Unlike a S106 or unilateral undertaking, a CIL is a fixed amount and non-negotiable. However exemptions and reliefs do apply. A CIL can be used instead of or alongside S106 agreements.

4. Harlow's infrastructure requirements

Harlow's Growth Requirements

- 4.1. The Harlow Local Development Plan (HLDP) sets out the development requirements for the district to 2033. This includes 9,200 homes of which 30% should be affordable. This figure includes a large strategic site to the east of Harlow for 2,600 new homes, a series of small and medium sized sites across the district and existing planning permissions (see table 1 below).

TABLE 1: Housing requirements set out in the HLDP

Requirement 2011-2033	9,200
Completions at 31 March 2019	2,463
Commitments at 31 March 2019	4,723
Strategic Housing Site East of Harlow	2,600
Small/medium sites	834
TOTAL SUPPLY	10,620
Surplus over 9,200 requirement	1,420

- 4.2. The HLDP also identifies the need for 2 to 4ha of office floorspace (E g (i)) and 16ha of industrial floorspace (E g (ii), E g (iii), B2 and B8) between 2016 and 2033 and up to 21,300sqm of retail floorspace to 2026.
- 4.3. The Strategic Housing Site East of Harlow, as set out in table 1, is one of four new Garden Town Communities which, along with the urban fabric of Harlow, form the Harlow and Gilston Garden Town (HGGT). The four Garden Communities are located within Harlow, Epping Forest and East Hertfordshire Districts and together with other development sites in Harlow will look to deliver approximately 23,000 new homes over the Plan period and beyond. This will bring transformational growth in Harlow, enhancing the district's retail and employment offer and delivering significant public transport improvements.
- 4.4. The HLDP identifies infrastructure items necessary to make these development requirements and the wider HGGT development sustainable and to mitigate impacts on existing infrastructure. This includes the provision of new primary and secondary schools, highway and public transport improvements including sustainable transport corridors, healthcare provision including a state of the art hospital, green infrastructure such as parks and open spaces, emergency services and other community facilities. This has been informed by a suite of Infrastructure Delivery Plans as set out in further detail below.

Harlow and Gilston Garden Town IDP

- 4.5. The infrastructure items required to underpin the development identified in the HLDP, are set out in the [Harlow and Gilston Garden Town \(HGGT\) IDP](#). An update of the HGGT IDP is expected to be published in Winter 2021.
- 4.6. The HGGT IDP both aligns and updates the three IDPs of Harlow, East Hertfordshire and Epping Forest. It provides information on existing and future infrastructure requirements that will help to support future housing and employment growth in the Garden Town to 2033 and beyond. Unlike other IDPs the HGGT IDP also identifies how expected developer contributions from various sites will be apportioned and what collection mechanisms can be utilised to assist in funding the infrastructure items which serve more than one site.
- 4.7. IDPs are, by their very nature, a 'snapshot in time', and as different infrastructure providers respond to their own unique challenges, the information that they provide will naturally date and alter over time. There are a number of areas of work ongoing which will further inform infrastructure requirements. As a result the IDPs will be reviewed periodically and updated where necessary. It is the intention that the HGGT IDP is updated at least annually.

Infrastructure provision in the Harlow Local Development Plan

- 4.8. The HLDP sets out in broad terms the infrastructure requirements for the Garden Town Communities (Chapter 5), the Strategic Site East of Harlow in Policy HS3 (see below for policy text in full) and the district as a whole (Chapter 11). Policy SIR1 identifies several projects in particular which are considered strategic in nature and require the safeguarding of land:
 - Sustainable Transport Corridors running north to south and east to west of the district¹
 - Central Stort Crossing at Eastwick and Second Stort Crossing at River Way
 - Access route for the Strategic Site East of Harlow
 - Cemetery extension
 - Allotment provision

POLICY HS3: STRATEGIC HOUSING SITE EAST OF HARLOW

A Strategic Housing Site for 2,600 dwellings and associated infrastructure is allocated on land to the east of Harlow. The site forms part of one of the new Garden Communities in the Harlow and Gilston Garden Town.

Developers must produce a Strategic Master Plan in general conformity with the Harlow and Gilston Garden Town Design Guide and in partnership with the Council and

¹ See [HGGT draft Transport Strategy for more detail](#).

other stakeholders, such as Epping Forest District Council, East Hertfordshire District Council, the local community, infrastructure providers and statutory bodies.

