



Infrastructure Funding Statement 2019/20



Contents

	Page
1. Introduction	3
2. Section 106 Developer Contributions Explained	4
3. Summary of S106 Planning Obligations for 2019/20	5
4. Section 106 Agreements Entered into in 2019/20*	5
5. Affordable Housing	6
6. Education	8
7. Health	10
8. Highways	10
9. Open Space	11
10. Conclusion	12
*Appendix 1 – List of all Legal Agreements entered into in 2019/20	13

1. Introduction

- 1.1 Welcome to Boston Borough Council's Infrastructure Funding Statement. This sets out the year's income and expenditure relating to the Section 106 (S106) agreements for 2019/20.
- 1.2 Section 106 of the Town and Country Planning Act 1990 allows Local Planning Authorities (LPAs) to impose restrictions or requirements on land, including the payment of monies towards infrastructure or securing affordable housing. Collectively, these are known as planning obligations and may take the form of an agreement between a developer/landowner, the Council and possibly other parties, or alternatively, a unilateral undertaking providing a legal commitment by the developer alone – both are collectively known as S106 agreements.
- 1.3 The publication of this Infrastructure Funding Statement (IFS) is a legal requirement arising from the Community Infrastructure Levy (CIL) Regulations 2019. 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 as possible on the amount of developer contributions secured and received from new developments, in addition to information on where these monies are held or have been spent, as well as provision of certain on-site infrastructure such as affordable housing is readily available to members of the public and other interested parties. As Boston Borough Council does not have a CIL, this statement is purely to report on the S106 planning obligations. This is the first IFS and complies with the requirement to cover the financial year 2019/20 (1 April 2019 to 31 March 2020).
- 1.4 Please note that data on developer contributions within this IFS is classed as live because in some cases it represents estimates at a given point in time and can be subject to change. The data reported within this document is the most robust available at the time of publication. This can be due to permissions with S106 agreements expiring, formulas for education based on outline permissions which can alter at full planning permission stage, Deeds of Variations being signed which alter the obligation amount in the original S106 agreement entered into.
- 1.5 Section 4 of this Statement provides a brief overview of the S106 obligations, which have been entered into during the first full adopted year of the South East Lincolnshire Local Plan. The remaining Sections 5 to 9 provides a breakdown of the key areas where funding or infrastructure has been secured, namely for affordable housing, open space, education, highways, health and miscellaneous/other. These sections also detail, where applicable, the different stages of the S106 process from securing the monies through to expenditure, largely based on the categories identified in the CIL Regulations 2019. It will include payments received for historic agreements, where triggers for obligations have been met.

2. Section 106 Developer Contributions Explained

- 2.1 Policy 6 of the South East Lincolnshire Local Plan (SELLP), which was adopted in March 2018, provides guidance on how developer contributions will operate within South East Lincolnshire in the absence of a CIL, with such contributions being secured through Section 106 agreements. Developer contributions will also be subject to the criteria set out in the Community Infrastructure Regulations (2010) 122 and 123 (or any successors) which require any financial contribution or contributions in kind towards infrastructure to meet a number of criteria, ie affordable housing, highways, education, health, open space.
- 2.2 For a number of years up until 2019 the government imposed pooling restrictions, allowing no more than 5 obligations to fund the same item of infrastructure. It became increasingly necessary for the obligation to identify a specific project, such as an individual play area or a new classroom for a certain school, which could severely restrict flexibility if spending priorities changed. The lifting of these restrictions makes the S106 process more manageable to deliver key projects.
- 2.3 Once a s106 has been entered into, the planning obligations contained within it will only be realised if the planning permission is implemented and trigger points are reached 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. It can sometimes take several years for S106 obligations to be delivered after receiving the granting of planning permission for a development site, which can be due to phased delivery or obligation triggers due upon completion on site.
- 2.4 When the trigger for a planning obligation has been met, ie a certain number of dwellings have been built/occupied on site as detailed within the S106 agreement, the obligation is deemed to be 'secured'. The Council will contact the developer, notifying them that payment is due.
- 2.5 It is important to note that "allocated" means a decision has been made by the local authority to commit funds to an item of infrastructure or project. For most Section 106 agreements, this decision has been made at the planning application stage with each infrastructure or project requirement specified within the legal agreement.
- 2.6 It is similarly important to note that "unallocated" money will still be bound by the terms of the Section 106 legal agreement and, as a minimum, will be required to be spent on a particular infrastructure type specified within the agreement, ie affordable housing or equipped play areas. Further, individual Section 106 legal agreements usually specify criteria needing to be met for "unallocated" money to be allocated to a project. For example, the Section 106 legal agreement may specify that the monies may only be spent on open space projects within a certain area.

