Blackburn with Darwen Infrastructure Funding Statement 2019/20



September 2020



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Blackburn with Darwen Infrastructure Funding Statement 2019/20

INTRODUCTION

1.1 This report provides a summary of financial contributions the Council has secured through section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through section 278 agreements.

1.2 In summary, the report provides:

- an overview of s106 and s278 agreements;
- the Council's internal process relating to s106 contributions;
- the s106 contributions paid to the Council in the 2019/20 monitoring period;
- s106 contributions and s278 works estimated for future years; and
- projects delivered in the Borough via s106 and s278 agreements in the 2019/20 monitoring period.

1.3 The information included in the report will be updated annually and published on the Council's website. This will ensure the most up to date information on the amount of developer contributions received from new developments in addition to information on where these monies have been spent is readily available to members of the public and other interested parties.

1.4 The report does not include information on the infrastructure delivered on site as part of new developments in the borough.

1.5 Please note that data on developer contributions is imperfect because it represents estimates at a given point in time, and can be subject to change. However, the data reported within this document is the most robust available at the time of publication.





SECTION 106 OBLIGATIONS

2.1 Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission.

2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.

2.3 The obligations may be provided by the developers "in kind" - that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the Borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions.

2.4 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if 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 tothe development.

2.5 The Council cannot ask for contributions via section 106 planning obligations in certain circumstances:

"Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more...Planning obligations should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home."

Planning Practice Guidance 2019 Paragraph 023 'Planning Obligations' <u>https://www.gov.uk/guidance/planning-obligations</u>



Public open space contributions have been spent in the 2019/20 period on upgrading and resurfacing the Green Lane MUGA



S106 highway contributions have been received from the new Kingswood Homes development at Gib Lane, Blackburn



Public open space s106 contributions have been spent on new 3G pitches at Witton in the 2019-20 monitoring period

2.11 Any commuted sums received by the Council, but not spent within the timeframes set out in the s106 agreement, will be identified during quarterly monitoring and will be refunded in accordance with the details set out in the specific agreement.

The Council's S106 Process for Off-Site Financial Contributions

2.6 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a s106 obligation.

2.7 The financial contribution requirement for off-site green infrastructure provision is set via the Green Infrastructure & Ecological Networks Supplementary Planning Document (SPD) and the Affordable Housing Developers Guide sets the tariff for off-site affordable housing contributions. These documents can be accessed on the Council's planning website at:

www.blackburn.gov.uk/planning/planning-policies-strategies-andguides

2.8 Contributions toward required highway works as a result of new development is agreed on a case by case basis, evidenced by an assessment of the impact the development will have on the local highways and mitigation works required to minimise this impact.

2.9 Once the s106 has been signed, it is an obligation, but it will only be realised if the planning permission is implemented and reaches the trigger point for payment such as commencement or prior to occupation. When the planning permission is granted, the s106 obligation is registered as a land charge which stays with the land, obligating any future owners until the terms are met.

2.10 The Planning Strategy & Development Manager works with case officers, developers and the Council's legal department to instruct new s106 agreements. The flow chart overleaf summarises the Council's internal s106 procedure from requesting payments from the developer through to the spending of these monies by designated Council officers.

Requesting Payments

Monitoring Officer / Case Officer become aware of payment due via commencements data, discharge of conditions or other information

Planning Strategy & Development Manager requests invoice

Send invoice to developer

Monthly check of payments received by Commercial

Mənəger

Spending

Highway works / Transport Initiatives

Commercial Manager notifies Strategic Transport Manager (STM) that monies received. STM allocates to relevant code and instructs work.

Public Open Space

Commercial Manager notifies Environment Manager that monies received, for allocation to relevant code, and completion of works

Education

Commercial Manager notifies Education Team that monies received, for allocation to relevant code, and spend.