The development must:

- (a) provide integrated, well-planned and sustainable development that reflects the overarching design principles of the Harlow and Gilston Garden Town Vision and Design Guide, including the provision of Green Wedges and Green Fingers (incorporating public natural/semi-natural open space) and opportunities to enhance the biodiversity of the area;*
- (b) include the provision of Green Wedges and Green Fingers, incorporating public natural/semi-natural open space within the development to link with the existing network of Green Wedges and Green Fingers in the district;*
- (c) provide local highway solutions to address the impact on the wider strategic road network (including necessary links to the new Junction 7a on the M11);*
- (d) include the provision of direct walk/cycle/bus access and link to the Newhall site as part of the Sustainable Transport Corridor;*
- (e) provide footpaths, cycleways and bridleways within the development and link them to the existing Harlow network and adjacent networks in the Epping Forest District;*
- (f) provide community infrastructure, including, but not limited to:*
 - (i) a new primary school of at least 2.9ha site area;*
 - (ii) in addition to any necessary contributions, the provision of land for at least 10ha for a secondary school if required by the Strategic Master Plan;*
 - (iii) child care and Early Years provision;*
 - (iv) youth services;*
 - (v) healthcare facilities;*
 - (vi) multi-purpose community space and facilities;*
 - (vii) allotment provision;*
 - (viii) indoor and outdoor sports facilities, which may be shared-use;*
 - (ix) neighbourhood equipped areas for play and locally equipped areas for play.*
- (g) provide appropriate local retail facilities, similar to Neighbourhood Centres (incorporating an element of employment use) and Hatches elsewhere in Harlow;*
- (h) a Heritage Impact Assessment will be required to inform the design of the Garden Town Community to ensure heritage assets within and surrounding the site are conserved or enhanced and the proposed development will not cause harm to the significance of a heritage asset or its setting. Only where harm cannot be avoided should appropriate mitigation measures be incorporated into the design as identified through the Heritage Impact Assessment;*
- (i) be designed sensitively to take full account of topography and landform;*
- (j) provide sustainable drainage solutions and flood mitigation measures for areas of the site which are identified in the Strategic Flood Risk Assessment;*
- (k) provide satisfactory water supply and waste water network infrastructure for occupants;*

- (l) provide and contribute to public art within the development; and*
- (m) include any measures necessary to safeguard wildlife sites beyond the district boundary in accordance with Policy WE4.*

Infrastructure, including social infrastructure, must be delivered at a pace which meets the needs of the proposed development throughout the construction of the site.

Any application for development on the site in the form of individual or part/phased development should be in general conformity with a Strategic Master Plan which has been endorsed by the Council as well as the Harlow and Gilston Garden Town Design Guide.

Developers will be expected to make a fair and reasonable contribution to the strategic highway and other infrastructure requirements set out in the Infrastructure Delivery Plan.

5. Securing Developer Contributions in Harlow

- 5.1. Policy IN6 of the HLDP sets out how the Council will secure infrastructure provision through the use of developer contributions or planning conditions (see policy text in full below):

POLICY IN6: PLANNING OBLIGATIONS

Planning permission will only be granted for development if provision is secured for related infrastructure, affordable housing, services, facilities and environmental protection and any other planning contributions which are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The provision of such requirements shall be secured either as part of development proposals, through the use of conditions attached to planning permissions, or through planning obligations. Where it can be demonstrated that provision on-site is not feasible then provision elsewhere, or a financial contribution towards this provision, will be required.

Where a planning application extends beyond the district boundary, prior agreement for the provision and location of any necessary obligations will need to be obtained from relevant parties.

Where the submission of a viability assessment has been justified, the Council will require an independent review of the viability of the scheme to be prepared, the costs of which shall be met by the developer. Where it is accepted that planning contributions are reduced below the requirements set out in policies of the Local Plan, a viability review mechanism will be required to enable a fully policy compliant level of contributions to be achieved over the lifetime of the project. Other than in exceptional circumstances, viability assessments will be made publicly available.

