



CIL Regulations 2010 (as amended)

Regulation 121A: Infrastructure Funding Statement

*Prepared in accordance with the requirements of the
Community Infrastructure Levy Regulations 2010 (as amended)
Regulation 121A*

**December 2021 Report
(for reporting year April 2020-March 2021)**

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PART A: INFRASTRUCTURE NEED AND DELIVERY

1.1 Developer contributions and the Infrastructure Funding Statement

Developer contributions are planning tools that can be used to secure financial and non-financial contributions, or other works, to provide infrastructure to support development and mitigate the impact of development. The term 'developer contributions' usually refers to the Community Infrastructure Levy (CIL) and planning obligations secured through Section 106 Agreements or Unilateral Undertakings.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) was introduced nationally in 2010 and allows local authorities in England and Wales to raise funds from developers who are undertaking new building projects in their area. The money can be used to pay for a wide range of infrastructure that is needed to support new development. The principle behind CIL is that most development has some impact on infrastructure and so should contribute to the cost of providing or improving infrastructure. CIL is governed by the CIL Regulations 2010 (as amended).

Planning obligations

A Planning Obligation is a legal agreement between a developer and the local planning authority (Council) where the developer agrees to provide contributions (either financially or in-kind) to offset negative impacts caused by construction and development. As such, Planning obligations assist in mitigating the impact of what would otherwise be unacceptable development to make it acceptable in planning terms.

Planning Obligations are secured via a planning agreement usually entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority or, more occasionally, via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority. As a result, Planning Obligations are often referred to as S106s, and the term S106s and Planning Obligations may be used interchangeably throughout this Infrastructure Funding Statement to refer to the contributions secured through this kind of planning agreement.

Since the introduction of CIL, it has been the intention of the Government that the use of S106s should be 'scaled back' so that CIL is the main way in which infrastructure funding is collected. Therefore, whilst this Council uses CIL as the main mechanism, we continue to use S106s for site-specific infrastructure needs, and have a number of outstanding S106 contributions yet to be used that pre-date the introduction of CIL in West Lancashire in 2014.

Infrastructure Funding Statement

The CIL Regulations 2010 (as amended) set out how CIL monies must be administered, and how they relate to S106s. Under CIL Regulation 121A (introduced by the 2019 amendment),

from December 2020, local authorities must publish an Infrastructure Funding Statement (IFS) to identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions and the choices the authority has made about how these contributions will be used (CIL Planning Practice Guidance paragraph 017¹). In doing so, authorities should consider known and expected infrastructure costs, taking into account other possible sources of funding to meet those costs.

This process is intended to help the charging authority to identify the infrastructure funding gap and a levy funding target. It also enables local communities and developers to see how contributions are being spent, ensuring a transparent and accountable system.

This statement will set out that information required by CIL Regulation 121A.

1.2 Establishing infrastructure needs

Preparation of the CIL Charging Schedule (in 2013) saw the Council prepare a list of infrastructure items identified as necessary to support new development across the Borough, which subsequently identified a funding gap to evidence the need to charge an infrastructure levy on new development. The Council has developed this list into an Infrastructure Delivery Schedule.

Infrastructure Delivery Schedule

The Council's Infrastructure Delivery Schedule (IDS) is a database containing details of all infrastructure projects identified as necessary across the Borough. Projects are typically identified by the Council in liaison with infrastructure and service providers but schemes may also be suggested by Councillors, Parish Councils or members of the public. The IDS fulfills two key purposes: i) to continue to provide the evidence of an aggregate funding gap to demonstrate a need for the community infrastructure levy; and ii) to provide the information upon which the Council will assess listed projects as to their suitability to receive CIL funding in the following financial year, in accordance with the Council's adopted Governance and Expenditure Framework for CIL and S106s.

A summary of the IDS is provided as an appendix to this report.

Identifying match funding

It is widely recognised that CIL cannot be expected to deliver all the necessary infrastructure and instead is designed as a mechanism to lever in match funding. In the interests of ensuring value for money, the Council will favorably consider those schemes that can provide match funding, although this is not a requisite of CIL funding and schemes without match funding may still receive CIL funds to enable delivery of the project.

¹ PPG Reference ID: 25-017-20190901

The IDS therefore contains details of available match funding, where known. In many cases, it is difficult to pinpoint other funding sources, particularly for those projects planned beyond the short term (1-2 years). Government guidance states that any significant funding gap should be considered sufficient evidence of the desirability of CIL funding, where other funding sources are not confirmed.

1.3 Use of CIL monies: infrastructure types and projects

The IFS should set out future spending priorities on infrastructure in line with the Council's plan policies, so as to provide clarity and transparency for communities and developers on the infrastructure that is expected to be delivered. The IFS should set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. This is not to dictate how funds must be spent, but to set out the local authority's intentions.

Infrastructure Types

Initially, the CIL Regulations 2010 (as amended) restricted Councils from pooling more than five obligations to fund the same item of infrastructure, and, for transparency, required that Councils set out the infrastructure items they intended to fund through CIL through a list – known as the Regulation 123 (R123) list. However, the 2019 amendments removed the pooling restriction, thereby enabling authorities to pool funding from different sources to fund the same infrastructure, provided that authorities set out in their IFS which infrastructure they expect to fund through the levy. The IFS therefore replaces the R123 list, and will set out the Council's intent for the use of CIL monies.

As per the previous R123 list, CIL will be used to fund the following infrastructure types:

- **Strategic transport and highways improvements or provision**, to include
 - cycle network provision and improvements
 - footpaths
 - bus stops

but excluding any works that should form part of a Section 278 agreement;

- **Strategic green infrastructure** including improvements to and provision of:
 - parks
 - amenity open space
 - play areas
 - outdoor sports facilities and playing pitches
 - semi-natural open space

but excluding any other onsite green infrastructure or public open space required by the most up to date planning policy in order to meet the needs of larger

development sites;

- **Community facilities** including libraries, health facilities, community centres, public realm, leisure centres.