Receiving Payments

Payments received into finance, receipted against the invoice

Payments received into planning, forward to finance officer with the relevant invoice number, cost code and application number

Monthly check on payments received / outstanding by Commercial Manager

Monitoring Officer notifies Case Officers to chase outstanding payments

Budget Holder / Finance Officer requests cash limit adjustment to move money from commuted sums to relevant Portfolio for spending payments

Monitoring Fees

- 2.11 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through section 106 planning obligations, to cover the cost of the monitoring and reporting on delivery of that section 106 obligation as described above. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.
- 2.12 The regulations allow monitoring fees to be either a fixed percentage of the total value of the section 106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation; or Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.
- 2.13 Authorities must report on monitoring fees in their infrastructure funding statements.
- 2.14 Therefore, the following monitoring fees will be added to any s106 agreements associated with planning applications received from <u>1st October 2020</u>. The fees set out below are considered to be proportionate and will contribute to the Council's reasonable costs of monitoring each obligation.
- 2.15 Monitoring fees will be reviewed annually to reflect up-to-date costs. To clarify, the fee will be added to the s106 requirements.

Type of Obligation	Monitoring Fee	Comment
Commuted Sum	1% of each payment instalment	To be included within each invoice sent to developers requesting payment at appropriate time.
Land Contribution	£1,000 per development site	Payment to be made at the time land transfer takes place.
On-site Affordable Housing	£1,000 per development site	Payment to be made on first occupation of affordable units.

S106 contributions summary

2.16 The tables below highlight that as at March 2020, a net s106 total of £1,068,079 was available to fund public open space, education, highways and affordable housing projects in the Borough.

2.17 Looking at s106 activity in 2019/20, the Council received a total of £1,181,701 in s106 contributions, with £1,046,391 being spent within this period. This consists of £575,888 funding highway works in the Borough, £385,503 spent on improving existing or creating new open spaces, £75,000 on affordable housing and £10,000 contribution towards additional primary school places in the borough.

S106 Monies Received as at 31st March 2019 (net)

Infrastructure type	S106 monies available (£)
Public open space	263,723
Affordable housing	349,158
Highways	269,888
Education	50,000
TOTAL	932,769

S106 Contributions Received in 2019/20

Infrastructure type	S106 contributions received (£)
Public open space Affordable housing Highways	461,151 158,550 562,000
TOTAL	1,181,701

S106 Contributions Spent in 2019/20

Infrastructure type	S106 contributions spent (£)
Public open space Highways Affordable Housing	385,503 575,888 75,000
Education	10,000 1,046,391

2.18 In summary therefore, as at 31st March 2020, there is a net total of £1,068,079.46 in s106 contributions available to spend on affordable housing, public open space, education and highway projects in the Borough.

Total S106 (net) Amount Available to Spend as at March 2020 (£)

Net total as of March 2019	932,769
s106 income received 2019/20	1,181,701
Total	2,114,470
Minus monies spent 2019/20	-1,046,391

TOTAL	1,068,079

S106 Contributions Received in 2019/20

2.19 As highlighted in the table on the previous page, a total of £1,181,701 has been received in s106 contributions in the 2019/20 monitoring period. The following

tables provide information on which developments these contributions have been received from:

	Development site	S106 contributions received (£)
	Planning app Ref: 10/09/0629 Tewkesbury Street, Blackburn	33,600
	Planning app Ref: 10/12/0714 Victoria Mill, Station Road, Chapeltown	2,300
	Planning app Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	263,219
	Planning app Ref: 10/17/1425 Former Waterfield Mill, Balmoral Road, Darwen	37,962
Public open space	Planning app Ref: 10/05/1118 Palm Street, Blackburn	10,800
	Planning app Ref: 10/19/0520 School Lane, Guide	63,270
	Planning app Ref: 10/18/1048 Tower View, Darwen	20,000
	Planning app Ref: 10/19/0677 Land at Tower Road, Blackburn	30,000
	TOTAL	461,151



£350,000 in highway contributions were secured from the new housing development at Roe Lee, Blackburn

	Development site	S106 contributions received(£)		Development site	S106 contribution received (
	Planning app. Ref: 10/14/0547 Parsonage Road, Blackburn	80,800		Planning app. Ref: 10/17/0211 Gib Lane Phase C, Blackburn	20,000
Affordable Housing	Planning app. Ref: 10/16/0838 Beechwood Garden Centre, Blackburn	38,250	Highways	Planning app. Ref: 10/19/0412 Cranberry Lane, Darwen	156,00
lousing	Planning app. Ref: 10/18/0396 Billinge End Road, Blackburn	12,500		Planning app. Ref: 10/19/0520 School Lane, Guide	36,00
	Planning app. Ref: 10/19/0677 Land at Tower Road, Blackburn	27,000		Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	350,000
	TOTAL	158,550		TOTAL	562,000



