

**ROSSENDALE**  
**INFRASTRUCTURE FUNDING STATEMENT**  
**2019 – 2020**



## 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 2019/2020
5.2	Money held by RBC as at 31 March 2020
5.3	Money spent by RBC in 2019/2020

### 1. INTRODUCTION

1.1 The Government requires local authorities to monitor data on s.106 planning obligations and publish this information in annual Infrastructure Funding Statements. 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 2019/20.

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

This is money received from developers in 2019/20 and not yet spent as well as money held from previous years and yet to be spent.

**Money Spent by the Council in 2019/20** – 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.

## **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 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 2020/21.

#### 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 2021.

**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 <sup>1</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.

<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

## 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 or by emailing [planning@rossendalebc.gov.uk](mailto:planning@rossendalebc.gov.uk).

The tables below show:

- the obligations entered into between 1 April 2019 and 31 March 2020;
- the money held by Rossendale Borough Council as of 31 March 2020 for community benefits that is unspent;
- and the money that was spent or transferred between 1 April 2019 and 31 March 2020.

### 5.1 OBLIGATIONS ENTERED INTO 2019/2020

#### Newly Secured Obligations

This is a record of obligations that were agreed and signed in 2019/20.

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.

PLANNING REF	DATE SIGNED	ADDRESS	DETAILS	MONETARY VALUE
2018/0202 (Full)	11/06/19	Land off Greensnook Lane, Bacup	Provision of car parking spaces	N/A
2018/0318 (Full)	26/09/19	Former Spring Mill, Whitworth (119 dwellings)	Education (LCC)	£283,560
2018/0414 (Outline)	22/22/19	Reed St, Bacup (22 dwellings)	Public Open Space (RBC)	£30,052
2018/0554 (Outline)	17/05/19	South of Commercial St, Loveclough (up to 80 dwellings)	Education (LCC)  Public Open Space (RBC)	Formula based on no. of dwellings  £109,280 max

## 5.2 MONEY HELD AT 31 MARCH 2020 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

### MONEY RECEIVED DURING 2019/2020 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 landscaped areas	£114,846	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 – Healey Dell	£100,613	no	Wild Play Facility in Whitworth
2010/0667	Orama Mill	POS/ Highways/ Community	£10,264	no	Wild Play Facility in Whitworth
2013/0041	Land at 449-457 Bacup Rd	POS at Staghills	£13,702	no	Staghills Play Area <sup>2</sup>
2014/0384	New Hall Hey	Footpath	£78,239	No	Link between Retail Park and the Station
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	£15,851	no	POS at Edenfield Rec
2003/0451	Scout Moor	Habitat Restoration Fund – with Rochdale MBC	£92,354	yes	Long term - to restore habitats in parts of Lancashire and Greater Manchester

<sup>2</sup> Please note that the brand new Play Area and cycle track opened in December 2020. Match funding provided a further £1000,000 to enable RBC to work with Newchurch Village Community Association to deliver this.

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

PLANNING REF	ADDRESS	AMOUNT	DETAILS
2004/0401	Douglas Rd, Bacup	£10,000	Maintenance
2016/0228	Croft End, Stubbins	£1,160	Provision of refuse bins
2010/0667	Orama Mill, Whitworth	£9,033	POS – Whitworth Play Scheme design
2010/0667	Orama Mill, Whitworth	£32,549	Spodden Valley Revealed – community engagement sessions
2012/0162	Fmr Rossendale Hospital	£24,012	Lancashire County Council - Education
2003.0451	Scout Moor Wind Farm	£10,592	Spent on restoring habitats in parts of Lancashire and Greater Manchester

### 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 2020 to 2021 will be published on the Council's website before 31 December 2021.
- 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 emerging Local Plan, which is expected to be adopted in 2021.