Planning obligations or planning conditions will be used to secure the following infrastructure types, on a site by site basis:

- Affordable housing
- Education provision
- Onsite open space and future maintenance
- Flood alleviation measures

Unlike CIL, which applies to all developments, planning obligations are used to provide site-specific mitigation to address the impact of development on certain infrastructure in order to make a planning application acceptable in planning terms. As such, there is still a legitimate role for development-specific planning obligations, even where CIL applies, to ensure that the specific consequences of a development can be mitigated. Planning obligations must be i) necessary to make the development acceptable in planning terms; ii) directly related to the development; and iii) fairly and reasonably related in scale and kind to the development. These tests are statutory tests in CIL Regulation 122 and policy tests within the NPPF. Planning obligations for affordable housing should only be sought from major developments (those with a site capacity above 10 units) (Planning Obligations Planning Practice Guidance paragraph 023²).

Infrastructure Projects

Whilst the Council are keen to use CIL funding to deliver infrastructure projects in the short-term, the Council also wish to ensure that CIL is allowed to accumulate so as to save funds to support the delivery of larger, costlier schemes and medium to long-term projects.

Consequently, each year, the Council will allocate up to £200,000 of CIL monies to 'smaller' projects (each requiring less than £100,000 of CIL funding) that can be delivered in 1-2 years. The remainder of CIL monies will be 'saved up' until such time that larger, costlier schemes are identified and shown to be deliverable. This approach strikes a an appropriate balance between delivering smaller-scale projects each year and collecting sufficient CIL funding to make a meaningful contribution to the delivery of larger-infrastructure projects.

Smaller, short-term delivery projects

Each year, in accordance with the Council's Governance and Expenditure Framework for CIL and S106s (updated July 2020), the Council works to identify and prioritise a number of

² [PPG Reference ID: 23b-023-20190901](#)

infrastructure schemes as suitable to receive CIL funding in the following financial year. These projects are drawn from the IDS and assessed against a series of criteria examining deliverability, need, appropriateness and priority. Members are invited to comment on the shortlisted projects in summer, before the schemes are presented for public consultation in the early autumn. Final recommendations on the most appropriate schemes to receive CIL funding are then made to Cabinet for a final decision in late autumn / early winter on the expenditure of CIL receipts.

This annual, cyclical process is known as the 'CIL Funding Programme' and focuses primarily on those short-term delivery schemes each requiring less than £100,000 of CIL funding. However, it will also extend to include any schemes requiring more than £100,000 of CIL funding, and which, through the assessment process, are deemed suitable and deliverable within the two year period. These will also be subject to consideration by Cabinet, with a view to making a separate decision on allocating some of the saved CIL funding towards such larger projects.

The details of this process are outlined below in Section 1.4, and detailed within the Council's Governance and Expenditure Framework (updated July 2020). The actual projects which CIL will be used to fund will be identified and determined each year through the Council's annual CIL Funding Programme.

Larger, long-term delivery projects

However, this IFS must also identify any significant / larger, specific projects that CIL is anticipated to fund. The Council expect that a significant proportion of the available strategic monies will be used on the following key schemes which will support delivery of the Council's key objectives, including ensuring people in the Borough can live healthy and fulfilling lives.

These are:

- **The development of new leisure facilities**
New Leisure and Wellbeing Hubs are one of the Council's key priorities. The building of replacement leisure centres in Skelmersdale and Ormskirk was set out in the Leisure Facility and Contract Procurement report to Council in July 2018.
- **Green infrastructure / cycling and walking provision and improvements**
Including the 'West Lancs Wheel'; canal towpath improvements on the Leeds-Liverpool canal; the River Douglas Linear Park; the Ormskirk-Burscough Linear Park; and the Skelmersdale-Ormskirk Linear Park.

These schemes may take a longer time to deliver, perhaps as a result of land ownerships, planning permissions, feasibility studies, community consultation requirements or the availability of funding. The Council continue to progress these schemes "in the background"

and updates will be provided in future IFS's as and when information is known. As needed, reports will be taken to Cabinet to seek authority to allocate CIL funding to the above projects and types of infrastructure.

1.4 Annual CIL Funding Programme

Allocating funding to the value of £200,000

In July 2020, as part of the update to the Governance and Expenditure Framework, Council agreed that for all CIL monies collected each financial year from 1 April 2020 onwards, a maximum of £200,000 will be allocated through the CIL Funding Programme (CFP) each financial year towards projects individually requiring £100,000 of CIL funding or less.

Following consultation on the draft CIL Funding Programme, Cabinet have agreed to allocate CIL funding in the following financial year to the following schemes:

2021 CIL Funding Programme (for 2022/23)

- **This will be completed following Cabinet's decision in January 2022**

Allocating funding above the value of £200,000

The remainder of 'strategic' monies collected each financial year will be saved towards more significant infrastructure projects (requiring more than £200,000 of CIL funding) to be drawn down as necessary as such significant projects are identified and approved. Inevitably, such larger schemes are costlier to deliver and it takes time to build up the appropriate levels of CIL funding.

Following consultation on the draft CIL Funding Programme, Cabinet have agreed to allocate CIL funding in the following financial year to the following schemes:

"Saved" CIL funding allocated to projects for 2022/23

- **This will be completed following Cabinet's decision in January 2022**

Previous cabinet decisions on CIL funding allocations are reported through this Infrastructure Funding Statement (see Part B).

1.5 Anticipated CIL monies

The Government recommend that authorities report on estimated future income from developer contributions, where they are able to do so, in order to give communities a better understanding of how infrastructure may be funded in the future. However, this is not a mandatory requirement of annual reporting under R121A.