S106 contributions have been received from the new residential development at Gib Lane in Blackburn

Projects Delivered Off Site by S106 Contributions 2019/20

2.15 As well as reporting on the total amount of contributions the Council has received through s106 obligations, it is also useful to include information on the

projects delivered as a result of these monies across the Borough in 2019/20. These are listed below:

	Development site	S106 contributions spent (£)	Project delivered
	Planning app. Ref: 10/16/1132 Land at Gib Lane, Blackburn	36,000	New junction arrangements at Livesey Branch Road/Moorland Drive to access housing site, a raised junction table with resin bonded surface dressing, footway widening and carriageway narrowing at Moorland Drive, new pedestrian refuge adjacent to Old Gates Drive and repositioning of a BT manhole chamber and cabinets.
Highways	Planning app. Ref: 10/19/0412 Land at Cranberry Lane, Darwen	156,000	Contribution towards Ellison Fold Way major transport scheme including compact roundabout at Sough Road / Grimshaw Street, mini roundabout at Pole Lane / Priory Drive, traffic calming (cushions) on Priory Drive and mini roundabout at Priory Drive / Marsh House Lane.
	Planning app. Ref:10/18/0895 Land at Roe Lee, Blackburn	350,000	Contribution to the North Blackburn major transport scheme including junction and signals upgrade of the Brownhill Roundabout and Pleckgate Road junctions.



S106 highway contributions have contributed towards the new Ellison Fold Way major transport scheme in Darwen

	Development site	S106 contributions spent(£)	Project delivered
	Planning app. Ref: 10/08/0339 Greenfield Farm, Cranberry Lane, Darwen	500	Total of £17,884 received in contributions which were spent on Darwen Market Square improvements
	Planning app. Ref: 10/04/1396 Belgrave Mill, Bolton Rd, Darwen	984	
Public open	Planning app. Ref: 10/06/0985 Former Darwen Health Centre, Union Street, Darwen	800	
space	Planning app. Ref: 10/07/1294 Land at end of Granville Road, Darwen	1,200	
	Planning app. Ref: 10/12/0923 Land at Salisbury Road, Darwen	500	
	Planning app. Ref: 10/12/1079 Land fronting Spring Vale Village, Darwen	1,500	
	Planning app. Ref: 10/15/0494 Punch Bowl, Roman Road, Blackburn	300	
	Planning app. Ref: 10/15/1418 60 Milking Lane, Lower Darwen	500	
	Planning app. Ref: 10/13/0416 Adj. 37 Gordon Street	500	
	Planning app. Ref: 10/11/0199 Heightside Farm, Bury Fold Lane, Darwen	1,200	
	Planning app. Ref: 10/11/0704 Former Darwen Moorland Art School	6,500	
	Planning app. Ref: 10/10/0077 Land at Halley Road, Darwen	2,400	
	Planning app. Ref: 10/13/0094 Former Cemetery Public House	1,000	
	Planning app. Ref: 10/16/0077 Old Blackburnians Memorial Ground, Lammack Road, Blackburn	123,203	Contribution towards Pavilion refurbishment at Woolridge – including 2 new FA approved changing rooms, DDA facilities and 10 upgraded children changing rooms and washroom facilities.

Planning app. Ref: 10/16/0077 Old Blackburnians Memorial Ground, Lammack Road, Blackburn	30,277	Lammack Juniors pitch replacement & re- orientation.
Planning app. Ref: 10/16/0077 Old Blackburnians Memorial Ground, Lammack Road, Blackburn	109,739	Contribution towards Old College playing field replacement – 2 new pitches created with drainage.
Planning app. Ref: 10/09/0629 Tewkesbury Street, Blackburn plus various historic reserves	41,900	Green Lane Multi-Use Games Area (MUGA).
Planning app. Ref: 10/11/0704 Former Darwen Moorland Art School	7,500	Bold Venture Park green space works.
Planning app. Ref: 10/18/1048 Tower View, Darwen	15,000	Improvements to sports facilities at Square Meadow, Darwen.
Planning app. Ref: 10/14/0828 Meins Road, Blackburn	40,000	Witton Park 3G sports pitches



Public open space contributions funded the renovated Green Lane Multi-Use Games Area (MUGA) in Blackburn



Public open space contributions have also been spent on the new 3G pitches at Witton

	Development site	S106 contributions spent (£)	Project delivered
Affordable housing	Planning app. Ref: 10/14/0547 Land at Parsonage Road, Blackburn	74,000	Purchase of the Blackamoor Pub, Roman Road, Blackburn.
Jan J	Planning app. Ref: 10/12/1103 Beechwood, Rivington Road, Belmont	1,000	

	Development site	S106 contributions spent (£)	Project delivered
Education	Planning app. Ref: 10/17/0578 Land of Yew Tree Drive/Whinney Lane, Blackburn	10,000	Contribution towards the extension of Lammack Primary School, Lammack Road, Blackburn to provide additional primary school places in north Blackburn.



