

**Rossendale**

**Infrastructure Funding Statement**

**2021 – 2022**



Natural Place Space in Healey Dell as part of the Whitworth Wild Play Project, 2022

## Table of Contents

<b>Section 1</b>	<b>Introduction</b>
<b>Section 2</b>	<b>s.106 Obligations</b>
<b>Section 3</b>	<b>Updating the s.106 Process for Off-Site Contributions</b>
<b>Section 4</b>	<b>Charges for Recording and Monitoring Obligations</b>
<b>Section 5</b>	<b>s.106 Data</b>
5.1	Obligations entered into 2021/2022
5.2	Money held by RBC as of 31 March 2022
5.3	Money spent by RBC in 2021/2022

### 1. Introduction

1.1 The Government requires local authorities to monitor data on s.106 planning obligations and publish this information in an annual Infrastructure Funding Statement. Information should be provided on:

- Developer agreements
- Developer agreement contributions
- Developer agreement transactions.

#### **Newly Secured Money**

This is money from s.106s agreed and signed in 2021/22.

#### **Money Held by the Council**

This is money received from developers in 2021/22 and not yet spent as well as money held from previous years and yet to be spent.

**Money Spent by the Council in 2021/22** – or transferred to another organisation by type (e.g. public open space, commuted affordable housing etc.).

1.2 This Report only includes details of infrastructure to be delivered off-site.

1.3 It should be noted that this data represents estimates at a fixed point in time and can be subject to change, for example, where an outline planning application has been approved for up to a certain number of dwellings. Also not all the planning approvals documented will necessarily be implemented in full or part.

1.4 Please also be aware that Lancashire County Council can be co-signatories for infrastructure that is provided by them, such as for education places and highway improvements.

## 2 Section 106 Obligations

- 2.1 Under section 106 of the 1990 Town and Country Planning Act local planning authorities can seek obligations when it is considered the development will have adverse impacts that cannot be mitigated through planning conditions. These obligations may be on-site or delivered off-site. A developer may provide obligations ‘in kind’, providing affordable homes on-site or a children’s play area. Or commuted sum payments can be made to the Council to provide off-site infrastructure or affordable housing elsewhere in the Borough.
- 2.2 A planning obligation may legally only constitute a reason for the grant of planning approval for the development so long as the obligation is:
- 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.
- 2.3 Planning obligations are agreed and signed by all parties prior to approval being granted, although Development Control Committee may be minded to approve subject to the resolution of a s.106 agreement.
- 2.4 Often an agreement will contain triggers for when contributions will need to be paid to the Council. This may be on commencement of the scheme or on occupation etc. The obligation will have a timeframe for spending any payments. If the money is not spent in accordance with the agreement, the developer can request it to be refunded.
- 2.5 S.106s will only become due when a development has started and met the triggers/thresholds set out in the obligation. The s.106 is registered as a land charge which stays with the land, so future owners may be liable unless or until the terms of the obligation have been met.
- 2.6 Responsibility for Highways and Education matters in Rossendale rests with Lancashire County Council. Previously Rosendale would sign the obligation and receive payments on behalf of LCC. Both Councils now tend to be co-signatories on s.106s, and LCC now receives money directly and administers the spending. Lancashire County Council will be publishing its own Infrastructure Funding Statement.
- 2.7 For obligations relating to Open Space, the required commuted sum is contained in Rossendale Borough Council’s Supplementary Planning Document – [Open Space and Play Equipment SPD](#). A note was published in May 2022 updating the open space and playing pitch contributions required in line with RPI indexation. This SPD will be updated in the future to accord with Policy HS6 of the adopted Local Plan.
- 2.8 A calculation to provide for additional education capacity is set out in LCC’s Infrastructure and Planning Document (2017) <https://www.lancashire.gov.uk/council/planning/planning-obligations-for-developers/>

### 3 The Council's s.106 Process for Off-Site Financial Contributions

The Council is still looking to update this, which is likely to be published in a future version of the Infrastructure Funding Statement.