3. Summary of S106 Planning Obligations for 2019/20:

- 3.1 The total number of legal agreements entered into or provided to the council under s106 in 2019/2020 was **11**.
- 3.2 The total amount of money under any planning obligations which were entered into during the financial year 2019/20 is **£97,665.00**.
- 3.3 The total amount of money under any planning obligations which was received during the financial year 2019/20 is **£28,877.71**.
- 3.4 The total amount of money spent under any planning obligations during the financial year 2019/20 is **£77,000**.
- 3.5 The total amount of money held at the end of the financial year 2019/20 under any planning obligations to be allocated or spent (including monies held by Lincolnshire County Council (LCC) (as the Local Education Authority) is **£298,800.84**.
- 3.6 The only non-monetary planning obligation contributions which were entered into during the financial year 2019/20 were for Affordable Housing. The total number of units from these agreements which will be provided within the borough is **144**.
- 3.7 The CIL Regulations require the amount of money (received under planning obligations) and spent on repaying money borrowed to be reported. In the case of Boston Borough Council this was **nil**.

4. Section 106 Agreements Entered into in 2019/20:

- 4.1 Of the 11 legal agreements signed in 2019/20 (including Deeds of Variations to existing S106 agreements), notable development sites included:

Planning Application	Development Site	Obligations
B/18/0328	Land adjacent to Magnolia Lodge, Benington Road	<ul style="list-style-type: none"> Affordable Housing Education
B/19/0002	7 Lincoln Lane, Boston	<ul style="list-style-type: none"> Specialist Affordable Rented Living Flats
B/16/0372/CD3	Land off Ashton Hall Drive, Boston	<ul style="list-style-type: none"> Affordable Housing Commuted Sum

B/16/0137	Land west of Boston Road, Kirton	• Affordable Housing
B/19/0288/CD2	Land off Grayling Way, Boston	• Affordable Housing

For a Full List of the signed Legal Agreements in 2019/20 see Appendix A

S106 agreements and other relevant documentation from each planning application can be viewed on the Council's website at: <https://www.mybostonuk.com/planning-application-search/> Search under the planning application reference number.

5. Affordable Housing

- 5.1 Securing the delivery of affordable housing remains one of the strategic priorities for Boston Borough Council. Policy 18 of the SELLP sets out the need and delivery for affordable housing within the borough, which was informed by the Strategic Housing Market Assessment which confirmed a significant proportion of the overall housing need is required to be met by affordable housing. Whilst existing social housing stock, properties in the private-rented sector and vacant housing brought back into use, will continue to meet needs it is recognised that new affordable housing stock is needed to improve choice and provide improved accommodation that is more energy efficient. As a result, new affordable housing may be provided in many ways, ie by developers who are acting as social landlords, or can also be provided as a proportion of a market housing development scheme.
- 5.2 In 2019/20, there were 8 new legal agreements signed which will deliver **144** new affordable housing units within the borough:

Planning Application	Development Site	Affordable Housing Units
B/18/0328	Land adjacent to Magnolia Lodge, Benington Road	4
B/19/0002	7 Lincoln Lane, Boston	18
B/16/0372	Land off Ashton Hall Drive, Boston	8
B/16/0137	Land west of Boston Road, Kirton	37
B/18/0435	Land north of Langrick Road, Boston	10

B/19/0169	Former Phoenix Poultry Farm, Swineshead Road, Wyberton	25
B/12/0171 & B/16/0372	Land off Ashton Hall Drive, Boston, Lincolnshire, PE21 7BF	16
B/19/0288	Land off Grayling Way, Boston	26
TOTAL:		144

5.3 In 2019/20 a total of **63** affordable housing units were delivered within the borough, across 7 development sites, including Girl’s School Lane, Butterwick and Callum Johnson Close, Boston.



