

ROSSENDALE

INFRASTRUCTURE FUNDING STATEMENT

2020 – 2021



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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 2020/21.

Money Held by the Council

This is money received from developers in 2020/21 and not yet spent as well as money held from previous years and yet to be spent.

Money Spent by the Council in 20120/21 – 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](#).
- 2.8 A calculation to provide for additional education capacity is set out in LCC's Infrastructure and Planning Document (2016)
<https://www.lancashire.gov.uk/media/919096/annex-2-education-methodology.pdf>

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

The Council is looking to update this, which is likely to be published in the next version of the Infrastructure Funding Statement – for 2021/22. Unfortunately due to other work priorities this has had to be postponed.

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 2021, subject to agreement by Rossendale Borough Council at its meeting in February 2022.

Table 1: Charges for Recording and Monitoring Planning Obligations

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

¹ 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 [Section 106 Agreements | More | Rossendale Borough Council](#) where they are listed according to their planning reference number.

Older s.106s may not be available to view, please email forwardplanning@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 2020 and 31 March 2021;
- Table 3: the money held by Rossendale Borough Council as of 31 March 2021 for community benefits that is unspent;
- Table 4: the money that was spent or transferred between 1 April 2020 and 31 March 2021.

5.1 OBLIGATIONS ENTERED INTO 2020/2021

Newly Secured Obligations

This is a record of obligations that were agreed and signed in 2020/21.

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 2020/2021

PLANNING REF	DATE SIGNED	ADDRESS	DETAILS	MONETARY VALUE
2020/0074	25-Jun-20	Land at Loveclough Social Club, Commercial Street	Owner to transfer freehold title of communal area to the developer. Developer to covenant to maintain and manage Communal Area	£0

PLANNING REF	DATE SIGNED	ADDRESS	DETAILS	MONETARY VALUE
2019/0341	28-Oct-20	Albert Mill	Off-site affordable housing contribution Transfer of maintained space to management company Secondary education contribution to LCC prior to the occupation of the 14th and 29th dwelling Overage clause	£103,259.36 affordable housing £96,740.64 for secondary education (to LCC)
2019/0318	12-Jan-21	Land at Slackgate Farm, Tong Lane	Affordable Housing - off site contribution £25k Overage clause	£25,000
2020/0436	29-Jun-21	Rear of 85 Grane Road	Towards improving existing facilities at Victoria Park and Greenfield Gardens.	£17,758
2019/0405	01-Sep-21	Irwell Vale Mill Aitken Lane	30% (9 dwellings) see housing mix) prior to occupation of 50% of dwellings. £1,366/dwelling for the provision of or upgrade play equipment, sports pitches, facilities or public open space in the local area at Chatterton and Snig Hall Secondary education calculation paid to LCC prior to occupation of 18 dwelling	Outline – based on 30 dwellings ² Approximately £41,000 Amount to be confirmed by LCC
2020/0363	27-Sep-21	Land at the Former Forest Mill, Henrietta Street	Contribution to shared cycle / pedestrian link Improvements to steps between Rochdale Rd and Henrietta St (inc lighting) Signage improvements to Bacup Town Centre	£37,800 £7,000 £4,000

² The outline is based on up to 30 dwellings. The Reserved Matters approval will confirm no. of dwellings and value of contributions.

5.2 MONEY HELD AT 31 MARCH 2021 TO BE SPENT IN THE FUTURE FOR COMMUNITY BENEFIT

This refers to money received from developers in 2019/20 as well as money held from previous years and yet to be spent by Rossendale Borough Council.

Table 3: Money Received During 2020/2021 Or Before That Has Not Been Spent

PLANNING REF	SITE ADDRESS	DETAILS	MONEY HELD	EXTRA MONEY DUE?	FUNDS EAR-MARKED
2004/401	Douglas Rd/ Tong Lane, Bacup	Maintain landscape d areas	£94,846	yes	Maintenance of POS
2006/696	Land Burnley Rd East	POS	£1,968	no	Edgeside Park / Millennium Steps
2008/0587	Rawtenstall Health Centre (Albion Mill)	Public Art	£977	no	Irwell Sculpture Trail
2010/0667	Orama Mill	POS/ Highways/ Communit y	£28,406	no	Parks
2014/0384	New Hall Hey	Footpath	£78,239	no	Link between Retail Park and the Station
2011/0046	Weavers Dene/ Holmefield House	Affordable housing	25,800	no	Strategic Housing
2015/0238	Fmr Horse & Jockey, Edenfield	POS	£14,759	no	POS at Edenfield Rec
2015/334	Land off Oaklands Drive	Affordable Housing	£162,893	no	Strategic Housing
2015/334	Land off Oaklands Drive	Affordable Housing	£165,886	no	Strategic Housing
2016/0228	Land at Croft End Mill	POS at	£7,024	no	POS at Edenfield Rec (All spent 2021/22)
2016/0563	Dark Lane	Replace football pitch, provide play space	£243,999	yes	Parks

PLANNING REF	SITE ADDRESS	DETAILS	MONEY HELD	EXTRA MONEY DUE?	FUNDS EAR-MARKED
2019/0318	Slack Farm, Bacup	Affordable housing	£25,000	overage	Strategic Housing
2003/0451	Scout Moor	Habitat Restoration Fund – with Rochdale MBC	£109,768	yes	Long term - to restore habitats in parts of Lancashire and Greater Manchester
2016/0267	Land at Reedsholme Works	Refuse bins	£9,700	yes	Provision of refuse bins

5.3 MONEY SPENT BY ROSSENDALE BOROUGH COUNCIL FROM S.106s IN 2019/20 FOR COMMUNITY BENEFIT

In total RBC released £124,095 of contributions in the period 1 April 2020 to 31 March 2021 that had been received from planning obligations via section 106s.

They are listed below:

Table 4: Release of s.106 Contributions in the period 2020 to 2021.

PLANNING REF	ADDRESS	AMOUNT	DETAILS
2003/0451	Scout Moor	9,047	Long term - to restore habitats in parts of Lancashire and Greater Manchester
2004/401	Douglas Rd/ Tong Lane	£10,000	Maintenance of landscaped areas
2010/0667	Orama Mill	£81,393	Wild Play Facility, Healey Dell
2013/0041	Land at 449-457 Bacup Rd	£13,702	Play space
2016/0028	Land at Croft End Mill	£8,828	Chatterton play area
2018/0039	Fmr Horse & Jockey, Edenfield	£1,125	Provision of refuse bins
Total spent 2020/2021		£124,095	

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 2021 to 2022 will be published on the Council's website before 31 December 2022.
- 6.2 The 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.
- 6.3 This Update had been anticipated for inclusion in the 2020/212 Infrastructure Funding Statement but unfortunately this has had to be postponed.
- 6.4 Any queries on this document please email forwardplanning@rossendalebc.gov.uk