

<b>Subject:</b>	To note the contents of the Infrastructure Funding Statement 2023-24 (including updated fees for monitoring), and the Brownfield Land Register 2024	<b>Status:</b>	For Publication
<b>Report to:</b>	Cabinet	<b>Date:</b>	12 <sup>th</sup> February 2025
<b>Report of:</b>	Head of Planning	<b>Lead Member:</b>	Leader of the Council and Lead Member for Planning
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	<b>No</b>	Attached: <b>No</b>
<b>Biodiversity Impact Assessment:</b>	Required:	<b>No</b>	Attached: <b>No</b>
<b>Contact Officer:</b>	Anne Storaah / Jacob Landers	<b>Telephone:</b>	01706 252418 / 252412
<b>Email:</b>	<a href="mailto:annestorah@rossendalebc.gov.uk">annestorah@rossendalebc.gov.uk</a> ;		

## 1. RECOMMENDATION

- 1.1. To note the contents of the Infrastructure Funding Statement 2023/24 and the Brownfield Land Register 2024.
- 1.2. To note that the Infrastructure Funding Statement contains charges for recording and monitoring s106 obligations which will be reported to Council as part of the 2024/25 Fees and Charges Schedule.

## 2. EXECUTIVE SUMMARY

- 2.1 The Community Infrastructure Levy (CIL) Regulations require all local planning authorities that enter into section 106 (s106) planning obligations during a reporting year to publish an **Infrastructure Funding Statement (IFS)** at least annually, before 31 December.
- 2.2 The IFS provides a summary of financial contributions the Council has secured through section 106 (s106) agreements from new developments for off-site infrastructure works and affordable housing. The report provides:
  - an overview of s106 agreements;
  - the Council's internal process relating to s106 contributions;
  - the s106 contributions paid to the Council in the 2023/24 monitoring period;
  - s106 contributions estimated for future years; and
  - projects delivered in the borough via s106 agreements in the 2023/24 monitoring period.
- 2.3 This year's IFS updates the fees for recording and monitoring s106s (in line with the Consumer Price Index – CPI) and in addition introduces fees for monitoring and recording Biodiversity Net Gain (BNG). BNG is a statutory requirement, which was introduced earlier this year, and is mandatory for all non-exempt planning consents.
- 2.4 The **Brownfield Land Register** lists previously developed land that is suitable for housing, based on criteria set out in The Town and Country Planning (Brownfield Land Register) Regulations of 2017. No new sites have been identified for this year. This is in part due to the unusually low number of new dwellings granted over this period.

### **3. BACKGROUND**

3.1 The Council publishes the Infrastructure Funding Statement and the Brownfield Land Register annually. An update report was taken to Overview and Scrutiny on 13 January 2025.

#### **Infrastructure Funding Statement 2023-2024**

3.2 The Government introduced the requirement to produce an Infrastructure Funding Statement through the 2019 Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations (2019/1103). This legislation also re-introduced the ability for local planning authorities to 'pool' more than five planning obligations to fund infrastructure. Further guidance is contained in the National Planning Practice Guidance on Planning Obligations. Councils are allowed to charge fees to monitor and record planning obligations, with charges set out in the IFS.

3.3 The purpose of the IFS is to provide greater transparency both for developers and local communities so that any infrastructure provided through developer contributions as a result of new development can be recorded and clearly monitored from the signing of a s.106 agreement, through to the Council's receipt of the money, and eventually to the spend of the section 106 payment. For the purpose of the IFS, developer contributions include s.106 planning obligations, CIL payments, s.278s and any agreements that either secure funding towards new development, or provide infrastructure as part of any new development. Rossendale BC has not adopted a Community Infrastructure Levy (CIL) Charging Schedule, (and we are expecting further government guidance on proposed changes to this). Lancashire County Council is the Education authority and, as the Highway Authority, is responsible for s.278 agreements.

3.4 The IFS includes details of the amount of planning obligation expenditure where funds have been allocated. (Allocated means a decision has been made by the local authority to commit funds to a particular item of infrastructure or project).

3.5 Authorities should report on the delivery and provision of infrastructure, where possible, to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.

3.6 It is recommended that authorities report on estimated future income from developer contributions, where they are able to do so. This will give communities a better understanding of how infrastructure may be funded in the future. However, as planning policy guidance acknowledges, data on developer contributions is imperfect, and represents estimates at a given point in time, and can be subject to change. It should be noted that even where a s.106 is signed, if the developer does not implement the scheme, the Council cannot request any payment. Where the developer does not apply for full planning permission and instead applies for outline consent the s.106 is agreed at the initial stage.