### 4 Fees for Monitoring s.106 Obligations

4.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now allow local authorities to charge a fee for monitoring compliance with signed s.106s. This is to cover the cost of monitoring and reporting on s.106s. Fees can be charged to monitor and report on any type of planning obligation, not just commuted sum payments, for the lifetime of the obligation.

4.2 Monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring and time spent on reporting s.106 obligations. These monitoring fees should be set out in the Infrastructure Funding Statement.

4.3 Local authorities can set their fees as a fixed percentage of the total value of the s.106 agreement or individual obligation. Alternatively, a fixed amount per agreement obligation could be set.

4.4 The Table below shows the fees that are intended to be charged to monitor and record s.106 obligations in Rossendale from 1 April 2023, subject to agreement by Rossendale Borough Council at its meeting in February 2023.

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

Type of Obligation	Current Monitoring Fee	Comment	Monitoring Fee as of 1 <sup>st</sup> April 2023 <sup>1</sup>
Commuted Sum	1% of each payment installment	This will be included within each invoice requesting payment	1% of each payment installment
Land Contribution	£1,000 per development site	This payment is to be made at the time that the land transfer takes place	£1,100 per development site
On-site Affordable Housing	£1,000 per development site	Payment is to be made on the first occupation of the affordable units	£1,100 per development site
Other obligation	£1,000 per obligation	This is to ensure compliance with obligations such as providing a woodland management strategy etc.	£1,100 per obligation
Overage Clause <sup>2</sup>	At least £1,000 or 1% of any additional payments due	This is to report on any commuted sum payments arising from greater profits.	At least £1,100 or 1% of any additional payments due

<sup>1</sup> Subject to agreement at the Full Council meeting on the 28<sup>th</sup> February 2023

<sup>2</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

## 5 S.106 Data

The Council keeps a copy of any planning obligation entered into, together with details of any modification. These are available to view on the Council's website [https://www.rossendale.gov.uk/info/210144/planning\\_and\\_building\\_control/10637/more/5](https://www.rossendale.gov.uk/info/210144/planning_and_building_control/10637/more/5) where they are listed according to their planning reference number.

Some s.106s may not be available to view, please email [s106@rossendalebc.gov.uk](mailto:s106@rossendalebc.gov.uk) if this is the case.

In line with the Government guidance the Council has published the required information in the following tables:

Table 2: the obligations entered into between 1 April 2021 and 31 March 2022;

Table 3: the money held by Rossendale Borough Council as of 31 March 2022 for community benefits that is unspent;

Table 4: the money that was spent or transferred between 1 April 2021 and 31 March 2022.

### 5.1 Obligations Entered into 2021/2022

#### Newly Secured Obligations

This is a record of obligations that were agreed and signed in 2021/22.

Please note that not all of these obligations will necessarily come forward. For example, the development may not come forward and so the planning consent will expire and so none of the triggers will be met.

In order to provide a full picture of obligations entered into by developers reference is given to sums that have been agreed with LCC to provide for additional education capacity required as a result of the expected increase in number of pupils arising as a result of the new developments granted planning approval.

**Table 2: Obligations Secured in 2021/2022**

Planning Ref.	Date Signed	Address	Details	Monetary Values
2020/0436	29/06/21	Rear of 85 Grane Road	Erection of 13 town houses	Open Space: £17,758 for improving facilities at Victoria Park and Greenfield Gardens.

Planning Ref.	Date Signed	Address	Details	Monetary Values
2020/0363	27/09/21	Land at the Former Forest Mill, Henrietta St	Erection of a food store	Shared cycle contribution: £37,800 Step contribution: £7,000 Waymaker contribution: £4,000
2019/0405	01/09/21	Irwell Vale Mill, Aitken Lane	Erection of up to 30 dwellings	£1,366 p/ dwelling for the provision of or upgrade play equipment, sports pitches, facilities or public open space at Chatterton and Snig Hall  A contribution to secondary education will be paid to LCC after the secondary education calculation has been requested

## 5.2 Money Held at 31 March 2022 to be spent in the Future for Community Benefit

This refers to money received from developers in 2021/22 as well as money held from previous years and yet to be spent by Rossendale Borough Council.