A total of £17,884 was received in contributions from a variety of development sites which were spent on Darwen Market Square public realm works

S106 Contributions Secured for Future Years

2.16 The Council has also secured s106 contributions from the following development sites with planning permission which will be paid in future years should the developments progress as planned. These contributions will be paid by the developers either

once development has commenced on site or once a specified number of homes has been delivered on the site.

	Development site	S106 amount (£)	Proposed s106 works to be delivered	
	Planning app. Ref:10/18/0895 Land at Roe Lee, Blackburn	500,000	Provision of additional primary school places in North Blackburn.	
	Planning app. Ref:10/17/0578 Land at Yew Tree Drive , Blackburn	760,000		
Education	Planning app. Ref:10/20/0265 Land at Ramsgreave Drive, Blackburn	200,000		
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	2,480,000	Provision of additional primary school places in West Blackburn.	
	Planning app. Ref: 10/19/0662 Land off Moorland Drive, Blackburn	850,000		
	Planning app. Ref: 10/19/0371 Land at Spring Meadows, Dawen	1,500,000	Provision of additional primary school places in East Darwen.	
	Development site	S106 amount (£)	Proposed s106 works to be delivered	
Highways	Planning app. Ref: 10/17/0578 LandatYewTreeDrive,Blackburn	690,000	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction, Yew Tree Drive and sustainable transport measures.	
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Blackburn Phase C	260,000	£260,000 for improved access to A666 via Bog Height Road.	
	Planning app. Ref: 10/16/1132 Land at Gib Lane, Blackburn Phase A	221,000	Due on completion of 115 th dwelling for enhancements to Finnington Lane/Moulden Brow junction.	
	Planning app. Ref: 10/16/0789 Land at Pole Lane North, Darwen	170,000	£100,000 top course southern footway, £30,000 for traffic management and road safety initiatives around Darwen East Distributor Corridor (DEDC) and £40,000 due on completion of 63 rd unit.	
	Planning app Ref 10/19/0520 Land at School Lane, Blackburn	4,500	For travel planning on completion of 20th unit.	
	Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	200,000	Contribution towards DEDC highway improvements.	
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	150,000	Contribution towards gateway features in North Blackburn, markings, signage as required, promotion of the required TRO to reduce speeds; removal of the	
	Planning app. Ref: 10/20/0265 Land at Ramsgreave Drive, Blackburn	130,000	crash barriers and reinstatement of central reservatio and Contingency/Associated works such as TRO's, signage and lining associated with all of the above.	
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	26,000	Contribution towards road safety improvements on Stockclough Lane.	

Public open space	Development site	S106 amount (£)	Proposed s106 works to be delivered
	Planning app. Ref: 10/19/0807 Former Victoria Buildings, Waterside, Darwen	14,060	Towards improvements to open space in the locality of the site.
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	350,000	Green Infrastructure/Public Open Space and associated community facilities within the West Blackburn area.
	Planning app. Ref: 10/14/0440 Springside Works, Belmont	10,000	To control invasive plant species around the site.
	Planning app. Ref: 10/1 Land at Fountain Street, Darwen	14,060	Towards casual children's play space in the locality.
	Planning app. Ref: 10/15/1081 Land at Ellerslie House, Bury Fold Lane, Darwen	25,308	Towards open space in the locality.
	Planning app. Ref: 10/19/0371 New Telegraph House, Blackburn	18,278	Towards green infrastructure within the town centre
	Planning app. Ref: 10/18/0740 Land at former Sappi Paper Mill, Blackburn	710,000	£350,000 to Feniscliffe Club and £360,000 to Feniscliffe Club and £360,000 to Feniscliffe Club and £360,000