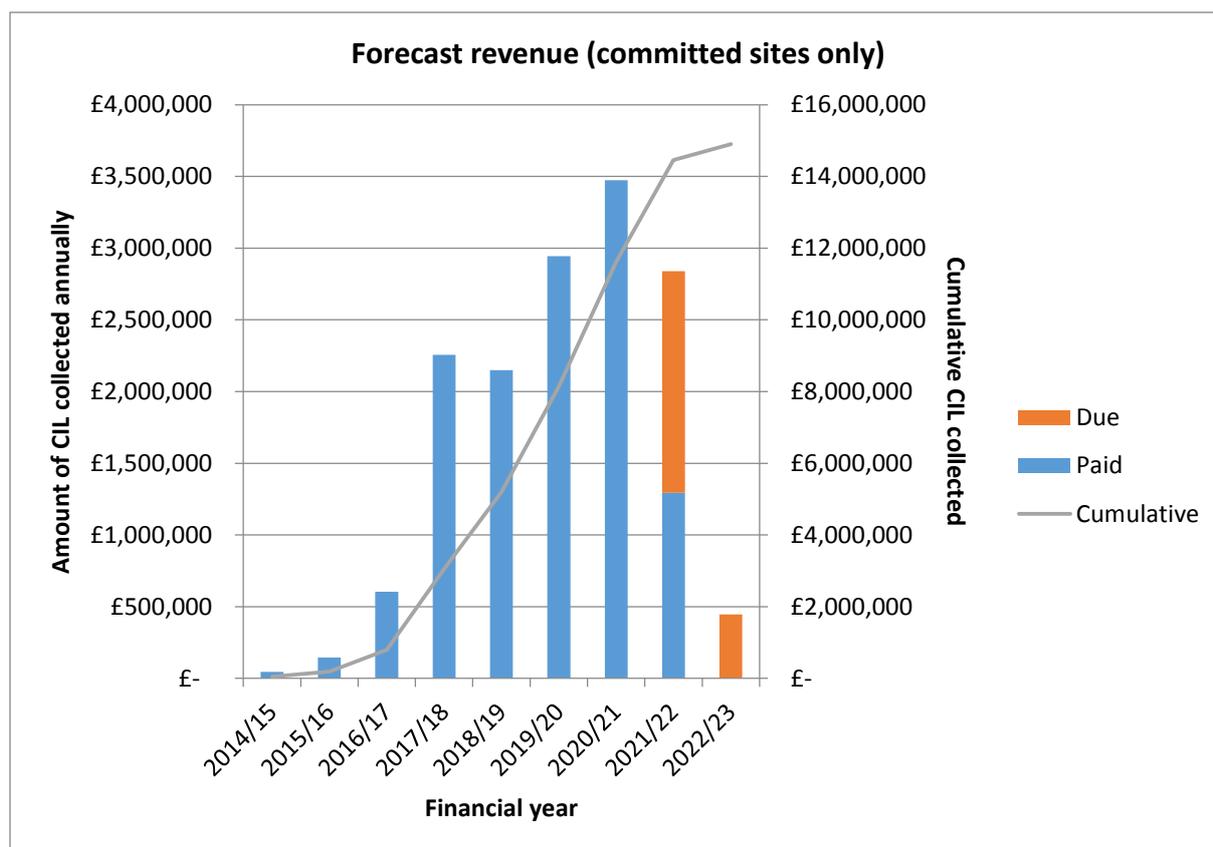
It should be stressed that anticipated future income is provided as a guide only. Payment of CIL is triggered upon the commencement of development, but this is dependent on the developer, and the Council cannot anticipate when developments will start. Furthermore, there is no guarantee that a developer will make payment at the relevant instalment dates, necessitating immediate payment or enforcement action which can affect the payment dates. Subsequently, the Council have provided indicative amounts based on those developments which have commenced, but estimates do not account for those developments that may commence in the future; where payment is not made on time; where enforcement action is required; or where surcharges and/or interest need to be applied. The estimates represent a given point in time and are always subject to change.

The CIL monies in the Table A1 below reflect the actual and forecast receipts. In accordance with the CIL Regulations, receipts must be split as follows: 5% to CIL administration costs, 15% to local councils as the Neighbourhood CIL (NCIL) portion (which rises to 25% for those areas which have an adopted Neighbourhood Plan), and the remaining 80% (or 70%) as the 'strategic portion' – which is that amount available to the Council to spend on infrastructure.

Table A1: Forecast for CIL, based on commenced sites with committed monies (at July 2021):

	Actual / Forecast	Admin	NCIL	Strategic portion
2014-20	£8,146,638	£407,330	£1,185,850	£6,553,455
2020/21	£3,473,047	£173,652	£529,349	£2,770,046
2021/22	£2,802,521	£140,126	£460,808	£2,201,587
2022/23	£446,693	£22,335	£111,673	£312,685
Forecast Total 2021-23	£3,249,214	£162,461	£572,481	£2,514,272
Overall total	£14,868,899	£743,443	£2,287,680	£11,837,773

Figure A1: CIL monies received and due (at July 2021)



1.6 CIL Payment in Kind

There may be circumstances where the Council and a person liable for the levy will want to pay the levy charge by providing land and/or infrastructure, instead of money. For example, there may be time, cost and efficiency benefits in accepting completed infrastructure in place of the levy. Payment in Kind (PiK) can enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered.

The Council adopted a Payment in Kind policy in 2015. Subject to relevant conditions, and at its discretion, the Council may enter into an agreement for land and/ or infrastructure to discharge part or all of a levy liability.

At the time of writing, and in six years of CIL's operation, the Council have not received any requests for Payment in Kind. As any requests are expected to be on an 'ad-hoc' basis, we cannot anticipate how any future payments will be received or used.

Where Payment in Kind is agreed, this will be reported through the IFS.

1.7 Use of Section 106 planning obligations

Planning obligations must be used to deliver benefits to local communities that can offset the negative impacts caused as result of a specific development. The CIL Regulations 2010 (amended) state that obligations may only be used where it is:

- i) necessary to make a development acceptable in planning terms;
- ii) directly related to the development; and
- iii) fairly and reasonably related in scale and kind to the development.

Following the introduction of the Council's CIL charging schedule in 2014, the use of Planning obligations has been reduced, as the majority of funding should now stem from CIL. However, in accordance with the statutory tests governing the use of planning obligations, S106s will continue to be used to address site specific issues and to secure affordable housing, where those matters cannot be addressed through planning condition. This will be done on a site by site basis and in line with the adopted Local Plan and any relevant Supplementary Planning Documents (SPDs) in effect at the time of decision making.

S106s may be agreed for the following infrastructure types:

Transport and highways

As the Council is a two tier authority, site-specific transport and highways contributions are formally secured through S106 obligations based on requests from the Highways Authority (Lancashire County Council (LCC)), who is consulted on a site by site basis. In identifying site-specific needs, LCC will draw upon the West Lancashire Highways and Transport Masterplan, Route Management Strategy and Local Transport Plans. In relation to case by case site-specific highways improvements, LCC will still have the use of both S106 and Section 278 (S278) obligations, where localised conditions of a site require specific mitigation measures. These will continue to be communicated through individual consultation responses to development proposals. For clarity, both S106 and S278 obligations may only be used where the requirement meets the necessary statutory tests limiting the improvement to site specific measures. In addition, S106 and S278 obligations may only be used where the Council does not intend to fund such infrastructure improvements through CIL and have indicated this through the Infrastructure Funding Statement. An example could be specific junction improvements or highway widening.

