



Fylde Council
Infrastructure Funding
Statement
(1 April 2019 - 31 March 2020)

Contents

1.	Introduction	1
2.	Section 106 (S106) Obligations	2
3.	Monitoring Fees	5
4.	Section 106 Agreements Signed in 2019/20	5
5.	Section 106 Contributions Received in 2019/20	6
6.	Projects Delivered by Section 106 Contributions 2019/20	7
7.	Section 106 Contributions Secured for Future Years	9
8.	Section 278 Agreements	11
9.	Summary	11
10.	Next Steps	13

1. Introduction

- 1.1. Local Authorities are now required to produce an Infrastructure Funding Statement on an annual basis as a result of changes to government legislation as required by the Community Infrastructure Levy (Amendment) (England) (No. 2) 2019.
- 1.2. The intention is that the data and infrastructure funding statements will give policy makers, customers and members of the public better insights into how developer contributions are supporting new development and local infrastructure.
- 1.3. Fylde Council does not operate a Community Infrastructure Levy and, as such, this statement will only set out income and expenditure relating to section 106 (s106) agreements. Income from s106 agreements, or 'planning obligations' or 'developer contributions' is used to offset harm caused by development and help fund the provision of supporting infrastructure in association with development and to maximise the benefits and opportunities from growth, such as employment opportunities and affordable homes.
- 1.4. This Infrastructure Funding Statement provides a summary of financial contributions the Council has secured through s106 agreements from new developments and is an overview of the information collected for the financial year 2019/20.
- 1.5. The report provides:
 - An overview of s106 agreements;
 - The Council's internal process relating to s106 contributions;
 - The s106 agreements signed in the 2019/20 monitoring period;
 - The s106 contributions paid to the Council in the 2019 /20 monitoring period;
 - S106 contributions estimated for future years; and
 - Projects delivered in the Borough via s106 agreements in the 2019/20 monitoring period.
- 1.6 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 by the Council 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.
- 1.7 It should be noted that this data represents estimates at a fixed point in time. Not all the planning approvals documented will necessarily be implemented. Additionally, the requirements of the s106 obligations can be subject to change and in the case of outline planning permissions are dependent on the approval of subsequent reserved matters application(s). However, the data reported within this document is the most robust available at the time of publication.

2. Section 106 Obligations

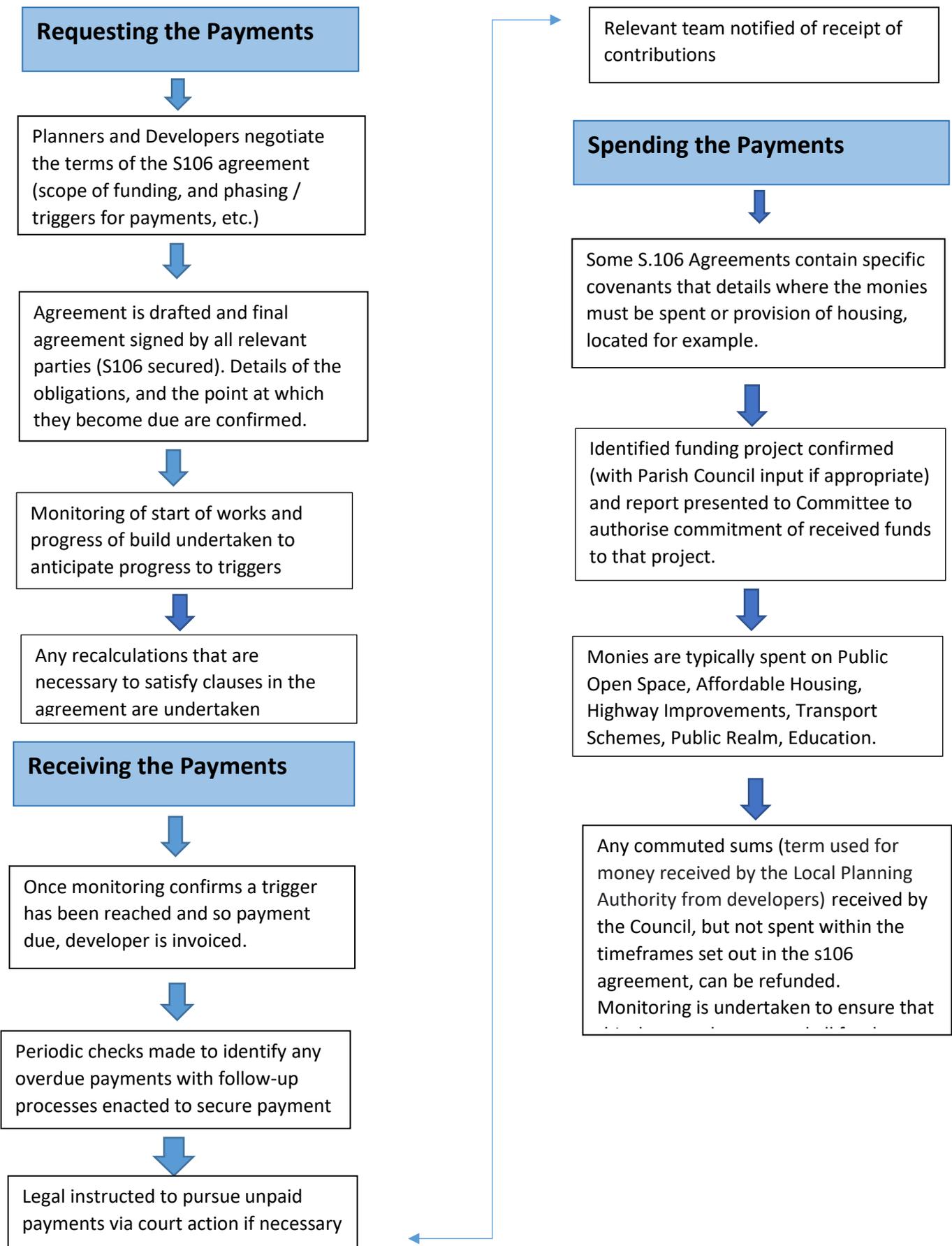
- 2.1. Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) can seek obligations, both physically on-site and also contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions 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 both new infrastructure within the site which can be used by people from the surrounding area and improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.
- 2.3. The National Planning Policy Framework (2019) states that “planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”.
- 2.4. Obligations can only be sought where they are **directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms.**
- 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.”¹

