



Rosendale Infrastructure Funding Statement

2023 - 2024



A High Quality Environment

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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; and
- Developer agreement transactions.

1.2. Newly Secured Money

1.2.1. This is money from s.106 agreements signed in 2023/24.

1.3. Money Held by the Council

1.3.1. This is money received from developers in 2023/24 and not yet spent as well as money held from previous years and yet to be spent.

1.4. **Money Spent by the Council in 2023/24** – or transferred to another organisation by type (e.g. public open space, commuted affordable housing etc.)

1.5. 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.

1.6. 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 a 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 e.g. on commencement or occupation. The obligation will have a timeframe for spending payments. If the money is not spent in accordance with the agreement, the developer can request a refund.
- 2.5. S.106s 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 rests with Lancashire County Council. Both Councils can be co-signatories on s.106s, and LCC receives money directly and administers the spending, including s.278 agreements for off-site highways works.
- 2.7. For obligations relating to Open Space and Sports Provision, the method to calculate the commuted sum for applications received after 11 December 2024 is contained the [Open Space and Sports Provision SPD](#) (adopted 2024).
- 2.8. A calculation to provide for additional education capacity is set out in LCC's Planning and Infrastructure Document (2017) <https://www.lancashire.gov.uk/council/planning/planning-obligations-for-developers/>
- 2.9. The Council sets out how it will calculate commuted sum payments for affordable housing in the [Affordable Housing SPD](#) (2024).

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

3.1. The Council is 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 allows 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, 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 2025, subject to agreement by Rossendale Borough Council at its meeting in February 2025.

Table 1: Charges for Recording and Monitoring Planning Obligations

Type of Obligation	Current Monitoring Fee	Comment
Commuted Sum	1% of each payment instalment	This will be included within each invoice requesting payment
Land Contribution	£1,232 per development site	This payment is to be made at the time that the land transfer takes place
On-site Affordable Housing	£1,232 per development site	Payment is to be made on the first occupation of the affordable units
Other obligations	£1,232 per obligation	This is to ensure compliance with obligations such as providing a woodland management strategy etc.
Overage Clause ¹	At least £1,232 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. Fees for Monitoring Biodiversity Net Gain

5.1. Rossendale Borough Council will monitor progress towards achieving the Biodiversity Net Gain (BNG) outcomes stated in the Biodiversity Gain Plan and/or Habitat Management and Monitoring Plan (HMMP) secured via Section 106 Agreements it signed. The Council will review the BNG reports submitted on the frequency agreed in the HMMP. In order to cover the cost of reviewing the reports, undertake site visits if necessary and work with the land managers to agree any remediation works should they be necessary to meet the secured outcomes, the Council is charging a monitoring fee.

5.2. The Council is using the 'Buckinghamshire Monitoring Fee Calculator' to calculate the appropriate 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.

5.3. The BNG standard monitoring fees for 2025/26 are shown below:

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

6. s.106 Data

6.1. 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 where they are listed according to their planning reference number.

6.2. Some s.106s may not be available to view, please email s106@rossendalebc.gov.uk if this is the case.

6.3. 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 2023 and 31 March 2024;
- Table 3: the money held by Rossendale Borough Council as of 31 March 2023 for community benefits that is unspent;
- Table 4: the money that was spent or transferred between 1 April 2023 and 31 March 2024

7. Obligations Entered into 2023/2024 Newly Secured Obligations

7.1. This is a record of obligations that were agreed and signed in 2023/24.

7.2. 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.

7.3. 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.

7.4. Please see the next page for further details.

Table 2: Obligations Secured in 2023/2024

Planning Ref.	Date Signed	Address	Details	Monetary Values
2020/0008	28/07/2023	Land at Laneside Cottages, Todmorden Old Road	10% (3 dwellings) to be Affordable Rent & £1,000 monitoring fee	£1,000 (monitoring)
			Public Open Space (Stubbylee Park) & 1% monitoring fee	£1,366 p/dwelling & 1% monitoring fee
			Biodiversity enhancements (Stacksteads Country Park) & £38.90 monitoring fee	£3,890 & £38.90 monitoring fee
2021/0275	31/10/2023	Haweswater Aqueduct	Public Right of Way (PRoW) Scheme 1 - link between the NE site boundary and 14-4- PF313 to run either along the existing line of 14- 4-FP316 or a suitable parallel route SE in the woodland along the highway embankment	£102,000
			PRoW Scheme 2 - replacement of the stile at the junction of 14-4-FP310 & 14-4-FP315 with a pedestrian kissing gate with mesh hoops	£900
			PRoW Scheme 3 - replacement of the stiles at the junction of 14-3-FP250 & 14-4-FP232 with a pedestrian kissing gate with mesh hoops	£2,800
2021/0275	31/10/2023	Haweswater Aqueduct	Biodiversity Net Gain Offsetting Scheme	N/A
			Nomination of Local Authority Partnership Forum, Community Liaison Officer and Ecological Clerk of Works	N/A
			Compliance with Code of Practice for the exercise of Pipelaying Powers on Private Land	N/A

8. Money Held at 31 March 2024 to be spent in the Future for Community Benefit

8.1. This refers to money received from developers in 2023/24 as well as money held from previous years and yet to be spent by Rossendale Borough Council.