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Affordable housing	Planning app. Ref: 10/18/0740 Former Sappi Paper Mill, Blackburn	94,500	All contributions received will be used to provide off-site affordable housing within the
	Planning app. Ref: 10/20/0265 Land at Ramsgreave Drive, Blackburn	120,000	Borough.
	Planning app. Ref: 10/17/1313 Planning Land at Cranberry Lane, Darwen	138,000	
	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	100,000	
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Phase C	210,000	
	Planning app. Ref: 10/18/0075 Land at School Lane, Guide	96,230	
	Planning app. Ref: 10/15/1343 Cathedral Court, Blackburn	30,000	
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	181,000	
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	750,000	
	Planning app. Ref: 10/19/0677 Land at Tower Road, Blackburn	228,000	
	Planning app. Ref: 10/19/0807 Former Victoria Buildings, Waterside Darwen	25,000	
	Planning app. Ref: 10/19/0317 Land at Spring Meadows	100,000	
	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	701,250	
	Planning app. Ref: 10/14/0440 Springside Works, Belmont	50,000	
	Planning app. Ref: 10/19/0113 Land at Fountain Street, Darwen	25,000	

SECTION 278 AGREEMENTS

3.1 Section 278 agreements (s278) under the Highways Act 1980 are legally binding agreements between the Local Highway Authority (Blackburn with Darwen BC) and the developer to ensure delivery of necessary highway works as a result of new development.

- Roundabouts;
- Priority junctions;
- Junctions with trafficlights;
- Right turn lanes;
- Improved facilities for pedestrians and cyclists;
- Improvements to existing junctions;
 - Traffic calming measures.

3.2 It may allow for items such as:

S278 Projects in 2019/20

3.3 The following table sets out the works carried out in the Borough under s278 agreements in the current year 2019/20:

Development site	Type of use	Summary of S278 works	Cost (£)
Planning app. Ref: 10/17/0578 Land off Yew Tree Drive & Whinney Lane, Blackburn	Residential	New footway along Whinney Lane, new site access off Whinney Lane & Yew Tree Drive.	£102,945
Planning app. Ref: 10/18/0279 Home Bargain Store, Byrom Street, Blackburn	Retail	Pedestrian and traffic adjustments and realignments.	£25,000

Committed S278 Projects for Future Years

3.4 The following table sets out the s278 highway works to be delivered as part of future developments in the borough which will be implemented should the developments progress as planned.

Development site	Type of use	S278 requirements	Cost (£)
Planning app. Ref: 10/17/1313 Land at Cranberry Lane, Darwen	Residential	New footpath along the site frontage with street lighting and associated drainage. New site access.	Estimated £150,000
Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	Residential	Signalised junction at Moulden Brow and junction improvements at Livesey Branch Road.	Estimated £600,000
Planning app. Ref: 10/19/0056 Land off Queen Victoria Street, Blackburn	Residential	New crossing on New Chapel Street, Blackburn.	Estimated £30,000
Planning app. Ref: 10/18/1094 Lidl Store, St Clements Street, Blackburn	Food store	Widening of St Clements Street, Blackburn.	Estimated £90,000
Planning app. Ref: 10/19/0495 Suez Recycling & Recovery UK Ltd Lower Eccleshill Road, Darwen	Recycling Centre	Signalised junction Goose House Lane/Hollins Grove Street, Darwen	Estimated £700,000

Planning app. Ref: 10/18/0270 Alaska Street, Blackburn	Residential	Removal of roundabout at Moseley Street & Grimshaw Park junction and junction improvements at Highfield Road & Moseley Street	£40,000
Planning app. Ref: 10/18/0326 Albert Street, Hoddlesden	Residential	Junction improvements and realignments	£15,000
Planning app. Ref: 10/17/0079 Land at Charles Street, Blackburn	Residential	Bringing up section of Hollins Grove Street to acceptable standards	Estimated £60,000
Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	Residential	New bus stops/formation of access and pedestrian improvements	£35,000
Planning app. Ref: 10/19/0371 Land at Spring Meadows, Darwen	Residential	Realigning Spring Meadows	Estimated £200,000
Planning app. Ref: 10/20/0265 Land off Ramsgreave Drive, Blackbu	Residential rn	Creating a junction out onto Yew Tree Drive	Estimated £200,000





New site access at Whinney Lane has been delivered through s278 works as part of the new Wainhomes housing development



