

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

ON: 15th DECEMBER 2022

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

WARDS AFFECTED: ALL

COUNCILLORS: ALL

TITLE OF REPORT:

INFRASTRUCTURE FUNDING STATEMENT 2021/22

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an update on the recently published Infrastructure Funding Statement for 2021/22, 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 2021/22 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 2021/22 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 2021/22 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 <https://www.blackburn.gov.uk/planning/planning-policies-strategies-and-guides>
- 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 7 of the annual report document.
- 3.5. The report summarises the total contributions received in 2021/22 and the total spent in the same period. This shows at March 2021, a net S106 total of £2,486,853 was available to fund public open space, highways, education and affordable housing projects in the borough. During 2021/22, £2,982,795 was received in contributions with £973,468 spent within the same period. This consists of £213,033 funding the delivery of new highway infrastructure, £373,472 on the delivery of new educational places in the borough, and £131,963 spent on improving existing or creating new open spaces.
- 3.6 In summary therefore, as at 31st March 2022, there is a net total of £4,496,180 in S106 contributions available to spend on affordable housing, education, public open space and highway projects in the borough.

S106 Contributions Received in 2021/22

Infrastructure type	S106 contributions received (£)
Public open space	403,740
Education	1,032,401
Affordable housing	1,175,375
Highways	371,279
TOTAL	2,982,795

S106 Contributions Spent in 2021/22

Infrastructure type	S106 contributions spent (£)
Public open space	131,963
Highways	213,033
Affordable Housing	255,000
Education	373,472
TOTAL	973,468

Total S106 (net) Amount Available to Spend as at March 2022

Net total as of March 2021	2,486,853
S106 income received 2021/22	2,982,795
Total	5,469,648
Minus monies spent 2021/22	-973,469

TOTAL	4,496,180
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Breakdown of Amount Available to Spend as at March 2022

Infrastructure type	S106 monies available (£)
Public open space	466,232
Affordable housing	1,437,121
Highways	1,673,059
Education	919,767
TOTAL	4,496,180

3.7 The report goes further by reporting on where the contribution monies have been received in the 2021/22 monitoring period (page 9). The following table summarises this:

	Development site	S106 contributions received(£)	Infrastructure project to fund
Affordable Housing	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	210,375	All monies received to contribute towards delivery of affordable housing in the borough
	Planning app. Ref: 10/19/0677 Land at Tower Road, Blackburn	171,000	
	Planning app. Ref: 10/18/0075 School Lane, Guide, Blackburn	40,000	
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	181,000	
	Planning app. Ref: 10/17/0211 Land at Gib Lane Phase C, Blackburn	52,500	
	Planning app. Ref: 10/17/1313 Land at Cranberry Lane, Darwen	138,000	
	Planning app. Ref: 10/21/0277 Land at Lomond Gardens, Blackburn	382,500	
	TOTAL	1,175,375	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Education	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	250,000	Contribution towards additional primary school places in Blackburn North
	Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	500,000	Contribution towards additional secondary school places in Darwen
	Planning app. Ref: 10/21/0277 Land at Lomond Gardens, Blackburn	84,901	Contribution towards additional primary school places in Blackburn West
	Planning app. Ref: 10/20/0934 Land to the North and South of Fishmoor Drive and East of Roman Road, Blackburn	197,500	To create additional early years pupil places at Longshaw Infant School
TOTAL	1,032,401		

	Development site	S106 contributions received(£)	Infrastructure project to fund
Public open space	Planning app. Ref: 10/09/0687 Land at Almond Street, Darwen	2,400	Improvements to children's play space
	Planning app. Ref: 10/16/0838 Beechwood Garden Centre, Roman Road, Blackburn	21,090	Improvements to River Darwen Parkway and Nature Reserve
	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	137,750	Improvements at Feniscowles Sports Club
		100,000 (forward funded by Council reserves)	Improvements to Witton sports turf
	Planning app. Ref: 10/21/0122 Land at Ellison Fold Way, Darwen	100,000	For improvements to Blacksnape children's play area
	Planning app. Ref: 10/21/0277 Land at Lomond Gardens, Blackburn	42,500	For provision / enhancements to green infrastructure in Blackburn
	TOTAL	403,740	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Highways	Planning app. Ref: 10/16/1132 Gib Lane Phase A, Blackburn	29,750 (forward funded by the Council)	Construction of new vehicular access onto Livesey Branch Road
	Planning app. Ref: 10/16/0789 Pole Lane North, Darwen	140,000	To fund top course, creation of southern footway and lighting
	Planning app. Ref: 10/18/0075 Land at School Lane, Guide, Blackburn	4,500	To undertake travel planning
	Planning app. Ref: 10/21/0122 Ellison Fold Way, Darwen	197,029	Towards completion of DEDC highway improvement works, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes
	TOTAL	371,279	