Girls School Lane, Butterwick



Callum Johnson Close, Boston

Planning Application	Development Site	Affordable Housing Delivered
B/12/0171	Land off Ashton Hall Drive, Boston	3 Units
B/14/0165	Land either side of the A16, south of Tytton Lane East, Boston (Quadrant)	4 Units
B/15/0391	Land off London Road, Kirton	4 Unit
B/16/0106	Land north of Puritan Way, Boston	8 Units
B/17/0315	Site B, Land off Girls School Lane, Butterwick	7 Units
B/17/0316	Site A, Land off Girls School Lane, Butterwick	7 Units
B/18/0395	Land off Puritan Way, Boston	30 Units
TOTAL:		63 Units

- 5.4 A commuted sum of **£29,700.00** was entered into from a legal agreement for land off Ashton Hall Drive (B/16/0372/CD3), which when received, will be allocated and spent on the future provision of affordable housing within the borough of Boston.

6. Education

- 6.1 The SELLP Appendix 8: Developer Contributions for Education Facilities provides details of how education contributions are calculated and sought to provide the additional capacity required as identified within the South East Lincolnshire Infrastructure Delivery Plan 2016 (IDP), in which Lincolnshire County Council confirmed capacity issues across South East Lincolnshire, with limited capacity for primary, secondary and sixth form education facilities across the Boston area. The IDP identifies that 'there is an overall requirement for approximately £75m worth of investment in education infrastructure to meet planned needs' across South East Lincolnshire.
- 6.2 In 2019/20 a total of **£67,965.00** of education contributions was entered into within the borough. This was from planning application B/18/0328 - land adjacent to Magnolia Lodge, Benington Road, which will contribute towards the provision of four additional classrooms at Haven High Academy Tollfield Campus.



Haven High Academy – Tollfield Campus

- 6.3 In 2019/20, a payment of **£28,877.71** was received by LCC from a S106 planning obligation for the development at Land off Phoenix Poultry Farm, Swineshead Road, Wyberton Fen (B/16/0298) towards the extension of Boston West Academy and an additional science laboratory at Haven High Academy.



Boston West Academy



Haven High Academy

6.4 As at 31 March 2020, LCC retained a total of **£242,800.84** in respect of planning obligations within the borough which remains unallocated at present:

Planning Application	Development Site	Amount Held	Contribution Purpose
B/15/0485	White Hart, Church Road, Old Leake	£ 36,966.71	One additional classroom at The Giles Academy, Old Leake
B/16/0015	Land off Whitebridges, St Thomas Drive, Boston	£ 51,604.36	Towards an additional science laboratory at Haven High Academy
B/16/0052	Land off Station Road, Swineshead	£125,341.84	Towards one additional classroom at Swineshead Primary School
B/16/0298	Land at Phoenix Poultry Farm, Swineshead Road, Wyberton Fen	£ 28,887.93	40% towards an extension of Boston West Primary School/60% towards an additional science laboratory at Haven High Academy
TOTAL HELD BY LCC:		£242,800.84	

LCC work with the Council to notify us when monies for planning obligations for education are secured, received, allocated, spent and returned.

6.5 S106 agreements signed in previous years which include planning obligations for education yet to be triggered include:

- Land either side of the A16, south of Tytton Lane East, Boston (Quadrant)
- Land at Station Road, Sutterton
- Land east of Lindis Road, Fishtoft
- Woods Nurseries Site, High Street, Swineshead
- Land to the north and west of Cole's Lane, Swineshead

7. Health

- 7.1 SELLP Policies 5, 6 and 32 recognise the need to help make provision for health care facilities to meet local needs, thus contributing to the health and wellbeing of residents. The South East Lincolnshire IDP identifies that additional GP's surgeries are likely to be required to meet the plan period growth (2036). Therefore developer contributions for new or improved health care facilities will be sought from relevant residential developments.
- 7.2 Although no new planning obligations for health were signed in 2019/20, development sites have commenced or were already under construction within the borough, which include planning obligations for health, the obligations for which were yet to be triggered:

Planning Application	Development Site	Health Contribution
B/14/0165	Land either side of the A16, south of Tytton Lane East, Boston (Quadrant)	£200,000.00
B/17/0404	Land to the north and west of Cole's Lane, Swineshead	£ 32,856.00

8. Highways

- 8.1 The Boston Distributor Road (BDR) is a long term highway development programme, which in the main is led and facilitated by development opportunities (Policy 34 of the SELLP) and has been split into 3 phases. The BDR is also one of the many proposals in the Boston Transport Strategy 2017 linked with improving accessibility and better use of the strategic highway network.