Public open space

The provision of on-site public open space is currently secured based on the application of the standard requirements within the Provision of Public Open Space in New Residential Development SPD (July 2014), which sets out the requirements for securing adequate levels and types of public open space in new developments. Where development is of a substantial size, 40 units or more, policy requires that open space is delivered on-site and that maintenance of the open space is the responsibility of the developer. However, in exceptional circumstances, and where it can be justified, maintenance may be passed to the Council along with payment for a period of 10 years. Where this is the case, the developer

will be required to enter into a Section 106 Agreement with the Council to secure such funding.

Affordable housing

The provision of affordable housing is secured through S106 Agreements that are based on the Council's Affordable Housing Policy (RS2) within the West Lancashire Borough Council Local Plan 2012–2027 on a site by site basis and subject to viability constraints. This approach will remain unchanged and affordable housing will continue to be secured through the use of S106 Agreements or planning conditions, in line with the Local Plan's Affordable Housing Policy (RS2).

Education

While requests are rare, in certain circumstances it may be appropriate for contributions to education provision to be sought on some developments. Such contributions will continue to be secured through S106 agreements, where there is a demonstrated need for a specific development to contribute to such an improvement to make the development acceptable in planning terms and subject to development viability. LCC, as Education authority, will advise on a case by case basis as to when contributions are necessitated, based on the LCC Methodology for Education Contributions in Lancashire (2016).

Ecology

In some cases, the Council can seek to secure planning contributions to provide ecological improvements. Use of ecological planning obligations may increase with the emergence of biodiversity net gain.

Monitoring fees

The Council may now also charge fees for the monitoring of S106 obligation triggers, payments and projects. At the time of writing, the re-introduction of fees by this Council is still being explored.

1.8 Expenditure process for S106 monies

In July 2020, the Council adopted an updated Governance and Expenditure Framework which sets out how it will identify the use of S106 and CIL monies. This is published at <https://www.westlancs.gov.uk/media/545705/ge-framework-final.pdf>.

Broadly speaking, for planning obligations, proposals are invited from multiple sources and considered by officers/working groups to assess whether or not the proposal(s) meets the stipulations of the originating S106 agreement. Cabinet then make the final decisions on whether schemes are appropriate to receive funding.

More detailed information on each of the processed can be found within the Governance and Expenditure Framework.

1.9 Reporting CIL and S106

CIL PPG paragraph 179 categorises the types of infrastructure that should be included in reports on developer contributions. They include:

- affordable housing
- education
- health
- highways
- transport and travel
- open space and leisure
- community facilities
- green infrastructure

'Transport and travel' and 'open space and leisure' contributions have, historically, been collected by the Council via planning obligations but since the introduction of CIL it has been expected that these infrastructure types would be predominantly funded by the levy. However, site-specific needs can continue to be mitigated through planning obligations. Following the removal of the pooling restrictions (2019 amendments to the CIL Regulations), the Council may now pool contributions from multiple S106 obligations, and CIL, to fund the same infrastructure item.

1.10 Reporting Neighbourhood CIL

15% (or 25% where there is a Neighbourhood Plan in place) of CIL monies collected in an area must be transferred to the local (parish or town) council so that the monies can directly benefit the area in which the development stemmed. Local councils must report on their Neighbourhood CIL (NCIL) receipts and expenditure, and therefore use of NCIL does not comprise part of this IFS. Parish council reports are due by 31 December each year, and they must report on CIL monies for the previous financial year. Copies of all reports are published at:

<https://www.westlancs.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-receipts-and-expenditure/annual-reports.aspx>

In those areas that have NCIL receipts but do not have a parish or town council (Ormskirk and Skelmersdale), the Council must retain the NCIL portion and spend it in consultation with the local community. We will produce annual reports for those NCIL monies in our control, and publish them at the above weblink.

2.0 Progress with Infrastructure Delivery

Progress with infrastructure delivery has previously been reported in the Annual Monitoring Report, but it is now more appropriate to include within the Infrastructure Funding Statement.

2.1 Infrastructure Delivery Plan

The Council's Infrastructure Delivery Plan (IDP) seeks to identify the infrastructure required to support the West Lancashire Local Plan. Infrastructure is essential to support increased housing provision and economic growth, to mitigate climate change impacts, and to create thriving and sustainable communities. The IDP provides the background evidence regarding the infrastructure likely to be required to support the development identified in the Local Plan by setting out when, where, and by whom actions will take place to deliver development, as well as gaps / hotspots of infrastructure stress or deficiency.

The IDP was first prepared in 2012 to support the Local Plan 2012-2027 and is updated with the development of each Local Plan. A new IDP will be prepared as the Local Plan 2040 progresses.

2.2 Infrastructure Delivery Schedule

The Infrastructure Delivery Schedule (IDS) outlines the specific details of infrastructure projects and schemes. The IDS is regularly monitored and updated to provide an up-to-date account of all infrastructure projects required and their status. The IDS is also used to inform which infrastructure schemes are the most appropriate for shortlisting and prioritising through the Community Infrastructure Levy (CIL) Funding Process.

The IDS is regularly reviewed to check the status of current projects, and to add any further projects as and when they are identified as necessary. Implementation of projects often relies on funding, and the Council works with delivery partners to help secure the finances to enable schemes. The IDS informs the identification and prioritisation of those projects to receive funding from revenue collected through CIL.

The current IDS, as at August 2021, can be found as an Appendix to this report. It excludes those projects that are in progress, or which have been completed.

2.3 Delivery of approved schemes

As explained in section one, there is a formal process for approving projects to be funded using CIL, or NCIL, monies. In addition, projects using S106 monies must also be approved by Council Cabinet. The lists below outline those S106, CIL and NCIL schemes that have been granted approval, and their status in spring 2021 (as this IFS must report on the 20/21 financial and monitoring year).

Status of Infrastructure schemes, funded by developer contributions, in 20/21

Those projects in red relate to 'new' schemes awarded funding in 2020/21.