**Table 3: Money Received During 2021/2022 or Before That Has Not Been Spent**

Planning Ref.	Site Address	Details	Money Held	Extra Money Due?	Funds Earmarked
2004/401	Douglas Rd / Tong Ln, Bacup	Maintain landscaped areas	£94,846	Yes	Maintenance of POS
2016/0267	Land at Reedsholme Works	Refuse bins	£9,700	Yes	Provision of refuse bins
2008/0587	Rawtenstall Health Centre (Albion Mill)	Public Art	£977	No	Irwell Sculpture Trail
2010/0667 / 2013/0556	Orama Mill	POS / Highways / Community	£28,406	No	Parks
2011/0046	Weavers Dene / Holmefield House	Affordable Housing	£25,800	No	Strategic Housing
2015/0334	Land off Oaklands Drive	Affordable Housing	£328,779	No	Strategic Housing
2018/0039	Fmr. Horse & Jockey, Edenfield	POS	£14,759	No	POS at Edenfield Rec.
2016/0267	Land at Reedsholme Works	Refuse Bins	£9,700	No	Provision of refuse bins
2016/0267	Land at Reedsholme Works	POS	£143,067	No	POS

Planning Ref.	Site Address	Details	Money Held	Extra Money Due?	Funds Earmarked
2016/0563	Dark Lane	Replace football pitch, provide play space	£243,999	No	Parks
2019/0318	Slack Farm, Bacup	Affordable Housing	£25,000	Overage	Strategic Housing
2003/451	Scout Moor (Wind Farm)	Habitat Restoration Fund – with Rochdale MBC	£109,768	Yes	Long term – to restore habitats in parts of Lancashire and Greater Manchester

### 5.3 Money Spent by Rossendale Borough Council from s.106s in 2021/22 for Community Benefit

In total RBC released £71,846 of contributions in the period 1 April 2021 to 31 March 2022 that had been received from planning obligations via section 106s.

They are listed below:

**Table 4: Release of s.106 Contributions in the period 2021 to 2022**

Planning Ref.	Site Address	Amount	Details
2004/012	Former Chapel, York St, Crawshawbooth	£4,110	Hill Street Play Area
2004/401	Douglas Rd / Tong Lane	£10,000	Landscaped Area Maintenance
2006/696	Land off Burnley Rd East, Whitewell Bottom	£1,968	Public Open Space Maintenance (Edgeside Park)
2010/0667	Land at Orama Mill, Whitworth	£29,485	Public Open Space at Healey Dell
2016/0228	Land at Croft End Mill, Stubbins	£7,024	Public Open Space
2018/0039	Fmr Horse & Jockey, Edenfield	£5,000 / £8,344	Upgrading Bus Stops / Local Recreation and Play Facilities (Edenfield Rec.)
2014/0384	New Hall Hey, Rawtenstall	£2,840	Footpath Contributions
2003/451	Scout Moor (Wind Farm)	£98	Scout Moor Habitat Enhancement Fund Administration
2008/587	Albion Mill, Rawtenstall	£977	Irwell Sculpture Trail (Maintenance & Repair)

Planning Ref.	Site Address	Amount	Details
-	Bacup Road, Waterfoot	£2,000	Reserves released for Edgeside Park
<b>Total spent 2021/2022</b>		<b>£71,846</b>	

## 6.0 NEXT STEPS

- 6.1 The Council will update this Infrastructure Funding Statement at least annually, and next year's update for the period 2022 to 2023 will be published on the Council's website before 31 December 2023.
- 6.2 A future update will also set out a clear process for s.106s and this will closely align with the Council's Corporate Priorities as well as the Infrastructure Delivery Plan, and the Local Plan, which was adopted on 15 December 2021. This Update had been anticipated for inclusion in the 2021/2022 Infrastructure Funding Statement but unfortunately this has had to be postponed.
- 6.3 Any queries on this document please email [forwardplanning@rossendalebc.gov.uk](mailto:forwardplanning@rossendalebc.gov.uk)



Improvements to the Chatterton Play Area, 2022



# Rossendale

BOROUGH COUNCIL