¹ Planning Practice Guidance 2019 Paragraph 023 ‘Planning Obligations’
<https://www.gov.uk/guidance/planningobligation>

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 a financial contribution from developers to meet these needs outside of the development site through a s106 obligation.
- 2.7. Once the S106 has been signed, it is a legal obligation, but it will only be paid if the planning permission is implemented and reaches the trigger point for payment such as commencement or prior to occupation of the development whether that be housing or another use. 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.
- 2.8. The Council's Development Manager and Senior Planning Officers instruct the Council's Legal Officers to prepare new and varied s106 agreements, using either delegated authority or a resolution from the Planning Committee where appropriate. The flow chart overleaf summarises the key stages of the Council's internal s106 procedure from the preparation of an agreement through to the spending of monies secured by agreements.
- 2.9. The link to the Council's s106 webpage is: [Section 106 Agreements \(fylde.gov.uk\)](http://fylde.gov.uk/Section%20106%20Agreements)



3. Monitoring Fees

- 3.1. Regulation 122 (2A) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) permits local authorities to charge a fee for monitoring and reporting on planning obligations. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. Monitoring fees should not be sought retrospectively for historic agreements.
- 3.2. Fees could be 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 (for example, for in-kind contributions). 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. Authorities must report on monitoring fees in their infrastructure funding statements.
- 3.3. Fylde Council charge a monitoring fee of £300 per trigger set out in the obligation. So, an affordable housing contribution payable in 3 installments would attract a monitoring fee of £900. It matters not whether the trigger is payment of a sum of money, or a restriction on the staging of the development e.g. no more than 50% of market dwellings can be completed/occupied until all of the on-site Affordable Housing has been completed and transferred to an Registered Social Landlord.
- 3.4. Fylde Council require the payment of the full monitoring fee on commencement of development to ensure parity with all of the obligations.

4. Section 106 agreements Signed in 2019/20

- 4.1. The table below provides the details of the S106 agreements signed between the 1st April 2019 and the 31st March 2020.