Project	Source	Funding	Status
Tawd Valley Park cycleway	S106	£200,000	Completed
Tarleton Carr Lane Pavilion store	S106	£30,513	Completed
Outdoor gym, Station Rd, Hesketh Bank	S106	£12,540	Completed
Sensory garden, Halsall	S106	£5,500	Completed
Pine Grove link, Ormskirk	S106	£10,000	Completed
Burscough CC Environmental improvements	S106	£21,292	Completed
MUGA, Pickles Drive, Burscough	S106	£40,000	Completed
Play area, Highsands Avenue, Rufford	S106	£43,000	Completed
MUGA, Rufford village hall	S106	£43,000	Completed
MUGA at Ennerdale, Skelmersdale	S106	£32,169	Completed
Tawd Valley Masterplan phase 1	S106	£175,000	In progress
Tawd Valley Masterplan phase 2	S106	£103,590	In progress
Ormskirk Cycle and pedestrian network	S106	£95,000	In progress
Digmoor bus stop improvements	S106	£10,000	In progress
Edge Hill cycle link Phase 2	S106	£103,860	In progress
Edge Hill cycle link Phase 2	S106	£276,480	In progress
Skelmersdale allotments	CIL	£20,000	Completed
Station Approach car park improvements	CIL	£15,000	Completed
Haskayne Cutting nature reserve boardwalk	CIL	£8,000	Completed
Burscough towpath improvements	CIL	£150,000	Completed
Stanley Coronation Park improvements	CIL	£20,000	Completed
Mere Sands Wood Visitor Centre Phase II	CIL	£25,000	Completed
Whittle Drive playing field facilities	CIL	£40,000	In progress
Tawd Valley Masterplan	CIL	£300,000	In progress
Chequer Lane playing field facilities	CIL	£60,000	Withdrawn
Hunters Hill Country Park improvements	CIL	£60,000	Completed
Sluice Lane PROW improvements	CIL	£31,000	Withdrawn
Hesketh Bank Community Centre	CIL	£100,000	Completed
Tawd Valley play area provision	CIL	£225,000	In progress
Cheshire Lines Path improvements	CIL	£40,000	In progress
Long Heyes, Ashurst play area	CIL	£30,000	Completed*
The Cloughs environmental improvements	CIL	£50,000	In progress
Helmsdale replacement play area	CIL	£19,000	In progress
Dial-a-ride demand responsive transport	CIL	£31,555	In progress
Parbold-Appley Bridge towpath improvement	CIL	£385,000	In progress
Play area at Thompson Avenue, Ormskirk	NCIL S106	£29,000 £11,000	Approved
Ormskirk Bus/Rail pedestrian/cycle link	CIL S106	£53,000 £79,579	Completed
Ormskirk gyratory improvements	NCIL	£50,000	In progress
West End playing field	NCIL	£58,000	In progress
Halsall Lane Park play area	NCIL	£10,000	In progress

Due to circumstances beyond the control of the Council, it has not been possible to deliver certain projects (Chequer Lane, the Sluice Lane PROW), within the two year timeframe, and so the projects have been withdrawn and the monies have been returned to the CIL funding pot. If funding is still sought, then new funding bids will need to be made in the future.

*Long Heyes play area was granted CIL funding by Cabinet in November 2020, for use in the financial year 2021/22. However, due to other works being undertaken on that site early in 2021, and to ensure best value, these works were completed in advance of the funding year. A Record of Decision will seek to authorise this deviation from the original Cabinet approval.

PART B: REPORTING CIL & S106 RECEIPTS AND EXPENDITURE

3.0 Receipts and Expenditure for the financial year 2020/21

A	The total value of CIL set out in all demand notices <u>issued</u> in the reported year	£2,042,110
B	The total amount of CIL receipts for the reported year	£3,473,047
C	The total amount of CIL receipts collected before the reported year which have not been allocated	£5,556,455
D	The total amount of CIL receipts collected before the reported year which have been allocated in the reported year	£385,000 (Parbold -Appley Bridge towpath)
E	The total amount of CIL expenditure for the reported year	£212,048
F	The total amount of CIL receipts, whenever collected, which were allocated but not spent during the reporting year	£786,771
G	In relation to CIL expenditure for the reported year, summary details of:	
	i) The items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item	See Table 2
	ii) The amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)	£0
	iii) The amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation	£173,652 5%
H	In relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item	See Table 2
I	The amount of CIL passed to	
	i) Any parish council under regulation 59A or 59B	See Table 3
	ii) Any person under Regulation 59(4)	£0

Note: 59A relates to the duty to pass the local CIL portion to local councils. 59B governs CIL paid through land or infrastructure and where payments to a local council must be paid in money.

Table 1: CIL Receipts and apportionment; Allocations and expenditure

	Total CIL receipts	Admin portion	Meaningful, or neighbourhood, portion	Strategic portion	Total CIL receipts allocated to strategic schemes	Total CIL receipts unallocated (cumulative)	Total CIL spent	CIL spent in reported year (2020/21)	CIL returned to pot in reported year
2014/15	£45,703	£2,285	£6,855	£36,562	£43,000	£110,083	£43,000	-	-
2015/16	£144,959	£7,247	£21,190	£116,521					
2016/17	£603,834	£30,191	£89,982	£483,660	£173,000	£420,743	£173,000	-	-
2017/18	£2,257,038	£112,852	£338,310	£180,5877	£425,000	£1,801,620	£291,403	£67,038	-
2018/19	£2,150,247	£107,512	£308,627	£173,4107	£91,000	£3,444,727	£60,000	£45,010	-
2019/20 receipts	£2,944,857	£147,243	£420,885	£2,376,729	£325,000	£5,556,455 (C) (Includes £60,000 returned)	£100,000	£100,000	£60,000
2020/21 receipts	£3,473,047 (B)	£173,652 (G(iii))	£529,349	£2,770,046 (L(i))	£555,555	£7,801,946 (Includes £31,000 returned)	£0	£0	£31,000*
Total	£11,619,685	£580,983	£1,175,199	£9,323,501	£1,612,555 (includes since returned £60,000 & £31,000)	£7,801,946 (includes returned £60,000 & £31,000)	£667,403	£212,048 (E)	£91,000

Note: i) Numbers may not sum to due to rounding; ii) Return of monies from withdrawn projects may result in double-counting being reported (i.e. a sum may be reported as both allocated, and then, latterly, unallocated)

*Due to circumstances beyond the Council's control, it has not been possible to deliver two projects within the specified two years, and so the money has been returned to the strategic pot. Should the projects be deliverable in the future, a new bid for monies will need to be made through the CIL Funding Programme. In 2020/21, £31,000 was returned from the Sluice Lane PROW project.

