

**REPORT OF: STRATEGIC DIRECTOR OF PLACE
TO: PLANNING AND HIGHWAYS
COMMITTEE**

ON: 19th AUGUST 2021

**ORIGINATING SECTION: PLANNING (DEVELOPMENT
MANAGEMENT SERVICE)**

WARDS AFFECTED: ALL

COUNCILLORS: ALL

TITLE OF REPORT:

[INFRASTRUCTURE FUNDING STATEMENT 2020/21](#)

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an update on the recently published Infrastructure Funding Statement for 2020/21, for Blackburn With Darwen Borough Council.

2. BACKGROUND

- 2.1 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 now requires authorities (from December 2020) to prepare an Infrastructure Funding Statement (IFS) to set out their annual income and expenditure relating to section 106 agreements.
- 2.2 [Blackburn with Darwen's 2020/21 IFS](#) 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 within the 2019-20 monitoring period. It also includes information on the infrastructure works funded through s106 contributions.
- 2.3 In summary, the report provides:
- an overview of s106 and s278 agreements;
 - the Council's internal process relating to s106 contributions;
 - information on the introduction of monitoring fees;
 - the s106 contributions paid to the Council in the 2020/21 monitoring period;
 - s106 contributions and s278 works estimated for future years; and
 - projects delivered in the Borough via s106 and s278 agreements in the 2020/21 monitoring period.
- 2.4 The information included in the report is 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.

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

3. RATIONALE

The Process for Off-Site Financial Contributions:

- 3.1 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.
- 3.2 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 out the tariff for off-site affordable housing contributions. Both documents can be accessed on the Council's planning website at www.blackburn.gov.uk/Pages/Planning-policies.aspx
- 3.3. Contributions towards required highway works are agreed on a case by case basis, evidenced through the assessment of the impact of the development on the local highway network and what mitigation works are required. Other contributions can relate to Education i.e. contributions towards expanding any existing or school, or towards the provision of a new school, and these are agreed on a case by case basis.
- 3.4. The process is summarised in a flowchart that can be found on page 6 of the annual report document.
- 3.5. The report summarises the total contributions received in 2020/21 and the total spent in the same period. This shows at March 2020, a net S106 total of £1,068,079 was available to fund public open space, highways, education and affordable housing projects in the borough. During 2020/21, £1,664,038 was received in contributions with £245,264 spent within the same period. This consists of £21,187 funding the delivery of new highway infrastructure, £79,161 on the delivery of new educational places in the borough, and £144,916 spent on improving existing or creating new open spaces.
- 3.6 In summary therefore, as at 31st March 2021, there is a net total of £2,486,853 in S106 contributions available to spend on affordable housing, education, public open space and highway projects in the borough.

S106 Monies Received as at 31st March 2020 (net)

| Infrastructure type | S106 monies available (£) |
|---------------------|---------------------------|
| Public open space | 339,371 |
| Affordable housing | 432,708 |
| Highways | 256,000 |
| Education | 40,000 |
| TOTAL | 1,068,079 |

S106 Contributions Received in 2020/21

| Infrastructure type | S106 contributions received (£) |
|---------------------|---------------------------------|
| Education | 300,000 |
| Affordable housing | 84,038 |
| Highways | 1,280,000 |
| TOTAL | 1,664,038 |

S106 Contributions Spent in 2020/21

| Infrastructure type | S106 contributions spent (£) |
|---------------------|------------------------------|
| Public open space | 144,916 |
| Highways | 21,187 |
| Affordable Housing | 0 |
| Education | 79,161 |
| TOTAL | 245,264 |

Total S106 (net) Amount Available to Spend as at March 2021

| | |
|------------------------------|------------------|
| Net total as of March 2020 | 1,068,079 |
| S106 income received 2020/21 | 1,664,038 |
| Total | 2,732,117 |
| Minus monies spent 2020/21 | -245,264 |
| TOTAL | 2,486,853 |

Breakdown of Amount Available to Spend as at March 2020/21

| Infrastructure type | S106 monies available (£) |
|---------------------|---------------------------|
| Public open space | 194,455 |
| Affordable housing | 516,746 |
| Highways | 1,514,813 |
| Education | 260,839 |
| TOTAL | 2,486,853 |

