



Copeland Infrastructure Funding Statement 2019/20

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2019/20

December 2020

Contents

1. Executive Summary.....	3
2. What is Infrastructure?	4
3. What is the purpose of this document?	4
4. What is a Section 106 agreement?	5
5. What are Section 106 Monitoring Fees?	5
6. What is a Section 278 agreement?	6
7. What are the Council’s priorities for infrastructure?	6
8. Developer Contributions in Copeland 2019/20	7

1. Executive Summary

Number of S106 agreements entered into by Copeland Borough Council during 2019/20 in Copeland: 2

Types of infrastructure agreed through S106 agreements in 2019/20:

- affordable homes,
- parking for adjacent development

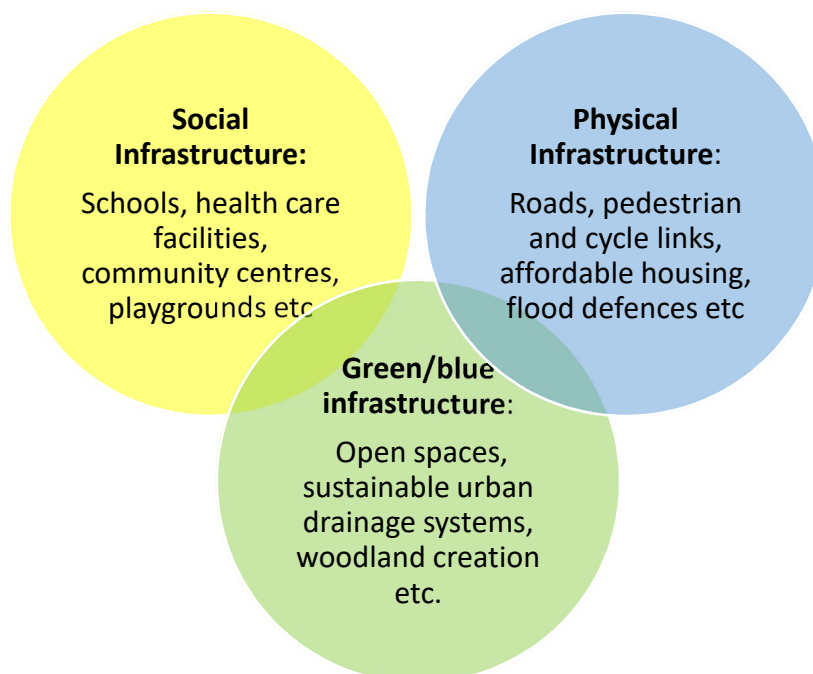
Total value of developer contributions received by Copeland Borough Council during 2019/20: 0

Total value of developer contributions spent by Copeland Borough Council during 2019/20: 0

Total value of developer contributions transferred by Copeland Borough Council to Cumbria County Council in 2019/20: 0

2. What is Infrastructure?

- 2.1.1 Infrastructure is an essential part of good planning, connecting development and helping to create sustainable communities. Infrastructure comes in the form of social, physical and green/blue infrastructure.



3. What is the purpose of this document?

- 3.1.1 This document is Copeland Borough Council's first Infrastructure Funding Statement (IFS). It relates to the parts of Copeland outside the Lake District National Park. The parts of Copeland within the Lake District National Park are under the planning jurisdiction of the Lake District National Park Authority who will be producing their own IFS.
- 3.1.2 The Community Infrastructure Levy Regulations 2010 require all planning authorities that collect Community Infrastructure Levy (CIL)¹ funds, or enter into Section 106 or Section 278 agreements to produce an Infrastructure Funding Statement by 31st December each year. The IFS must cover the previous financial year ending in the preceding March.
- 3.1.3 This IFS identifies developer contributions agreed, contributions received, contributions spent or transferred between 1st April 2019 and 31st March 2020. It also contains a list of outstanding contributions which will be spent in future years.
- 3.1.4 The document helps improve transparency and demonstrate what public benefits have been provided as part of new developments in the Borough. It has been produced in line with National Policy Guidance which can be accessed here: <https://www.gov.uk/guidance/planning-obligations>.

