



2024

# INFRASTRUCTURE FUNDING STATEMENT (IFS)

ANNUAL BBC S106 REVIEW:  
1ST APRIL 2023 – 31ST MARCH 2024

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## 1.0 Introduction

- 1.1 Borough Councils are now required to produce an Infrastructure Funding Statement (IFS) on an annual basis, because of changes to legislation introduced by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 (please see Appendix A).
- 1.2 This report provides a summary of the financial contributions sought and received from developers for the provision of infrastructure to support development in Boston Borough Council, and the subsequent use of those contributions by Boston Borough Council. The report covers the financial year 1 April 2023 – 31 March 2024. ***Detailed information can be viewed within the files accompanying this statement, as well as the attached appendices.***
- 1.3 The information within this report will be updated annually and published on the Council's website. This will ensure the most up-to-date information with regards to Section 106 agreements is readily available to members of the public and other interested parties.
- 1.4 The NHS (healthcare), Lincolnshire County Council (education/highways), and Parish Councils (open spaces etc.), will produce their own reports with regards to spend for their specific contributions, as Section 106 monies are transferred to these outside bodies.
- 1.5 Please note the data provided for developer contributions can be subject to change because it represents an estimate at a given point in time, especially in relation to outline planning applications. The details are finalised once a full/reserved matters planning application has been submitted.
- 1.6 Boston Borough Council seeks developer contributions through Section 106 agreements (also known as "planning obligations"). Boston Borough Council has not adopted a Community Infrastructure Levy (CIL). CIL is an additional way that local authorities can seek developer contributions. As Boston Borough Council is not a CIL charging authority, this Infrastructure Funding Statement relates solely to financial contributions sought through Section 106 agreements which are discussed in more detail below.

### Section 106 Agreements

- 1.7 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a negotiated agreement – a planning obligation – to mitigate the impact of a specific development, to make it acceptable in planning terms.
- 1.8 Section 106 agreements are drafted when it is considered that a development will have significant impacts on the local area that cannot be moderated by means of conditions attached to a planning decision. For example, a new residential development can place extra pressure on the social, physical, and/or economic infrastructure which already exists in a certain area. A planning obligation will aim to balance the pressure created by the new development, with improvements to the surrounding area ensuring that, where possible, the development will make a positive contribution to the local area and community.
- 1.9 The agreements can cover both on-site and off-site financial contributions. Site-specific financial contributions are secured and must be used for defined purposes. Examples include the provision of education facilities, traffic and transport / highways related works, open space provision, and affordable housing contributions. Provision of on-site affordable housing can be included, as well as non-financial obligations including requirements such as (but not limited to)

employment, skills strategies, and travel plans. Off-site financial contributions occur where on-site infrastructure and/or affordable housing is not appropriate. The Council will request a financial contribution(s) from the developer/applicant to meet these needs outside of the development site. These are agreed through a Section 106 obligation.

- 1.10 Where a contribution is required towards highways/education (Lincolnshire County Council) and healthcare (NHS), because of new development; these are agreed on a case-by-case basis, evidenced by an assessment of the impact the development will have, and the mitigation measures required to minimise this impact.
- 1.11 Once a Section 106 agreement has been signed, it is an obligation, but it will only be actioned if the planning permission is implemented and reaches the trigger point for payment. Trigger points include the commencement of development, or prior to a certain percentage of a development being occupied (50% for example). When the planning permission is granted, the Section 106 obligation is registered as a land charge which runs with the land, obligating any future owners until the terms are met.

### Section 106 Agreements – Monitoring Fees

- 1.12 As a result of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019, Councils are now expressly allowed to charge monitoring fees in relation to Section 106 agreements, providing they are proportionate and reasonable, and reflect the actual cost of monitoring. The monitoring of Section 106 agreements is costly and requires significant resource, and Boston Borough Council therefore took the decision to start charging monitoring fees in 2021. The time spent monitoring Section 106 agreements has been calculated, and a 3-tier cascade system has been introduced to reflect the different amounts of time spent monitoring agreements for different sized developments. Fees are payable at the same time as any legal costs, or on execution of the Section 106 legal agreement.

## 1.13 The fee structure is as follows:

Development Size	Fee
Minor Developments – less than 10 residential units and where the gross floor space to be built is up to 1,000 square metres, or where the site area is less than 1 hectare. Where the number of dwellings to be constructed or floor area proposed is not given in the application, a site area of less than 0.5 hectares is classed as a minor development.	£1,650
Small Scale Major Developments – 10-199 residential units (inclusive) and where the gross floor space to be built is 1,000 – 9,999 square metres, or where the site area is 1 hectare and less than 2 hectares. Where the number of dwellings to be constructed or floor area proposed is not given in the application, a site area of between 0.5 hectares and less than 4 hectares is classed as a small-scale major development.	£2,750
Large Scale Major Developments – 200 or more residential units and where the gross floor space to be built is 10,000 square metres or more, or where the site area is 2 hectares or more. Where the number of dwellings to be constructed or floor area proposed is not given in the application, a site area of 4 hectares or more is classed as a large-scale major development.	£3,800
Deed of Variation Agreements	£400