- 3.7 The report goes further by reporting on where the contribution monies have been received in the 2020/21 monitoring period (page 9). The following table summarises this:

| Affordable Housing | Development site | S106 contributions received(£) |
|--------------------|---|--------------------------------|
| | Planning app. Ref: 10/17/0138 Former Waterfield Mill, Darwen | 27,038 |
| | Planning app. Ref: 10/19/0677 Land at Tower Road, Blackburn | 57,000 |
| | TOTAL | 84,038 |

| Education | Development site | S106 contributions received(£) | Infrastructure project to fund |
|-----------|--|--------------------------------|--|
| | Planning app. Ref: 10/17/0578 Yew Tree Drive, Blackburn | 300,000 | Contribution towards additional primary school places in North Blackburn |
| | TOTAL | 300,000 | |

| | Development site | S106 contributions received (£) | Infrastructure project to fund |
|----------|---|---------------------------------|---|
| Highways | Planning app. Ref: 10/17/0211 Gib Lane Phase C, Blackburn | 260,000 | Contribution towards Bog Height link road. |
| | Planning app. Ref: 10/17/0578 Yew Tree Drive, Blackburn | 640,000 | Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction, Yew Tree Drive and sustainable transport |
| | Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen | 200,000 | Contribution towards Darwen East Distributor Corridor |
| | Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn | 150,000 | Contribution towards junction improvements at Brownhill Roundabout; gateway features in North Blackburn, markings & signage as required, promotion of the required Traffic Regulation Order (TRO) to reduce speeds; removal of the crash barriers and reinstatement of central reservation; and contingency/associated works such as TROs, signage and lining associated with all of the above. |
| | Planning app. Ref: 10/20/1048 Former Westholme Nursery School, Preston New Rd, Blackburn | 30,000 | Towards junction improvements at Preston New Road/Billinge End Road – MOVA system and tactile pavement. |
| | TOTAL | 1,280,000 | |

3.8 Page 11 of the report also summarises the projects which have been delivered off-site by s106 contributions for the period 2020/21 in the borough. These projects are demonstrated in the following table:

| | Development site | S106 contributions spent (£) | Project delivered |
|-----------|--|------------------------------|---|
| Education | Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn | 79,161 | Contribution towards extension of Lammack Primary School to provide an additional 140 places. |

| | Development site | S106 contributions spent (£) | Project delivered |
|-------------------|--|------------------------------|--|
| Public open space | Planning app. Ref: 10/09/0534 Land at Infirmary Street/Ivy Street, Blackburn | 2,300 | All contributions received spent on improvements to Corporation Park. |
| | Planning app. Ref: 10/12/1166 Pearl Street, Blackburn | 3,500 | |
| | Planning app. Ref: 10/06/0383 Former MD Foods Factory, Willow Street/Laburnum Rd, Blackburn | 8,810 | |
| | Planning app. Ref: 10/07/0832 Land adjacent no.7 East Lancashire Rd, Blackburn | 1,728 | |
| | Planning app. Ref: 10/11/1212 61-63 Preston New Rd, Blackburn | 1,200 | |
| | Planning app. Ref: 10/08/0016 42-46 King St & 2-4 France St, Blackburn | 351 | |
| | Forward funded by the Council | 38,511 | |
| | Planning app. Ref: 10/07/0130 3/7 Walden Rd, Blackburn | 200 | |
| | Planning app. Ref: 10/10/0864 Former MD Foods Factory, Laburnum Rd, Blackburn | 800 | |
| | Planning app. Ref: 10/11/0945 Former MD Foods Factory, Laburnum Rd, Blackburn | 3,600 | |
| | Planning app. Ref: 10/06/0383 Former MD Foods Factory, Willow St/Laburnum Rd, Blackburn | 3,000 | East Lancashire Football Development Association (ELFDA) allocation for landscaping near Pleckgate football pitches. |
| | Planning app. Ref: 10/18/1048 Land at Tower View, Darwen | 5,000 | Improvements to sports facilities at Square Meadow, Darwen. |