- 5.2. The Implementation section of Policy IN6 states that the Council will prepare a Planning Obligations Supplementary Planning Document (SPD) setting out further guidance for the collection and spend of developer contributions. The Council will consider options for preparing a joint Planning Obligations document with HGGT partners in order to ensure a consistent approach to securing obligations for the entire Garden Town particularly where items of infrastructure will require funding from more than one development.
- 5.3. In the interim, the Garden Town partners have prepared a [‘How To Guide’](#) setting out a collective position in respect to the approach that will be taken for securing planning obligations in the Garden Town to ensure the obligations are secured in a

coordinated and comprehensive manner. The Garden Town partners are also in the process of developing a standard S106 template agreement which will be used for all of the new Garden Communities. Whilst there may be some minor variations in agreements reflecting the particular requirements of individual developments, the aim will be to ensure a consistency of approach as far as practicable.

- 5.4. At present the Council secures developer contributions through S106 agreements and unilateral undertakings. Harlow does not have a CIL in place however work is currently underway to determine whether development in Harlow can accommodate a CIL charge. If a CIL were to be adopted in Harlow, the IFS will also report on the levies raised through this mechanism.

6. What developer contributions have been secured, collected and spent in 2020/21?

- 6.1. As of 1st April 2020 the Council held £2,208,663 of developer contributions.
- 6.2. As of 31st March 2021 the Council held £2,321,662 of developer contributions². The Council does not hold any developer contributions for long term maintenance (commuted sums). Including interest, this is an increase of £112,999 over the reporting year. The figure of £2,321,662 is held for the following projects³:

- £72,739 for improved sports/community related facilities at or close to Church Langley
- £8,557 towards improved lighting at the Town Park
- A further £17,931 for Town Park improvements
- £30,224 for Harlow Roman Temple Management Plan
- £1,365,207 for off-site affordable housing provision
- £6,330 for monitoring fees
- £635,252 for health and library provision from Gilden Way development
- A further £45,583 for health from former Rugby Club development
- £58,603 for allotments, play areas and playing fields
- £81,236 for pedestrian/cycle signage and highway improvements which is to be passed on to the local highway authority.

Developer contributions collected and spent (monetary only)

- 6.3. The information below shows what monetary planning contributions the Council has collected and spent. It does not include contributions received relating to S278 agreements (highway works).
- 6.4. A total of £110,918 of developer contributions were collected in the reporting year. Of this amount, £2,700 will be used for monitoring purposes. Appendix 1 details the projects and infrastructure items the contributions were collected for and the developments they were collected from.
- 6.5. The Council has further developer contributions to collect from all of the developments listed in Appendix 2. They will be collected once certain trigger points in the developments are reached. For example when a certain number of homes have been completed and/or occupied. Further contributions will be

² This includes any interest accrued.

³ Rounded figures

reported in subsequent versions of the IFS.

- 6.6. The Council did not spend S106 money in the reporting year. However a lot of infrastructure has been provided or will be provided within developments or in proximity of the development and therefore does not require off-site developer contributions. This includes for example open spaces, playing facilities, affordable housing provision and education provision at Gilden Way, the provision of a new rugby club and on-site public art at the former Rugby Club site and a range of infrastructure to support Newhall including a local shopping centre, nursery and education facilities. Furthermore Essex County Council will also secure the necessary highway related infrastructure for new sites through S278 agreements and spending S106 contributions for appropriate education facilities in accordance with their relevant and most up to date demand plans⁴.
- 6.7. Work is currently progressing to transfer library contributions collected from the Gilden Way development to Essex County Council to help part fund improvement works to the Town Centre library. These works are already underway and will involve the relocation of the Adult Community Learning in to the building, revitalising and enhancing the existing library and cosmetic improvements to the outside of the building.
- 6.8. The Council continues to work on developing projects which S106 contributions will fund or help fund. This includes improving sports related facilities at Church Langley in partnership with The FA and Football Foundation, improved lighting at the Town Park and a programme of improvement works to the district's allotments.

Developer Contributions and Planning Obligations secured (monetary and non-monetary)

- 6.9. The Council secured £482,934 from developer contributions in 2020/21. This will help to fund projects in the district including healthcare provision, library enhancements and contributions towards the Sustainable Transport Corridors. This figure also includes £1,800 for S106 monitoring.
- 6.10. In addition to the figure above the Council in conjunction with Essex County Council, secured £16,719 for primary school provision. These contributions will be collected by Essex County Council.