Table 2: CIL funded projects and expenditure (G(i), H)

Year awarded	Projects	Allocations	Year allocated	Spent						Returned as unspent	Allocated but unspent
				2015/16	2016/17	2017/18	2018/19	2019/20	2020/21		
2014-2019	Skem. Allotments	£20,000	2015/16	-	£20,000						-
	Station Approach	£15,000	2015/16	-	£15,000						-
	HCNR Boardwalk	£8,000	2015/16	-	£8,000						-
	Burscough towpath	£150,000	2016/17	-	-	£150,000					-
	Stanley Park, Skem	£20,000	2016/17	-	-		£20,000				-
	MSW Visitor Ph1	£3,000	2016/17	-	-	£3,000					-
	MSW Visitor Ph2	£25,000	2017/18	-	-	-	£25,000				-
	Chequer Lane play	£60,000	2017/18	-	-	-				£60,000	-
	Whittle Drive play	£40,000	2017/18	-	-	-	£2,094	£525			£37,381
	Tawd Valley Park	£300,000	2017/18	-	-	-	£14,011	£182,736	£67,038		£36,216
	Hunters Hill	£60,000	2018/19	-	-	-	-	£14,990	£45,010		-
Sluice Lane PROW	£31,000	2019/20	-	-	-	-	-	-	£31,000	-	
2019/20	Hesketh Bank CC	£100,000	2020/21	-	-	-	-	-	£100,000		-
	Tawd Valley play area	£225,000	2020/21	-	-	-	-	-	£0		£225,000
2020/21	Cheshire Lines	£40,000	2021/22	-	-	-	-	-	-		£40,000
	Long Heyes play area	£30,000	2021/22	-	-	-	-	-	£30,000		-
	The Cloughs environmental works	£50,000	2021/22	-	-	-	-	-	-		£50,000

	Helmsdale rplay area	£19,000	2021/22	-	-	-	-	-	-		£19,00
	Dial-A-Ride	£31,555	2021/22	-	-	-	-	-	-		£31,555
	Parbold-Appley Bridge towpath improvements	£385,000 (D)	2021/22	-	-	-	-	-	-		£385,000
Total		£1,612,555							£212,048 (E)	£91,000	£854,152 (F)

Table 3: CIL monies transferred to local councils (i(i))

Parish	Neighbourhood CIL (Meaningful proportion) transferred to local (Parish) council								Total returned under R59F
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total	
Aughton	£107	£4,681	£14,382	£27,857	£6,013	£22,439	£13,916	£89,395	-
Bickerstaffe	-	-	-	-	£4,633	-	-	£4,633	-
Bispham	-	-	-	-	-	-	-	£0	-
Burscough	£1,683	-	£56,808	£116,569	-	£39,367	£101,068	£318,495	-
Dalton	-	-	-	-	-	£909	-	£909	-
Downholland	-	-	-	-	-	-	£2,296	£2,296	-
Great Altcar	-	-	-	-	-	-	-	£0	-
Halsall	-	-	-	-	£18,482	£21,904	£13,171	£53,557	-
Hesketh-with-Beconsall	£3,486	£4,126	£8,871	£6,052	£21,817	£27,540	£52,283	£124,175	-
Hilldale	-	-	£864	-	-	-	-	£864	-
Lathom	-	-	-	£637	-	£5,464	-	£6,101	-
Lathom South	-	-	-	£15,199	£46,888	£56,960	-	£119,047	-
Newburgh	-	-	-	-	-	-	£1,522	£1,522	-
North Meols	-	-	-	£3,682	-	-	-	£3,682	-
Parbold	-	-	£4,801	£14,649	-	-	-	£19,450	-
Rufford	-	-	-	-	-	£19,797	£18,577	£38,374	-
Scarisbrick	-	-	£1,454	£4,447	-	£1,711	£9,895	£17,507	-
Simonswood	-	-	-	-	-	-	-	£0	-
Tarleton	-	-	£2,803	£27,982	£11,003	£51,353	£94,453	£187,595	-
Unparished - Ormskirk	-	-	-	£114,993	£199,117	£95,173	£82,076	£491,361	-
Unparished - Skelmersdale	-	-	-	-	-	£16,581	£16,714	£33,295	-
Up Holland	£1,352	£10,149	-	-	£673	£61,688	£123,377	£197,239	-
Wrightington	£228	£2,234	-	£3,242	-	-	-	£5,704	-
Total	£6,855	£21,190	£89,983	£338,310	£308,627	£420,885	£529,349	£1,715,200	-

J	Summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year, including –	
i)	The total receipts that regulations 59E and 59F applied to	59E - £0 59F – See Table 4 & 5
ii)	The items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item	See Table 4 and 5

Note on 59E: Where local (Parish) Councils do not spend their CIL monies within five years of receipt, or fail to spend them on infrastructure items, the Borough Council can request the return of the monies.

Note on 59F: In non-Parished areas, the Borough Council retains the local portion and must spend it in consultation with the local community on projects within that area. The only non-Parished monies collected belong to Ormskirk.

K	Summary details of any notices served in accordance with regulation 59E, including -	
i)	The total value of CIL receipts requested from each parish council	£0
ii)	Any funds not yet recovered from each parish council at the end of the reporting year	£0
L	The total amount of -	
i)	CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied	See Tables 1-3
ii)	CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied	See Tables 1-3
iii)	CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year	£0
iv)	CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year	£0

Table 4: Ormskirk neighbourhood portion (non-parished area)(J,K,L)

Year collected	Neighbourhood portion received	Projects	Allocations	Year allocated	Spent						Allocated but unspent	Un-allocated
					15/16	16/17	17/18	18/19	19/20	20/21		
2014-2019	£126,614	Ormskirk gyratory traffic improvements	£50,000	2018/19	-	-	-	-	-	£25,000	£25,000	£23,614
		Cycle and pedestrian links	£53,000	2018/19	-	-	-	-	-	£53,000	£0	
2019/20	£187,497	Thompson Avenue play area	£29,000	2019/20	-	-	-	-	-	-	£29,000	£158,497
2020/21	£107,941	West End playing fields	£58,000	2020/21	-	-	-	-	-	-	£58,000	£39,941
2020/21		Halsall Lane park play area	£10,000	2020/21	-	-	-	-	-	-	£10,000	
Total	£422,052		£200,000							£78,000	£122,000	£222,052