*N.B.*

- *Please note these charges have been amended as of April 2025 but are correct for the financial year of 2023-2024.*
- *If negotiations had started in the prior year (2022-23) the fee will reflect that year's charge.*

**Monitoring Fees for 2023-24**

Planning Application	Address	Fee
B/19/0040 & B/22/0425	Land off London Road, Kirton, Boston	£350
B/22/0306	Land off Tooley Lane, Wrangle, Boston	£2,500
B/22/0431	Land South of Swineshead Road, Boston	£2,500
B/23/0084	Land South-East of McDonalds, Swineshead Road, Boston	£1,650
B/14/0165	Land either side of the A16, south of Tytton Lane East, Boston	£350
B/21/0419	Land off Puttock Gate, Fosdyke	£1,500
B/17/0244	Land at, Woods Nurseries Site, Woods Nurseries, High Street, Swineshead, Boston	£350
B/19/0146	Land of London Road, Kirton, Boston	2,500
	<b>Total</b>	<b>£11,700</b>

**2.0 SECTION 106 (PLANNING OBLIGATIONS) REPORT**

## Headline Figures

- 2.1 Please note LCC and NHS provide their own IFS data, for further information please contact them directly. Details of the contribution requirements are shown in Appendix B and the links to the s106 agreements are in the File - Developer Agreements.

## 2.2 Monetary Contributions 2023/24

<b>Total money to be provided</b> through planning obligations agreed in 2023/24 (Please see File – Developer Agreement Contributions). <ul style="list-style-type: none"> <li><i>Please note 2 contributions are formula based and are not included in this figure.</i></li> </ul>	£462,000
<b>Total money received</b> through planning obligations (whenever agreed) in 2023/24 (Please see Appendix B – Summary Spreadsheet of Transactions)	£211,589
<b>Total money received</b> through planning obligations (whenever agreed), spent by BBC in 2023/24 (Please see Appendix B – Summary Spreadsheet of Transactions)	£14,000
<b>Total money</b> , received through planning obligations (whenever agreed/received), transferred to LCC in 2023/24	£0
<b>Total money</b> , received through planning obligations (whenever agreed), transferred to NHS in 2023/24 (Please see Appendix B – Summary Spreadsheet of Transactions)	£38,988
<b>Total money</b> , received through planning obligations (whenever agreed), held on behalf of the NHS, received in 2023/24	£0
<b>Total money</b> , received through planning obligations (whenever agreed), held on behalf of LCC received in 2023/24.	£0
<b>Total money</b> , received through planning obligations (whenever agreed), retained at the end of 2023/24	£1,358,051

## 2.3 Overall Financial Summary

Outside Body / SHDC	Monies Received	Monies Paid Out	Balance 2023/24
NHS (Healthcare)	£117,295	-£58,568	£58,727
LCC (Education)	£215,034	-£175,014	£40,020
LCC (Transport)	£105,000	-£105,000	£0
BBC Affordable Housing	£1,253,642	£0	£1,253,642
BBC Economic Development	£125,000	-£125,000	£0
BBC Open Space and Community	£232,661	-£227,000	£5,661
BBC Other – Misc	£80,000	-£80,000	£0.00
		<b>Total</b>	<b>£1,358,051</b>

## 3.0 Overview

### Section 106 Agreements 2023/24:

3.1 Of the 12 legal agreements signed in 2023/24 (including Deeds of Variations to existing S106 agreements), notable development sites include:

Planning Application	Development Site	Obligations
B/21/0349	Land at Toot Lane, Boston	<ul style="list-style-type: none"> <li>135 Dwellings – all affordable site</li> </ul>
B/22/0431	Land south of Swineshead Road, Boston	<ul style="list-style-type: none"> <li>Biodiversity Net Gain</li> <li>Transport – Sustainable and Travel Plan Contributions</li> </ul>

3.2 Further details can be found in the PDF Files – ‘Developer Agreements’ and ‘Developer Contributions’ see the website for details. Copies of the S106 agreements and other relevant



documentation from each planning application can be viewed on the Council's website.  
[Planning Applications Search - Boston Borough Council](#)

#### 4.0 Outside Bodies Received Contributions (Direct) - Summary

Please see details below of spend received directly to Outside Bodies relevant to Boston Borough Council:

Planning Application	Development Site	Obligations
B/21/0459	Land to the rear of Healey Close, Wyberton	Education (LCC) Secondary Education - £33,982 to be used towards increased capacity at Haven High.
B/19/0520	Land south of Swineshead Road, Boston	Highways (LCC) £25,000 towards the provision of a Call-Connect Service (or similar/equivalent service) to serve the site for a period of 5 years to be paid annually at £5,000 per year commencing from the date of first occupation of the first caravan on site (2022 onwards).