⁴ 10 Year Plan – Meeting the demand for school places in Essex 2019-2028

- 6.11. Appendix 2 shows the developments the S106 money was secured from, the infrastructure items or projects the contributions were secured for and the amount.
- 6.12. In addition to the monetary planning contributions, the Council has also secured 14 affordable homes, local employment strategies and refuse collection strategies. These are also detailed in Appendix 2.
- 6.13. A further Section 106 agreement was agreed for the Midas site at River Way (HW/FUL/18/00500). The agreement was dated February 2020 but was not reported in the 2019/20 IFS. The agreement secured a further £120,000 for early years and childcare provision and £5,000 for travel plan monitoring. This information is not included because table 3 only monitors contributions and obligations in the 2020/21 monitoring year. However table 2 shows that the £600 monitoring fee has been collected.

7. Conclusions

- 7.1. The Council will publish an Infrastructure Funding Statement (IFS) at least annually in order to show what developer contributions the Council has secured and collected and the infrastructure items and projects developer contributions has been spent on. The IFS will continue to show infrastructure items delivered on development sites and projects delivered through planning obligations.
- 7.2. The Council will continue to secure planning contributions in accordance with the National Planning Policy Framework and policies set out in the Harlow Local Development Plan. This includes securing infrastructure provision required to deliver new homes both in Harlow and the wider Harlow and Gilston Garden Town. The Council will consider developing a Garden Town IFS with Garden Town partners in the future.
- 7.3. Where appropriate the IFS will provide updates in respect of infrastructure related documents such as the Infrastructure Delivery Plan, viability evidence, any decisions made in respect of how planning contributions are secured in the future (i.e. S106/CIL) and the potential development of a Planning Obligations Supplementary Planning Document.
- 7.4. You can contact Harlow Council regarding the Infrastructure Funding Statement on 01279 446 897 or by emailing myharlow@harlow.gov.uk.

Appendix 1: Developer contributions collected 2020/21 (£106 monetary contributions only)

Development	Infrastructure item/project	Amount collected
Land north of Gilden Way HW/PI/11/00055 (Erection of 1,200 Dwellings, New Primary School, Community Buildings and Retail/ Business/Live Work Units together with Associated Uses Comprising Allotments and Public Open Space, Plus Associated Infrastructure and Engineering Works, with Vehicular Access from Gilden Way)	Library provision and Healthcare provision for Old Harlow Health Centre/Old Harlow area TOTAL	£27,018.33 £27,018.33
Midas, River Way HW/FUL/18/00500 (Re-development of the site to provide two modern employment units comprising 16,478 sqm (GIA) for employment purposes within use class B8 with ancillary offices, car parking, landscaping, service yard areas and ancillary uses)	Monitoring fee TOTAL	£600 £600
Land at 15-29 Westgate HW/FUL/19/00291 (Demolition of existing building and redevelopment of the site to provide 163 residential units, circa 390sqm of flexible commercial floorspace, storage)	Monitoring fee TOTAL	£1,800 £1,800
Land at Passmores School HW/PL/19/00058 (Construction of a New 1,700 Place School Building Over Three Storeys, a New Sports Block, an all Weather Floodlit Hockey Pitch, a MUGA, Football and Rugby Pitches and Playing Fields. Former Passmores Comprehensive School Tendring Road Harlow Essex)	Providing/ improving pedestrian/ cycling signage Traffic light system at Tendring Road/Pyenest Road and monitoring of the works Monitoring Fee TOTAL	£20,000 £61,200 £300 £81,500

Appendix 2: Developer contributions secured 2020/21 (\$106 contributions and planning obligations)

Development	Infrastructure item/project	Amount secured
Service Industry Bays The Stow HW/FUL/19/00257 (Re-development of Existing Service Bays into 88 Apartments, 10 No. Live/Work Units and 545 sqm of B1 Use).	• Healthcare – refurbishment, reconfiguration, extension or relocation of Addison House Surgery • Primary school education – directly related to Cooks Spinney Primary School • Refuse Collection TOTAL OFF-SITE CONTRIBUTIONS	£33,281 £16,719 Must submit refuse collection strategy and refuse collection point specification before first occupation £50,000
North of Aylmer House, Kitson Way HW/FUL/20/00161 (Erection of 49 flats (26 x 1 bed, 21 x 2 bed and 2 x 3 bed) with associated parking, amenity areas and other associated works).	• Library provision – within Harlow • Outdoor space – within 1.5km of site • Public art • Sustainable Transport Corridors • Monitoring fee • 14 affordable homes • Local employment strategy TOTAL OFF-SITE CONTRIBUTIONS	£14,833 £51,735.90 £12,700 £368,584 £1,800 £449,652.90