3.7 The Council charges a fee of £158 to confirm, where possible, compliance with the s.106.

#### **Brownfield Land Register**

3.8 Brownfield Land Registers were introduced in The Town and Country Planning (Brownfield Land Register) Regulations of 2017. They provide up-to-date and consistent information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in the legislation. Registers are in two parts, Part 1 comprises all brownfield sites appropriate for residential development and sites listed in Part 2 are granted permission in principle. Registers should provide transparent information about suitable and available sites.

- 3.9 The criteria for inclusion on the Register is set out in [Regulation 4 of the Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#):
- has an area of 0.25 ha or can support at least 5 dwellings;
  - is suitable for residential development (i.e. is allocated, has planning consent or permission in principle, or is suitable in the Local Planning Authority's opinion);
  - is available for residential development (i.e. the developer has expressed an intention, and there are no ownership or legal impediments); and
  - residential development is achievable (i.e. likely to come forward within 15 years).
- 3.10 The Council annually publishes a Brownfield Land Register on the website at [Brownfield Land Register | More | Rossendale Borough Council](#). It is not mandatory to publish Part 2 of the Register and this Council has only published Part 1 of the Register.
- 3.11 The starting point for Rossendale's list of sites has been the [Rossendale Local Plan 2019 to 2036](#), (December 2021), supplemented by planning consents, the Council's [Strategic Housing Land Availability Assessment \(SHLAA\)](#) and local knowledge. Brownfield land consented for new housing is published on the Register and remains on, even if permission lapses, unless there is a good reason for the site to be removed. Sites on the Register that are built out, or become unavailable for another reason, are reported accordingly.
- 3.12 It should be noted that the Brownfield Land Register is not an exhaustive list of brownfield sites within Rossendale as sites can only be included that meet the criteria set out in the Regulations. As a result some small brownfield sites (smaller than 0.25 ha) or that form part of a larger greenfield site have not been included. Any sites that current planning policy would not permit have also been omitted or removed. The website does invite representations on additional sites for consideration in future updates.
- 3.13 Registers should be published locally as open data and will provide transparent information about suitable and available sites.

#### 4. DETAILS

- 4.1 The Council has produced and published an Infrastructure Funding Statement every year since they were introduced in 2020, with the first Report covering the period 1 April 2019 to 31 March 2020. These can be viewed on the Council's website at [Infrastructure Funding Statement | More | Rossendale Borough Council](#)
- 4.2 For 2023/24 a contribution was made towards Open Space at Stubblelee Park with the Haweswater Aqueduct scheme also providing financial contributions.
- 4.3 As of 31 March 2024 the Council held almost £900,000 from a number of planning approvals. More than £130,000 is held from the Scout Moor windfarm, and there are contributions towards playing pitches from the Dark Lane housing approval, as well as Taylor Wimpey's housing site at Reedsholme for public open space.
- 4.4 The Council released almost £400,000 over 2023/24 for public open space at Knowsley Play area in Whitworth, a bus shelter upgrade on Market St, Whitworth, landscape maintenance at Douglas Rd/Tong Lane in Bacup. The largest came from commuted sum payments in lieu of affordable housing, spent on purchasing new affordable housing.
- 4.5 The charges for monitoring and recording s106s have been increased by inflation accordingly (based on CPI figures). These are shown below:

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**Table 1: Charges for Recording and Monitoring Planning Obligations**

Type of Obligation	Current Fee for 2023	Proposed Fee for 2024	Comment
Commuted Sum	1% of each payment installment	Same as for 2023	This will be included within each invoice requesting payment
Land Contribution	£1,173 per development site	£1,232 per development site	This payment is to be made at the time that the land transfer takes place
On-site Affordable Housing	£1,173 per development site	£1,232 per development site	Payment is to be made on the first occupation of the affordable units
Other obligations	£1,173 per obligation	£1,232 per obligation	This is to ensure compliance with obligations such as providing a woodland management strategy etc.
Overage Clause <sup>1</sup>	At least £1,173 or 1% of any additional payments due	At least £1,232 or 1% of any additional payments due	This is to report on any commuted sum payments arising from greater profits.