¹ There are currently no proposals to set CIL charges in Copeland

4. What is a Section 106 agreement?

- 4.1.1 A Section 106 Agreement (based on the relevant section of the Town and Country Planning Act) is also known as a planning obligation or developer contribution. It is a legally binding, enforceable agreement entered into by a person with an interest in the land (usually an applicant or developer) and the charging authority, which could be the Borough or County Council. Such agreements can also be made via “*a unilateral undertaking entered into by a person with an interest in the land without the planning authority*”². The application site, rather than the developer, is bound by the S106 agreement therefore if the site changes hands, the agreement will still apply.
- 4.1.2 S106 agreements are attached to planning consents to make a development which would otherwise be unacceptable acceptable. They can be used for the following purposes:
- *To prescribe the nature of development (for example, requiring a given portion of housing is affordable)*
 - *To compensate for loss or damage created by a development (for example, loss of open space)*
 - *To mitigate a development’s impact (for example, through increased public transport provision)”* (<https://www.planningportal.co.uk>)
- 4.1.3 Section 106 agreements can only be used under certain circumstances and must meet the following statutory tests set out in Regulation 122 (as amended by the 2011 and 2019 Regulations). The agreement must be:
- *Directly relevant to the proposed development*
 - *Necessary to make the development acceptable in planning terms*
 - *Fairly and reasonably related in scale and kind to the development*
- 4.1.4 Cumbria County Council is responsible for contributions relating to transport and travel plans, education, surface water management, social care, crime and disorder and fire safety. They have produced a Planning Obligations Policy (adopted 2013) which sets out their approach to requesting contributions of this type. The County Council will also be producing its own Infrastructure Funding Statement.
- 4.1.5 Copeland Council helps facilitate such improvements through its planning decisions. In such cases the Council is the charging authority and the money raised through the S106 agreement is transferred to the County Council to deliver the infrastructure.

5. What are Section 106 Monitoring Fees?

- 5.1.1 Local Authorities are able to charge a monitoring fee to cover the cost of monitoring and reporting on the delivery of S106 obligations for the lifetime of that obligation. Where such fees have been charged it is noted within this document.

² <https://www.gov.uk/guidance/planning-obligations>

6. What is a Section 278 agreement?

- 6.1.1 A S278 agreement is made under Section 278 of the Highways Act 1980. They relate to works to the highways to create a safe access to a new development. As Cumbria County Council is the Highways Authority for Copeland, they are the charging authority for S278 agreements and details will therefore be included within their Infrastructure Funding Statement rather than in this document.

7. What are the Council's priorities for infrastructure?

- 7.1.1 The NPPF³ requires the IFS to set out future spending priorities on infrastructure and affordable housing in line with up-to-date or emerging plan policies. Councils should demonstrate how developer contributions will be used to deliver relevant strategic policies in the plan, including any infrastructure projects.
- 7.1.2 The Council is currently developing a new Local Plan for the period 2017 to 2035. This will replace the current Local Plan: Core Strategy and Development Management Policies which was adopted in 2013.
- 7.1.3 The Plan will be supported by an Infrastructure Delivery Plan (IDP) which will identify what infrastructure will be required in the Borough to support identified growth over the plan period. The IDP will consider the following types of infrastructure:
- Highways and transport (road, rail, bus, cycling and walking)
 - Utilities (electricity, gas, water and waste water, broadband)
 - Charging/low carbon vehicle infrastructure (EV charging points/hydrogen refuelling)
 - Flooding, drainage and coastal management
 - Health (GP surgeries, dental practices, care homes, secondary care)
 - Education (primary, secondary and other)
 - Sport and leisure facilities
 - Green infrastructure and open space
- 7.1.4 A stage 1 IDP has been produced which provides the baseline status of infrastructure in the Borough and identifies known constraints and shortfalls in provision. Stage 2 will identify what requirements will be necessary to support the Local Plan and will include an Infrastructure Delivery Schedule. This will set out the infrastructure projects that the Council may wish to spend S106 monies on, where the three tests listed in paragraph 4.1.3 are met.
- 7.1.5 The Council will provide further information regarding infrastructure priorities in the next edition of the IFS as the IDP and emerging Local Plan will be at a more advanced stage. It will also monitor the provision of infrastructure against the Delivery Schedule in future editions of the IFS.