Location	Agreement Date	Details
Land Dugdales Close/Brooklands Way/Hallam Way, Whitehills Business Park, Westby (ref:17/0359)	12/04/2019	Highways Contribution £10,000 Pedestrian/Cycle improvement £30,000 Public realm contribution £45,000 Public and sustainable transport contribution £60,000 Traffic regulation order contribution £10,000. All due to Lancashire County Council prior to occupation of the development.
Land at Ashton's Nursery, Mythop Road, Lytham (ref: 17/0435)	18/05/2019	Public Open Space contribution of £6,000, to be paid prior to occupation of any

		dwelling. Public Open Space works to be carried out at the Park View playing fields, Park View Road, Lytham.
Land at High Meadows, Lower Lane, Freckleton (ref: 18/0043)	13/07/2019	<p>Affordable housing contribution (£50,000), 1 dwelling to be available for Affordable Housing rental.</p> <p>Public Open Space (POS) contribution of £11,000, to be used for improvements and maintenance of play area located on the Lower Lane Estate.</p> <p>POS due before occupation of any dwelling and to be spent on land opposite to the site, Public/sustainable transport due prior to occupation of any dwelling to facilitate the delivery of additional pedestrian/cycle improvements in the vicinity of the site.</p> <p>Education due before 50% of the dwellings occupied, this is to be used to provide additional primary school places at Weeton St Michaels CE primary School.</p>
Blackpool Road, Kirkham (ref: 16/0112)	07/05/2019	<p>Primary education contribution of £54,000, to be paid to the Council before occupation of 50% of the dwellings. Public realm contribution of £30,000 to be paid before occupation of 25% of the dwellings.</p>

5. Section 106 Contributions Received in 2019/20

5.1. A total of **£1,687,595.80** has been received in S106 contributions in the 2019/20 period. The following table provides information on which developments these contributions have been received from:

	Development Site	S106 contributions received (£)
Public Open Space (POS)	Moss Farm, Cropper Road, Westby (19/0140)	£31,000.00
Affordable Housing	Moss Farm, Cropper Road, Westby (12/0717)	£1,015,000.00
	North View Farm, Ribby Road, Wrea Green (14/0491)	£299,988.00
Highways Improvements	Land off Willow Drive, Wrea Green	£10,000.00
Bus Stops and Transport Schemes	Mill Farm, Wesham (13/0655)	£30,000.00
	Moss Farm, Cropper Road, Westby (19/0140)	£20,000.00
Public Realm	Morrisons, Squires Gate Lane, St. Leonards	£31,300.00
Education	Cropper Road (12/0717)	£218,206.74
	Moss Farm, Cropper Road, Westby (19/0140)	£32,101.06
		Total: £1,687,595.80

6. Projects Delivered by S106 contributions 2019/20

6.1. Fylde Council is committed to ensuring that the necessary infrastructure required to enable development to be brought forward will be delivered to support growth and maximise the benefits secured from development.

6.2. 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 s106 monies across the Borough in 2019/20². These are listed below:

	Development Site	S106 monies spent	Project Delivered
Public Open Space (POS)	Weeton Village Hall, Singleton Road, Weeton (ref: 09/0661)	£6,875.00	To benefit the occupiers of the development

² Highways and Education services are delivered by Lancashire County Council

	Jubilee Gardens, Staining (ref: 12/0765)	£160,000.00	Improvement of Public Open Space in the village of Staining – Staining Chain Lane Playing Field Scheme
	Land at Kings Close, Staining (ref: 13/0590)	£15,000	
	Pontins Site 1, Clifton Drive North, St. Annes (ref: 16/0062)	£59,568.52 £5,996.10	
			To support the provision of post or posts whose purposes include protecting and maintaining the coast & environmental assets in the council area, improving conservation interest of coastal & soft sea defenses, habitats & encourage public appreciation of the coastal environment.
Affordable Housing (the majority of Affordable Housing is provided on site due to the requirements of Strategic Policy H4 Affordable Housing of the Fylde Local Plan to 2032 (incorporating Partial Review).	93, St Albans Road St Annes	£56, 397.00	Contributions to provide off-site affordable housing within the Borough.
	Methodist Church, St Annes	£275,000.00	
Highways Improvements	Former Gov. offices, Heyhouses Lane (ref:13/0450 and 13/0635).	£20,471.50	To be used towards delivering of sustainable transport infrastructure,

			including footpaths, cycleways and bridleways relating directly to the scheme including works associated with the M55 to Heyhouses link Road Scheme (delivered by Lancashire County Council).
Bus Stops and Transport Schemes	Nine Acres Nursery, Harbour Lane, Warton (ref: 10/0766). Baines Farm, Mill Lane, Staining (ref: 09/0505)	£36,000.00(£18,000.00*2) £13,200.00	Transport contributions. Installments 2 and 3 of 4. Public Transport Contribution
Public Realm	Mill Farm, Fleetwood Road, Wesham (13/0655)	£21,043.00	Towards public realm in the vicinity of the development, specifically Kirkham and Wesham town centres.
Total: £669,551.12			

7. S106 Contributions Secured for Future Years.

7.1. During the 2019/20 period, the Council has secured s106 contributions from the following development sites which will be paid/delivered in future years should the developments progress as planned. These contributions will be paid by the developers either once development has commenced on site, once a specified number of homes have been occupied on the site or when another specific trigger point has been met.