- 8.2 Phase 1 of the BDR delivery links the A16 to London Road through a development known as Q1, a mixed use development which is being delivered under a planning obligation for highways, for which the S106 agreement was signed in 2015 (B/14/0165). Works have been ongoing throughout 2019/20 with a view to completing the works in 2021.



9. Open Space

- 9.1 Policy 32: Community, Health and Well-being of the SELLP states that where a development will increase the need for community facilities, ie recreational open space, it will not be permitted unless (where necessary) it supports the provision of new facilities, and/or the enhancement of existing facilities in accordance with Policy 5: Meeting Physical Infrastructure and Service Needs.
- 9.2 Although in 2019/20 no new developments required the need for open space planning obligations, £73,000 of S106 planning obligation monies (B/15/0196) were used to deliver the Garfits Lane Multi Use Games Area, which was a great addition to the locality and aids the enhancement of physical and mental health of the community.



Garfit's Lane Multi Use Games Area

- 9.3 In 2019/20, the Council spent £4,000 of £60,000 received from a planning obligation which is for the provision of play equipment and maintenance at Broadfield Lane play area and has allocated the remaining £56,000 to be spent on this site over the next 14 years.



Broadfield Lane Play Area

10. Conclusion

- 10.1 Boston Borough Council is committed to working with the local community, developers and other stakeholders to ensure that planning contributions are sought and used appropriately, as detailed within the SELLP, to deliver the infrastructure needs and requirements arising from development, such as new affordable housing, health, education and highways.
- 10.2 If you have any queries or comments about this statement, please do not hesitate to contact us via email planning@boston.gov.uk or phone 01205 314385.

Appendix A

List of All Legal Agreements Signed in 2019/20

Planning Application No	Agreement Type *	Site Address	Date Signed	Obligations
B/18/0328	S106	Land adjacent to Magnolia Lodge, Benington Road, Butterwick	04/04/2019	<ul style="list-style-type: none"> • Education • Affordable Housing
B/16/0372	UU	Land off Ashton Hall Drive, Boston	21/05/2019	<ul style="list-style-type: none"> • Affordable Housing
B/19/0002	UU	Land at 7 Lincoln Lane, Boston	18/07/2019	<ul style="list-style-type: none"> • Affordable Housing
B/16/0372/CD3	S106	Land off Ashton Hall Drive, Boston	05/09/2019	<ul style="list-style-type: none"> • Affordable Housing
B/19/0169	DoV	Former Phoenix Poultry Farm, Swineshead Road, Wyberton	27/09/2019	<ul style="list-style-type: none"> • Affordable Housing
B/16/0137	UU	Land west of Boston Road, Kirton, Boston	04/12/2019	<ul style="list-style-type: none"> • Affordable Housing
B/18/0382	DoV	Land to the north west of Cole's Lane, Swineshead	17/02/2020	<ul style="list-style-type: none"> • Affordable Housing
B/19/0288	UU	Land off Grayling Way, Boston	21/02/2020	<ul style="list-style-type: none"> • Affordable Housing
B/14/0165 & B/15/0264	DoV	Land known as the Quadrant at either side of the A16, south of Tytton Lane East, Wyberton	26/02/2020	<ul style="list-style-type: none"> • Removal of Travel Plan
B/18/0435	UU	Land north of Langrick Road, Boston	10/03/2020	<ul style="list-style-type: none"> • Affordable Housing
B/12/0171 & B/16/0372	UU	Land off Ashton Hall Drive, Boston	18/03/2020	<ul style="list-style-type: none"> • Affordable Housing

* Agreement Type Definitions	Agreement Type	Definition
	S106	Section 106 Agreement
	UU	Unilateral Undertaking
	DoV	Deed of Variation