³ Paragraph 034 Reference ID 23b-034-20190901

- 7.1.6 S106 monies can be required in lieu of on-site affordable housing. The need for affordable housing in the Borough is set out in the Strategic Housing Market Assessment 2019. A definition of affordable housing can be found in the National Planning Policy Framework glossary at the following link:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 7.1.7 The Council intends to produce a Developer Contributions Supplementary Planning Document (SPD) to support the Local Plan and IDP which will provide further guidance for developers.

8. Developer Contributions in Copeland 2019/20

- 8.1.1 The following tables identify contributions agreed, received, spent/transferred by Copeland Borough Council (CBC) in 2019/20.

8.1.2 The following obligations were agreed and made pursuant to Section 106, Town and Country Planning Act 1990 between 1st April 2019 and 31st March 2020.

Table 1: Section 106 Agreements entered into by Copeland Borough Council in 2019/20

Note: U/C = Under construction

UPRN	Address	Planning ref	Date registered	Date agreed	Obligation Details	Status	Collecting Authority
10000908549	Land at Fell View Drive, Egremont ⁴	4/19/2143/0F1	-	31/01/20	3 affordable dwellings	U/C	CBC
100110756096	Former Central Dairy Buildings, Finch Street, Millom	4/15/2233/0F1	06/05/2019	16/04/2019	Parking provision for adjoining site	U/C	CBC

8.1.3 There were no contributions, pursuant to Section 106, Town and Country Planning Act 1990, received by Copeland Borough Council between 1st April 2019 and 31st March 2020.

Table 2: S106 Contributions Received by Copeland Borough Council in 2019/20

UPRN	Address	Planning Ref	Date registered	Date agreed	Obligation Details	Status	Collecting Authority
-	-	-	-	-	-	-	-

8.1.4 There were no contributions spent or transferred, pursuant to Section 106, Town and Country Planning Act 1990, by Copeland Borough Council, between 1st April 2019 and 31st March 2020.

⁴ A variation has been agreed under planning application 4/20/2150/0B1 (S106 signed 2nd September 2020), however this more recent application falls outside of this monitoring period and will be reflected in the next edition. The infrastructure sought under this more recent application remains as previously.

Table 3: S106 Contributions Spent by Copeland Borough Council in 2019/20

UPRN	Address	Planning Ref	Date registered	Date agreed	Obligation Details	Status	Collecting Authority
-	-	-	-	-	-	-	-

8.1.5 The following contributions were agreed in previous years but remain outstanding.

Table 4: Outstanding S106 Contributions

Note: U/C = Under Construction

UPRN	Address	Planning Ref	Date registered	Date agreed	Obligation Details	Status	Collecting Authority
010000908550	Land at Flosh Meadows, Cleator	4/16/2063/0o1	16/09/2016	20/04/2016	4 affordable units	Development not commenced	CBC
10000907384	Land at Tarn Bank, Braystones, Beckermest	4/14/2242/0F1	29/05/2015	14/04/2015	5 affordable units (revised app 4/18/2515/0B1 for 5 affordable homes and 2 market homes)	U/C – 3 affordables under construction, 2 not started	CBC

Other Section 106 Agreements outstanding

The following table lists developments which have not yet been delivered with restrictions placed on them through a Section 106 Agreement. These differ to the contributions above as they relate to restrictions on development rather than the provision of infrastructure.

Table 5: Other outstanding S106 Agreements

Note: U/C = Under Construction

UPRN	Address	Planning Ref	Date registered	Date agreed	Obligation Details	Status	Collecting Authority
10000898444	The Nest, Rothersyke, Egremont, CA22 2US	4/18/2514/0F1	08/09/2019	22/08/2019	Local occupancy restriction	U/C	CBC
10000908513	Sandybanks, Coulderton Beach, Egremont	4/18/2168/0F1	17/08/2018	05/09/2018	Holiday use restriction	U/C	CBC
10000907419	Land at Birks Farm, Birks Road, Cleator Moor	4/15/2053/0F1	16/09/2015	23/07/2015	Agricultural workers restriction	U/C	CBC
10000899361	Island View, Nethertown, Egremont	4/14/2459/0F1	13/04/2015	04/03/2015	Holiday use restriction	U/C	CBC