Table 5: Skelmersdale neighbourhood portion (non-parished area)(J,K,L)

Year collected	Neighbourhood portion received	Projects	Allocations	Year allocated	Spent					Allocated but unspent	Unallocated
					2015/16	2016/17	2017/18	2018/19	2019/20		
2014-2019	£0	None	-	-	-	-	-	-	-	-	n/a
2019/20	£16,581	None	-	-	-	-	-	-	-	-	£16,581
2020/21	£16,714	None	-	-	-	-	-	-	-	-	£16,714
Total	£33,295		£0							n/a	£33,295

4.0 Report on S106 Monies for the reporting financial year (2020/21)

Section 106 (S106) agreements, also known as planning obligations, are an agreement between the Council and a developer, made at the end of a planning application stage, whereby the developer agrees to provide contributions to offset likely negative impacts associated with the proposed development being applied for. Historically in West Lancashire, contributions have been accepted for open space, public transport, infrastructure or services, footpath / cycleways and community facilities (e.g. health, leisure and education facilities) and have been used to secure on-site affordable housing.

This report summarises receipts and expenditure for planning obligations (S106 agreements). It should be noted that from 1 September 2014, the Council have collected the majority of developer contributions through the Community Infrastructure Levy (CIL).

A	The total amount of money to be provided under any planning obligations which were entered into during the reported year	£314,185.25
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Monies agreed to be provided through planning obligations during 2020/21

Planning Application	Site	Provision for	S106 Sum Due upon trigger	Value
2018/0837/FUL	Burscough AFC, Burscough	3 secondary school places	100% upon the sale of the 20th shared ownership property	£69,185.25
2018/1304/OUT	Land at ORM Works, Railway Road, Skelmersdale	Provision/delivery of part of the Ormskirk-Skelmersdale linear park	50% on completion of sale of 30th dwelling and 50% on completion of sale of the 50th dwelling on the development	To be determined at RMA (number of dwellings x £1284)
2019/1093/FUL	Yew Tree Farm, Burscough	Junction improvements at Liverpool Road South/Square Lane junction - subject to findings of monitoring	Upon completion of the deed	£245,000

		strategy.		
Total				£314,185.25

B	The total amount of money under any planning obligations which was received during the reported year (2020/21)	£505,045
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Monies received during 2020/21

Planning Application	Site	Provision for	Amount received
2012/1224/OUT	Land at Abbey Lane, Burscough	A Linear park (or POS if unspent within 7 years).	£129,000
2013/1138/FUL	9 Shore Road, Hesketh Bank	Providing new and/or the enhancement of existing / future areas of public open space within the local area	£11,045
2019/1093/FUL	Yew Tree Farm, Buscough	Junction improvements at Liverpool Road South/Square Lane junction - subject to findings of monitoring strategy.	£245,000
2013/1060/WL3	Whalleys, Skelmersdale	Provision of quality bus stops	£15,000
2013/1060/WL3	Whalleys, Skelmersdale	Provision of new off-road pedestrian /cycle lane as a continuation of the public right of way linking Cobbs Brow Lane to Summer Street payable	£90,000
2013/1060/WL3	Whalleys, Skelmersdale	Provision of such pedestrian or cycle links as the council considers reasonably necessary	£15,000
Total			£505,045

C	The total amount of money under any planning obligations which was received <u>before</u> the reported year which has not been allocated by the authority	£526,573
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Monies received (excluding that received in 2020/21) but not allocated by the authority

Public Open Space	Transport	Ecology	Education	Total
£371,870	£144,703	£0	£0	£516,573

Note: Some monies collected are, by the wording of the agreement, allocated for a specific purpose. The above table therefore shows figures for those agreements that are more generic wording, for example, 'provision of open space' and where proposals for the use of those monies can be invited.

D	Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of -	
	i) In relation to affordable housing, the total number of units which will be provided	
	ii) In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided	

Non-monetary contributions agreed during the reported year (2020/21)

Planning Application	Site	Number of affordable housing units (AHU)	Number / type of school places
2019/0936/ARM Deed of Variation	Land rear of 38 Newarth Lane, Hesketh Bank	10 (100% AHU scheme)	-
2018/0837/FUL	Burscough AFC, Burscough	52 (100% AHU scheme)	3 secondary school places
2017/0907/OUT	Former Martin Inn, Martin Lane, Burscough	8 (100% AHU scheme)	-
Total		70 units (inc Deed of Variation)	3 places

E	The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure	£105,000
F	In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item	See table below

Details of monies allocated to infrastructure projects during 2020/21

Planning Application	Originating development site	Monies allocated	Monies allocated and spent	Monies allocated and unspent	Project	Decision by:
2009/1052/FUL	Edge Hill University, Ormskirk	£103,680	£103,680	£0	Edge Hill Cycle link Phase 2	Cabinet, September 2020
2011/1079/FUL	Edge Hill University, Ormskirk	£276,480	£0	£276,480	Edge Hill Cycle link Phase 2	Cabinet, January 2021

2012/0887/FUL	1 Hattersley Way, Ormskirk	£95,000	£0	£95,000	Cycle and pedestrian improvements in Ormskirk town centre	Cabinet, January 2021
2012/0456/FUL	Digmoor Business Site, Skelmersdale	£10,000	£0	£10,000	Bus stop improvements	Cabinet, March 2021
Total			£103,680	£381,480		

G	The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend)	£172,102
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	In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of -	
	i) The items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item	See table below
	ii) The amount of money (received under planning obligations) spent on repaying money borrows, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)	£0
	iii) The amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations	£0

Planning Application	Originating development site	Amount spent	Project
2012/0591/HYB	Land at Greaves Hall, Banks	£3,150	Owl habitat improvements at Hesketh Out Marsh

2018/1090/ARM	Whalleys Site 2, Skelmersdale	£,8804	Tawd Valley Phase 2
2009/0733/FUL	Owl & Pussycat, Egerton, Skelmersdale	£18,030	Tanhouse MUGA improvements
2007/1254/FUL	Land off Tanhouse Road, Skelmersdale	£14,139	Tanhouse MUGA improvements
2014/0034/FUL	Land at Sandcross Service Station, Sandbrook Road, Tontine	£13,254	Abbey Lakes Environmental improvements
2013/0296/FUL	Land rear of 32 Parliament Street, Up Holland	£11,045	Abbey Lakes Environmental improvements
2009/1052/FUL	Edge Hill University, Ormskirk	£103,680	Cycle link Phase 2