| | | | |
|--|--|--------|---|
| | Planning app. Ref: 10/09/0629 Tewkesbury Street, Blackburn | 1,916 | Improvement & maintenance of Green Lane Multi-Use Games Area (MUGA). |
| | Planning app. Ref: 10/16/1194 Former Eclipse Mill, Blackburn | 25,000 | Improvements to Rosebay Woods. |
| | Planning app. Ref: 10/15/1556 Former Bear Hotel site, Blackburn | 30,000 | Spent in previous years on maintenance of Fernhurst Wood. |
| | Planning app. Ref: 10/05/1076 Former Kwick Save Site, Bolton Rd, Ewood, Blackburn | 19,000 | Spent in previous years on maintenance of Green Park Bowling Green and play space |

- 3.9 Page 14 of the report goes further by summarising what s106 contributions have been secured which will be paid in future years. This is summarised in Appendix A of this report.
- 3.10 Section 3 of the report sets out the S278 projects in the year 2020/21, and the S278 projects for future years. S278 agreements under the 1980 Highways Act are legally binding agreements between the local highway authority (Blackburn With Darwen Borough Council) and the developer to ensure delivery of necessary highway works as a result of new development.

4. POLICY IMPLICATIONS

- 4.1 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- 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.
- 4.2 The reforms to the planning obligations process introduced by the Community Infrastructure Levy Regulations 2019 contain a number of key elements, which includes the ability for authorities to charge a monitoring fee and the requirement to prepare an annual Infrastructure Funding Statement (from December 2020).
- 4.3 The need to produce an Infrastructure Funding Statement has increased the substantial workload and cost the Council has to cover when producing, monitoring and reporting on s106 agreements, work which is currently unfunded by the developer. Introducing monitoring fees will help to offset these costs and are set at an amount which is proportionate and reasonable.

5. FINANCIAL IMPLICATIONS

- 5.1 The funding that can be collected to assist in the monitoring of s106 agreements will help to offset the resources required to carry out the Council's rigorous process of financial monitoring and management of s106 monies received and spent, in addition to the resources required to report on these contributions through the production of an Infrastructure Funding Statement. The monitoring fee will be added to the s106 requirements.
- 5.2 If the monitoring fee is not collected, this additional work would have to be completed within existing budgets. The fees will be reviewed each year to ensure they remain proportionate and reasonable.

6. LEGAL IMPLICATIONS

- 6.1 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.
- 6.2 The Council began to add a monitoring fee to any s106 agreement associated with planning applications received from 1st October 2020. These will cover the cost of the monitoring and reporting on delivery of the agreements, including the production of the IFS (which is a new requirement), on an annual basis. Fees will be reviewed on an annual basis to ensure they remain proportionate and reasonable.
- 6.3 The IFS will be used to report on the amount of fees collected each year.

7. RESOURCE IMPLICATIONS

- 7.1 If the monitoring fee is not collected, this additional work would have to be completed within existing budgets.

8. EQUALITY IMPLICATIONS

- 8.1 The report is for information purposes only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

9. CONSULTATIONS

- 9.1. None.

10. RECOMMENDATION

- 10.1 That the Committee note the content of the report

Contact Officer: Gavin Prescott, Planning Manager (Development Management)

Date: 9Th August 2021

Background Papers: Blackburn With Darwen Infrastructure Funding Statement 2020/21 – July 2021.

APPENDIX A - S106 CONTRIBUTIONS SECURED FOR FUTURE YEARS:

| | Development site | S106 amount (£) | Proposed s106 works to be delivered |
|-----------|---|-----------------|---|
| Education | Planning app. Ref:10/17/0578 Land at Yew Tree Drive , Blackburn | 510,000 | Contributions towards additional primary school places in North Blackburn. |
| | Planning app. Ref:10/18/0895 Land at Roe Lee, Blackburn | 500,000 | |
| | Planning app. Ref:10/20/0265 Land off Ramsgreave Drive, Blackburn | 200,000 | |
| | Planning app. Ref:10/18/1116 Brokenstone Road, Blackburn | 2,480,000 | Contribution towards additional primary school places in West Blackburn. |
| | Planning app. Ref:10/19/0317 Land at Spring Meadows, Darwen | 1,500,000 | Contribution towards additional primary school places in East Darwen. |
| | Planning app. Ref:10/20/0934 Land to the North & South of Fishmoor Drive and East of Roman Rd, Blackburn | 395,000 | Contribution towards additional early years pupil places at Longshaw Infant School. |