*N.B Please note Indexation and Interest will be added to this figure dependent on when received/spent.*

## 5.0 Non-Monetary Contributions Summary

<b>Total number of affordable housing units to be provided</b> through planning obligations agreed in 2023/24 <i>(Please see File Contributions - Units)</i>	153
<b>Total number of affordable housing units which were provided</b> through planning obligations (whenever agreed) completed in 2023/24. Please note these were split between Affordable Rent, Intermediate Rent, First Homes and Shared Ownership <i>(Please see File Transactions – Filter to Spent AH Completion)</i>	93

## 6.0 Non-Monetary Contributions Summary

6.1 Policy 18 of the South-East Lincolnshire Local Plan (SELLP) sets out the need and delivery for affordable housing within the district.

6.2 In 2023/24 there were 12 new legal agreements signed, with 6 providing the delivery of **153** new affordable housing units within the district, please see File Contributions for full details.

### 6.3 Affordable Housing Provision Signed s106 Agreements (2023/24):

Planning Application	Development Site	Affordable Housing Units
B/21/0419	Land off Puttock Gate, Fosdyke	2
B/22/0306	Land off Tooley Lane, Wrangle, Boston, PE22 9BL	7
B/14/0165 & B/19/0213	Land either side of the A16, south of Tytton Lane East, Boston	3
B/17/0317 & B/21/0039 & B/22/0351	Land off Wyberton low Road, Wyberton, Boston (Known as Heron Way Phase 3)	6
B/21/0349	Land at Toot Lane, Boston	135
	<b>Total</b>	<b>153</b>

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6.4 In 2023/24 a total of **93** affordable housing units were delivered within the district, across several development sites, please see below for full details.

### 6.5 Completed 2023/24 Affordable Housing Provision (Agreements signed within any year):

Planning Application	Development Site	Affordable Housing Units Completed
B/17/0317 B/21/0039	Heron Way Phase 3, Wyberton	47
B/16/0380	Middlegate Rd Phase 1, Frampton	4
B/18/0039 / B/21/0459	Quadrant, Wyberton	7
B/21/0349	Toot Lane - The Furrows, Fishtoft	35
	<b>Total</b>	<b>93</b>

## 7.0 Conclusion

7.1 Boston Borough Council remains 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.

7.2 If you have any queries or comments about this statement, please do not hesitate to contact: Amanda Seaton (Finance and Lead S106 Monitoring Officer) via email [section106@boston.gov.uk](mailto:section106@boston.gov.uk) or telephone 01775 764536.

APPENDIX A: The Regulatory Requirements for Infrastructure Funding Statements

**The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019**

Regulation 121A states:

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—

**(a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list");**

**(b) a report about CIL, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("CIL report");**

**(c) a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("section 106 report").**

(2) The first annual infrastructure funding statement must be published by 31st December 2020.

(3) A contribution receiving authority must publish each annual infrastructure funding statement on its website.

## Infrastructure Funding Statement 2023-2024

### APPENDIX B: Summary Spreadsheet of Transactions 2023-2024

Planning Application	Date of Agreement	Amount on Agreement	Index / Interest	Total Amount Due £	Developer	Monies to be paid to	Scheme	S106 - Healthcare	S106 - Public Open Space & Community Facilities	S106 - Affordable Homes	Date Payment Received	Amount Received	Financial Year	Interest Due	Interest	Monies Paid out	Date Paid Out	Financial Year
B/21/0459	01.02.2022	£10,560.00	£1,028.77	£11,588.77	Chestnut Homes	NHS	Quadrant 5A, United Reform Church Land, Boston - Health Contribution	£11,588.77			13.09.23	11,588.77	2023/24	Yes	31.91	N/A		N/A
B/17/0244	15.01.2024	£200,000.00		£200,000.00	Towey Homes Ltd	BBC - Affordable Homes	Nurseries, High Street, Swineshead, Boston. Affordable Homes - 50% contribution as per Deed of Variation, to be paid within			£200,000.00	26.02.24	200,000.00	2023/24	Yes	95.89	N/A		N/A
B/17/0167	12.02.2018			£19,566.96	Bernard French	BBC - Garfitts Lane Play Area	B/17/0167 - Fran Taylor using towards BTAC Play Area improvements		£19,566.96		09.09.21	19,566.96	2021/22	Yes	94.53	14,000.00	25.07.2023	2023/24 - part
B/19/0383	03.09.2021	£36,666.66	£954.87	£37,621.53	Gleeson Developments Ltd	NHS	Station Rd, Sutterton - Health Obligations (Debtors Invoice: K0000088) Phase 1 - £36,666.66 plus index etc Monies to be paid out early September, to receive a claim from NHS.	£37,621.53			07.07.22	37,621.53	2022/23	Yes	158.00	38,987.90	26.09.2023	2023/24
		£247,226.66	£1,983.64	£268,777.26				£49,210.30	£19,566.96	£200,000.00		£268,777.26			£380.33	£52,987.90		



## Infrastructure Funding Statement 2023-2024

### APPENDIX C: Useful Links

#### **Additional useful links**

[Infrastructure funding statement 2023 to 2024 – Foreword - Lincolnshire County Council](#)