Table 3: Money Received During 2023/2024 or Before That Has Not Been Spent

Planning Ref.	Site Address	Details	Money Held	Extra Money Due?	Funds Earmarked
2003/451	Scout Moor (Wind Farm)	Habitat Restoration Fund – with Rochdale MBC	£133,322	Yes	Long term – to restore habitats in parts of Lancashire and Greater Manchester
2004/401	Douglas Rd / Tong Ln, Bacup	Maintain landscaped areas	£74,846	Yes	Maintenance of POS
2010/0667 / 2013/0556	Orama Mill	POS / Highways / Community	£18,142	No	Parks
2011/0046	Weavers Dene / Holmefield House	Affordable Housing	£25,470	No	Strategic Housing
2015/0334	Land off Oaklands Drive	Affordable Housing	£4,712	No	Strategic Housing
2015/0517	Johnny Barn Close	Equipped Play space	£7,159	Yes	Staghills Playground
		Play pitch	£7,490	Yes	Existing play pitches at Marl Pits
2016/0228	Land at Croft End Mill, Stubbins	Education	£56,860	No	Primary Education
			£43,819	No	Secondary Education
2016/0267	Land at Reedsholme Works	POS	£141,567	No	POS
2016/0563	Dark Lane	Replace football pitch, provide play space	£243,999	No	Parks
2018/0039	Fmr. Horse & Jockey, Edenfield	Education	£56,746	No	Education
2019/0318	Slack Farm, Bacup	Affordable Housing	£25,000	Overage	Strategic Housing
2020/0363	Aldi at Henrietta Street, Bacup	Cycle route, Steps and Way Marker	£13,449	Yes	Cycle route, Steps and Way Marker
2020/0436	Rear of 85 Grane Road, Haslingden	POS	£21,859	No	Victoria Park & Greenfield Gardens
2021/0271	Land at Station Rd, Whitworth	Knowsley Play Area	£12,296	No	Knowsley Play Area

9. Money Spent by Rossendale Borough Council from s.106s in 2023/24 for Community Benefit

9.1. In total RBC released £393,870 of contributions in the period 01/04/2023 to 31/03/2024 that had been received from planning obligations via section 106s.

9.2. They are listed below:

Table 4: Release of s.106 contributions in the period 2023 to 2024

Planning Ref.	Site Address	Amount	Details
2003/451	Scout Moor (Wind farm)	£6,392	Scout Moor Habitat Rehabilitation Fund (Hollingworth Hill Meadow Enhancement Project)
2004/401	Douglas Rd / Tong Ln	£10,000	Landscaped Area Maintenance
2010/0667	Land at Orama Mill, Whitworth	£4,664	Transport
2012/0044	Springfield Court, Bacup	£2,500	Traffic Regulation Order (TRO)
2014/0384	New Hall Hey, Rawtenstall	£3,508	Pedestrian link between retail park, train station & town centre
2014/0522	Land at Market St, Whitworth	£10,000	TRO and bus shelter upgrade
2015/0334	Land off Oaklands Dr & Lower Cribden Ave, Rawtenstall	£161,174	Affordable Housing purchase
		£162,894	Affordable Housing purchase
2015/0358	Land north of Greensnook Ln, Bacup	£2,000	TRO (restrict parking & waiting)
		£5,451	Bus shelter
2015/0454	Former Kearns Mill, Cowpe	£10,367	TRO & Pathways
2016/0010	Swan Hotel, Bacup	£1,500	TRO (restrict parking)
2016/0267	Land at Reedsholme Works, Rawtenstall	£1,500	Public Open Space (Sunnyside Play Area)
2018/0039	Former Horse & Jockey, 85 Market St, Edenfield	£1,500	TRO
		£416	Local recreational / play facilities (Edenfield pump track)
2021/0271	Land at Station Rd, Whitworth	£10,004	Public Open Space (Knowsley Play Area)

10. Next Steps

- 10.1. The Council will update this Infrastructure Funding Statement at least annually, and next year's update for the period 2024 to 2025 will be published on the Council's website before 31 December 2025.
- 10.2. 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.
- 10.3. If you have any queries regarding this document then please email forwardplanning@rossendalebc.gov.uk



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