| | Development site | S106 amount (£) | Proposed s106 works to be delivered |
|----------|---|-----------------|---|
| Highways | Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn | 50,000 | Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction, Yew Tree Drive and sustainable transport measures. |
| | Planning app. Ref: 10/16/0789 Land at Pole Lane North, Darwen | 170,000 | £100,000 top course, southern footway, lighting; £30,000 for traffic management and road safety initiatives around Darwen East Distributor Corridor (DEDC) and £40,000 for the Darwen East Distributor Corridor. |
| | Planning app Ref 10/16/1132 Gib Lane Phase A, Blackburn | 221,000 | New vehicular access onto Livesey Branch Road and footpath widening; enhancements to Finnington Lane/Moulden Brow junction; upgrading bus stops on Livesey Branch Road. |
| | Planning app Ref 10/19/0520 Land at School Lane, Guide | 4,500 | Contribution towards travel planning within locality. |
| | Planning app Ref 10/18/1116 Brokenstone Road, Blackburn | 26,000 | Contribution towards road safety improvements on Stockclough Lane. |
| | Planning app Ref 10/20/0265 Land off Ramsgreave Drive, Blackburn | 130,000 | Toucan crossings at Lammack Road, Pleckgate Road and Whinney Lane; Brownhill junction improvements; other highway improvements in North Blackburn including markings, signage, promotion of required Traffic Regulation Order (TRO) to reduce speeds; removal of crash barriers and reinstatement of central reservation; sustainable transport measures in the Ramsgreave Drive area; and contingency / associated works such as TROs, signage and lining. |
| | Planning app Ref 10/20/0107 Land at Hollins Grove Street, Darwen | 350,000 | Provision of highway improvements, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes in the Darwen East Distributor Corridor area. |

| | Development site | S106 amount (£) | Proposed s106 works to be delivered |
|-------------------|---|-----------------|---|
| Public open space | Planning app. Ref: 10/19/0340 Former Beechwood Garden Centre, Blackburn | 21,090 | Towards improvements to open space within 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 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: 10/15/0496 Former Sappi Paper Mill, Blackburn | 710,000 | Allocated to Feniscowles Sports Club for improvements and Witton Sports turf (Witton Sports Turf forward funded by Council reserves). |
| | Planning app. Ref: 10/19/0371 New Telegraph House, Blackburn | 18,278 | Towards green infrastructure within Blackburn town centre. |
| | Planning app. Ref: 10/19/0113 Land at Fountain Street, Darwen | 14,060 | Towards play areas or path enhancements in Bold Venture Park and/or Whitehall Park. |
| | Planning app. Ref: 10/19/0807 Land off Victoria Buildings, Waterside, Darwen | 14,060 | Towards green infrastructure within locality. |

| | Development site | S106 amount (£) | Proposed s106 works to be delivered |
|--------------------|---|-----------------|--|
| Affordable housing | Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn | 115,500 | All contributions received will be used to provide off-site affordable housing within the Borough. |
| | Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn | 701,250 | |
| | Planning app. Ref: 10/17/1313 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, Blackburn | 157,500 | |
| | 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: 10/19/0677 Land at Tower Road, Blackburn | 228,000 | |
| | Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen | 100,000 | |
| | Planning app. Ref: 10/14/0440 Springside Works, Belmont | 50,000 | |
| | Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn | 181,000 | |
| | Planning app. Ref: 10/19/0113 Land at Fountain Street, Darwen | 25,000 | |
| | Planning app. Ref: 10/19/0807 Land off Victoria Buildings, Waterside, Darwen | 25,000 | |
| | Planning app. Ref: 10/20/0265 Land at Ramsgreave Drive, Blackburn | 120,000 | |
| | Planning app. Ref: 10/19/0662 Land off Moorland Drive, Blackburn Gib Lane Phases D, E & F | 150,000 | |
| | Planning app. Ref: 10/19/0642 Land at Ellerslie House, Bury Fold Lane, Darwen | 229,500 | |
| | Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn | 750,000 | |