I	The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”) also identify separately the total amount of commuted sums held.	£0 The Council do not collect or use commuted sums for the purposes of maintenance
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SUMMARY TABLES

Monies raised through Section 106 for **Public Open Space**, by Ward (July 2021)

Ward	Collected	Spent	Allocated and unspent	Unallocated
Ashurst	£434,815	£184,426	£94,786	£155,603
Aughton & Downholland	£110,846	£110,846	-	-
Aughton Park	£94,633	£94,633	-	-
Bickerstaffe	£11,819	£11,819	-	-
Birch Green	-	-	-	-
Burscough East	£117,734	£39,227	£35,000	£43,507
Burscough West	£299,972	£60,925	£177,070	£61,977
Derby	£318,245	£307,245	£11,001	-
Digmoor	-	-	-	-
Halsall	£36,636	£36,636	-	-
Hesketh with Becconsall	£107,811	£96,766	-	£11,045
Knowsley	£194,500	£194,500	-	-
Lathom	£36,000	£36,000	-	-
Lathom South	£50,000	-	£50,000	-
Moorside	-	-	-	-
Newburgh	-	-	-	-
North Meols	£288,392	£136,812	£120,000	£31,580
Parbold	£99,800	£99,800	-	-
Rufford	£96,874	£96,874	-	-
Scarisbrick	£72,419	£28,560	-	£43,859
Scott	£7,335	£7,335	-	-
Skelm. North	£13,254	£13,254	-	-
Skelm. South	£98,370	£98,370	-	-
Tanhouse	£32,169	£32,169	-	-
Tarleton	£313,853	£143,853	£170,000	-
Up Holland	£158,107	£148,808	-	£13,254
Wrightington	£118,094	£96,004	-	£22,090
Total	£3,111,678	£2,074,861	£657,857	£382,915

Notes

1. Following negotiations between the developers and the Council, some payments are accepted in instalments to help protect the viability of the development
2. Potential monies are where the trigger for payment has not yet been met, or where monies are due but payment is pending.
3. Due monies are where the trigger for payments has been met, and monies are payable in line with agreed future timescales, or are with the WLBC legal team for enforcement action.
4. In some wards, the potential monies figure may increase as a result of a S106 on an outline permission; where the sum due may only be calculated at reserved matters stage at which point the actual size of the development is known.
5. No S106 money has been raised for POS in Birch Green, Digmoor, Moorside, or Newburgh wards.

Monies raised through Section 106 for Ecology

Ward	Collected	Allocated & spent	Allocated & unspent	Potential (\$106 signed, triggers pending)	Of which, being pursued by Legal
North Meols	£3,150	£3,150	£0	0	0
Up Holland	£20,000	£20,000	£0	0	0
Total	£23,150	£23,150	£0	0	0

£20,000 was received in Up Holland for habitat improvements for farmland birds, of which £15,885 has been spent at Mere Sands Wood, and £4115 has been spent on improvements at Scutchers Acres. £3150 was spent providing improvements to owl foraging habitat at Hesketh Out Marsh.

Monies raised through Section 106 for Education

Ward	Collected	Spent	Allocated and unspent	Unallocated	Potential (triggers pending)	Due
Burscough	-	-	-	-	£69,185	-
Downholland	-	-	-	-	£155,292	-
Halsall	-	-	-	-	£142,125	-
Rufford	-	-	-	-	£80,253	-
Scarisbrick	£42,846	-	£42,846	-	-	-
Scott	£47,475	-	£47,475	-	-	-

Notes: Lancashire County Council is responsible for identifying the need for planning obligations to provide school places, and then to provide those school places. The Borough Council notify LCC of receipt and continue to liaise with them with regard to the use of the monies. In some cases, LCC chase due payment themselves.

Monies raised through Section 106 for Monitoring

Collected	Spent	Allocated and unspent	Unallocated	Potential (triggers pending)	Due
£15,169	-	-	-	-	£472

Notes: Councils are able to charge a fee to cover the administration costs of monitoring S106 obligations, for example triggers, payments and subsequent projects

Monies raised through Section 106 for **Transport**, by Ward (July 2021)

Ward	Collected	Spent	Allocated and unspent	Unallocated	Returned to developer
Ashurst	£255,000	-	£240,000	£15,000	-
Aughton & Downholland	-	-	-	-	-
Aughton Park	-	-	-	-	-
Bickerstaffe	-	-	-	-	-
Birch Green	£200,000	£200,000	-	-	-
Burscough East	-	-	-	-	-
Burscough West	£345,000	£4,283	£340,717	-	-
Derby	£560,960	£276,480	£284,480	-	-
Digmoor	£10,000	-	£10,000	-	-
Halsall	£15,000	-	-	£15,000	-
Hesketh with Beconsall	-	-	-	-	-
Knowsley	£22,000	£22,000	-	-	-
Lathom	-	-	-	-	-
Lathom South	-	-	-	-	-
Moorside	-	-	-	-	-
Newburgh	-	-	-	-	-
North Meols	£105,000	£5,344	£99,656	-	-
Parbold	-	-	-	-	-
Rufford	£46,000	-	£16,000	£30,000	-
Scarisbrick	-	-	-	-	-
Scott	£191,000	£48,500	£101,000	-	£41,500
Skelm North	-	-	-	-	-
Skelm South	£65,557	£51,700	£13,856	-	-
Tanhouse	-	-	-	-	-
Tarleton	£42,000	£22,000	£20,000	-	-
Up Holland	£315,625	£210,047	£5,875	£99,703	-
Wrightington	-	-	-	-	-
Total	£2,713,142	£840,354	£1,131,584	£159,703	£41,500

Notes

1. Following negotiations between the developers and the Council, some payments are accepted in instalments to help protect the viability of the development
2. Potential monies are where the trigger for payment has not yet been met, or where monies are due but payment is pending.
3. Where monies are available, the Borough Council is working with Lancashire County Council to identify, refine and deliver suitable projects.
4. £41,500 of monies allocated to transport highway works in Scott Ward were returned to the developer due to the highway works no longer being required (after consultation with local residents)