3.8 Page 12 of the report also summarises the projects which have been delivered off-site by s106 contributions for the period 2021/22 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	260,839	Contribution towards extension of Lammack Primary School to provide an additional 140 places
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	80,473	
	Planning app. Ref: 10/20/0934 Land to the North and South of Fishmoor Drive and to the East of Roman Road	32,160	Contribution towards extension of Longshaw Nursery and Infant School

	Development site	S106 contributions spent (£)	Infrastructure Project delivered
Public open space	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	8,034	Improvements to Feniscowles Sports Club
		100,000 (forward funded by the Council)	Improvements to Witton sports turf
	Planning app. Ref: 10/19/0677 Land South of Tower Road, Blackburn	23,929	Improvements to pathways to improve access for pedestrians into Witton Park

	Development site	S106 contributions spent (£)	Project delivered
Highways	Planning app. Ref: 10/17/0211 Land at Gib Lane Phase C, Blackburn	65,382	Contribution towards delivery of Bog Height Road link road (design phases)
	Planning app. Ref: 10/17/0578 Yew Tree Drive, Blackburn	113,292	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction and Yew Tree Drive; and sustainable transport measures
	Planning app. Ref: 10/18/0075 Land at School Lane, Guide, Blackburn	34,357	Pedestrian crossing and slow down markings

	Development site	S106 contributions spent (£)	Project delivered
Affordable housing	Planning app. Ref: 10/14/0547 Land at Parsonage Road, Blackburn	233,422	All contributions used to purchase former care home at Laneside, Blackburn to facilitate the site's redevelopment for new housing
	Planning app. Ref: 10/17/0089 Land to the rear of 110 Whinney Lane, Blackburn	18,558	
	Planning app. Ref: 10/12/0522 21 Femhurst Street, Blackburn	1,000	
	Planning app. Ref: 10/13/0094 Former Cemetery Public House, Darwen	2,000	

3.9 Page 15 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 2021/22, 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. Executive Member for Growth and Development – 2nd December 2022.
- 9.2 Planning Cross Party Working Members Group meeting – 13th December 2022.

10. RECOMMENDATION

10.1 That the Committee note the content of the report

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

Date: 2nd December 2022

Background Papers: Blackburn With Darwen Infrastructure Funding Statement 2021/22 – November 2022.

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	60,000	Contributions towards additional primary school places in Blackburn North
	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 Blackburn West
	Planning app. Ref:10/19/0317 Land at Spring Meadows, Darwen	750,000	Contribution towards additional primary school places in Darwen
		250,000	Contribution towards additional secondary school places in Darwen
	Planning app. Ref:10/20/0934 Land to the North & South of Fishmoor Drive and East of Roman Rd, Blackburn	197,500	Contribution towards additional early years pupil places at Longshaw Infant School
	Planning app. Ref:10/21/0122 Land at Ellison Fold Way, Darwen	742,500	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road Eccleshill	40,000	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/19/0662 Gib Lane D, E & F, Blackburn	850,000	Contribution towards additional primary school places in Blackburn West

	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/ and Yew Tree Drive and sustainable transport measures
	Planning app. Ref: 10/16/0789 Land at Pole Lane North, Darwen	30,000	Traffic management and road safety initiatives around Darwen East Distributor Corridor (DEDC)
	Planning app Ref 10/16/1132 Gib Lane Phase A, Blackburn	89,250 (forward funded in part by the Council)	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 Ellison Fold Way, Darwen	445,545 (forward funded in part by the Council)	Towards completion of DEDC highway improvement works, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes
	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	35,000	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
	Planning app Ref 10/21/0636 Land to the North of Ramsgreave Drive, Blackburn	99,598	For toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill Junction and Yew Tree Drive, and sustainable transport measures

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Public open space	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: 10/15/0496 Former Sappi Paper Mill, Blackburn	212,250	Improvements to Feniscowles Sports Club
		260,000 (forward funded by Council reserves)	Improvements to Witton sports turf
	Planning app. Ref: 10/19/0371 New Telegraph House, Blackburn	18,278 (forward funded by the Council)	Towards green infrastructure within Blackburn town centre

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Affordable housing	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	94,500	All contributions received to provide off-site affordable housing within the borough
	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	490,875	
	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, Blackburn	56,230	
	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: 10/19/0113 Land at Fountain Street, 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: 10/18/1116 Brokenstone Road, Blackburn	750,000	
Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road, Blackburn	84,074		