Location	Agreement Date	S106 amount	Details of s106 provision
Campbells Caravans, Blackpool Road, Kirkham, Preston (Ref: 16/0112)	7/05/2019	£84,000	Primary Education Contribution of £54,000 and a Public Realm contribution of £30,000
Land at Ashton's Nursery, Mythop Road, Lytham (ref: 17/0435)	18/05/19	£6,000	Public Open Space contribution to be paid prior to the occupation of any dwelling. Public Open Space works to be carried out at Park View playing fields Lytham.
Land at Moss Farm, Cropper Road, Blackpool, FY4 5LB (Ref: 19/0140)	27/6/2019	£63,101.06	Primary Education contribution (£32,101.06) due before 50% of the dwellings are occupied, to provide additional spaces at Weeton St Michaels CE Primary School. Public Open Space contribution (£1000 per dwelling (31 dwellings)) due before the occupation of any dwelling and to be spent on land opposite to the site. Sustainable public transport contribution due prior to the occupation of any dwelling to facilitate the delivery of additional pedestrian and cycle routes in the vicinity of the site.
Land at High Meadows, Lower Lane, Freckleton (ref: 18/0043)	13/7/2019	£61,000	Affordable Housing contribution (£50,000) due prior to occupation of 6 th dwelling. Public Open Space contribution (£11,000) also due prior to occupation of the 6 th dwelling
Land on the North and South Side of Old House Lane, Westby with Plumpton (ref: 15/0114)	9/3/2020	£2,766,070.53	Public Transport contribution of (£240,000) towards an extension of service 14 Fleetwood-Blackpool to Mereside (or an appropriate service into this site and the wider Whitehills Business Park). There shall be a further

			<p>Travel Plan Support Contribution (£18,000).</p> <p>Roundabout Improvement contribution (£20,000) towards the costs of the works to improve the Cropper Road/Whitehill Road/School Road roundabout.</p> <p>Traffic Signal Improvement contribution (£50,000) towards the cost of the works to improve the A583/Whitehill Road traffic signals.</p> <p>Public Realm contribution (£265,000) towards public realm improvements to the Whitehills Business Park.</p> <p>Primary Education contribution of £1,360,927.53</p> <p>Secondary Education contribution of £812,143.60.</p>
Total: £2,980,171.59			

8. Section 278 Agreements

8.1. Section 278 agreements (s278) under the Highways Act 1980 are legally binding agreements between the Local Highway Authority and the developer to ensure delivery of necessary highway works resulting from new development.

8.2. It may provide for infrastructure such as:

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

8.3. S278 agreements are reported on by the Highways Authority, which in this case is Lancashire County Council.

9. Summary

9.1. The s106 activity in 19/20 shows that the Council received a total of £1,687,595.80 s106, contributions with £669,551.12 being spent within this period. This is made up of £20,471,50 for

highway works, £331,397.00 on Affordable Housing, £49,200.00 on Bus Stops and Transport Schemes, £247,439.62 spent on improving existing or creating new open spaces and £21,043.00 spent on improvements to the public realm.

S106 Contributions Received in 2019/2020

Infrastructure Type	S106 available (£)
Public Open Space	31,000.00
Affordable Housing	1,314,988.00
Highways Improvements	10,000.00
Bus Stops and Transport Schemes	50,000.00
Public Realm	31,300.00
Education	250,307.80
Total: £1,687,595.80	

S106 Contributions Spent in 2019/20

Infrastructure Type	S106 available (£)
Public Open Space	247,439.62
Highways	20,471.00
Affordable Housing	331,397.00
Bus Stops and Transport Schemes	49,200.00
Public Realm	21,043.00
Total: £669,551.12	

9.2. The table below shows that as of March 2020, a s106 total (including committed funds) of £5,591,287.08 was available to fund public open space, highways, bus stops and transport, affordable housing, education and public realm projects within the Borough.

S106 Contributions Available at the end of March 2020 by Infrastructure Type

Infrastructure Type	S106 available (£)
Public Open Space	447,331.52
Highways	401,327.67
Affordable Housing	2,571,630.62
Bus Stops and Transport Schemes	249,361.59
Public Realm	667,361.59
Education	1,254,273.91
Total: £5,591,287.08	

10.Next Steps

- 10.1. Fylde Council will update this Infrastructure Funding Statement at least annually. It will be submitted to the Department of Levelling Up, Housing and Communities and published on the Council's website by 31st December each year.