<sup>1</sup> Inserted where, due to viability issues, it is agreed at the time of determining the planning application, that the development cannot meet all of the Council's s.106 requirements. After the development is completed a further viability assessment will be required to identify any excess profit and commuted sum payments

- 4.6 These charges will be reported to Council as part of the 2024/25 Fees and Charges Schedule.
- 4.7 The Council must monitor progress towards achieving the Biodiversity Net Gain (BNG) outcomes stated in an applicant's Biodiversity Gain Plan and/or Habitat Management and Monitoring Plan (HMMP) where secured via S.106 Agreements. The Council charges a fee to review the BNG reports submitted on the frequency agreed in the HMMP. This cover the cost of reviewing reports, undertake site visits if necessary and work with land managers to agree any remediation works to meet the secured outcomes. Buckinghamshire Council's approach has been followed in North Yorkshire and is considered appropriate here

**Table 2: Charges for Recording and Monitoring BNG**

BNG Standard Monitoring Fees	Low technical difficulty to enhance/create habitats	Moderate technical difficulty to enhance/create habitats	High technical difficulty to enhance/create habitats
Small biodiversity off-site/on-site area (0 to 10ha)	£8,003	£15,206	£23,361
Medium biodiversity off-site/on-site area (10+ to 20ha)	£13,338	£20,978	£33,373
Large biodiversity off-site/on-site area (20+ to 40ha)	£26,676	£35,963	£46,722

<sup>1</sup> Inserted where, due to viability issues, it is agreed at the time of determining the planning application,

4.8 The Council is using the 'Buckinghamshire Monitoring Fee Calculator' to calculate the fee. The calculator considers the size of the habitats and the technical level of difficulty in enhancing or creating these habitats (as shown in the Statutory Biodiversity Metric's difficulty multiplier for the post intervention habitats). Should there be various habitats created on a site, the calculator will consider the more technically difficult habitat to enhance or create.

4.9 In terms of calculating contributions the Council has adopted the Affordable Housing SPD which ensures that developers will now contribute more if they are not providing affordable housing on-site. The Open Space and Sports Provision SPD, adopted in November, sets out a new approach for calculating s106 contributions based on local factors and will use Sport England's calculators to identify contributions towards playing pitches and sports facilities.

## 5. **RISK**

5.1 If obligations required to make a development acceptable in planning terms are not properly discharged there is a risk of harm to the Council's reputation and public confidence in the Council's decision making. There are criteria on how and when Section 106 contributions received by the Council should be spent; if these criteria are not met there is a risk that the proposed contribution will have to be returned to the developer (after having already been spent) and the associated infrastructure will not be provided.

5.2 No risks are associated with the Brownfield Land Register as this is just an update.

## 6. **FINANCE**

6.1 The increased charges for monitoring and reporting on s106s, including requirements for the newly introduced mandatory Biodiversity Net Gain, are noted and will contribute to the Council's income.

6.2 No finance implications associated with the Brownfield Land Register

## 7. **LEGAL**

7.1 There is a requirement for local authorities (including those who have not implemented CIL) to provide an annual Infrastructure Funding Statement by 31 December each year. Legal implications are set out in the Report

7.2 Monitoring fees are subject to a test of 'reasonableness' relevant to the scale and type of development. Any fee must not "exceed the authority's estimate of its costs of monitoring the development over the lifetime of the planning obligations which relate to that development.

7.3 There is a requirement for local authorities to publish a Brownfield Land Register by 31 December each year. Legal implications are set out in the Report.

## 8. **POLICY AND EQUALITIES IMPLICATIONS**

8.1 Consultation has been undertaken with Management Team.

8.2 The Infrastructure Funding Statement is updated and published on the Council's website annually. S106s are agreed as part of the planning permission.

8.3 The Brownfield Land Register Part 1 lists only those sites which have or recently had planning consent.

8.4 Any equality implications related to this report will be given consideration in a relevant and proportionate manner

## 9. REASON FOR DECISION

9.1 This report is for noting.

<b>Background Papers</b>	
<b>Document</b>	<b>Place of Inspection</b>
Infrastructure Funding Statement 2023/24	<a href="#">Infrastructure Funding Statement   More   Rossendale Borough Council</a>
Brownfield Land Register 2023/24	<a href="#">Brownfield Land Register   More   Rossendale Borough Council</a>
Earlier versions of the Infrastructure Funding Statement	<a href="#">Infrastructure Funding Statement   More   Rossendale Borough Council</a>