

REPORT FOR INFORMATION



Agenda item	7
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	23rd JANUARY 2024
SUBJECT:	SECTION 106 OBLIGATIONS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	SOPHIE BLEASDALE
TYPE OF DECISION:	COUNCIL OR EXECUTIVE (NON KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	THE REPORT OUTLINES THE CONTRIBUTIONS MADE BY S106 OBLIGATIONS BETWEEN 1 APRIL

	2022 AND 31 MARCH 2023 AND SUMMARISES AGREEMENTS THAT ARE OUTSTANDING.
OPTIONS & RECOMMENDED OPTION	TO NOTE THE REPORT
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	n/a
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	n/a
Wards Affected:	All
Scrutiny Interest:	NO

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TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Section 106 (s106) Agreements are legal contracts between the Local Planning Authority and the developer / landowner which include obligations that are essential to allow the granting of planning permission in certain circumstances. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 1.2 The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 1.3 Obligations often involve the payment of financial contributions, for example recreation contributions, compensation for the loss of employment land and contributions towards ecological enhancements. On receipt by the Council, these

contributions are effectively held on trust, to be spent in accordance with the terms of the s106 Agreement.

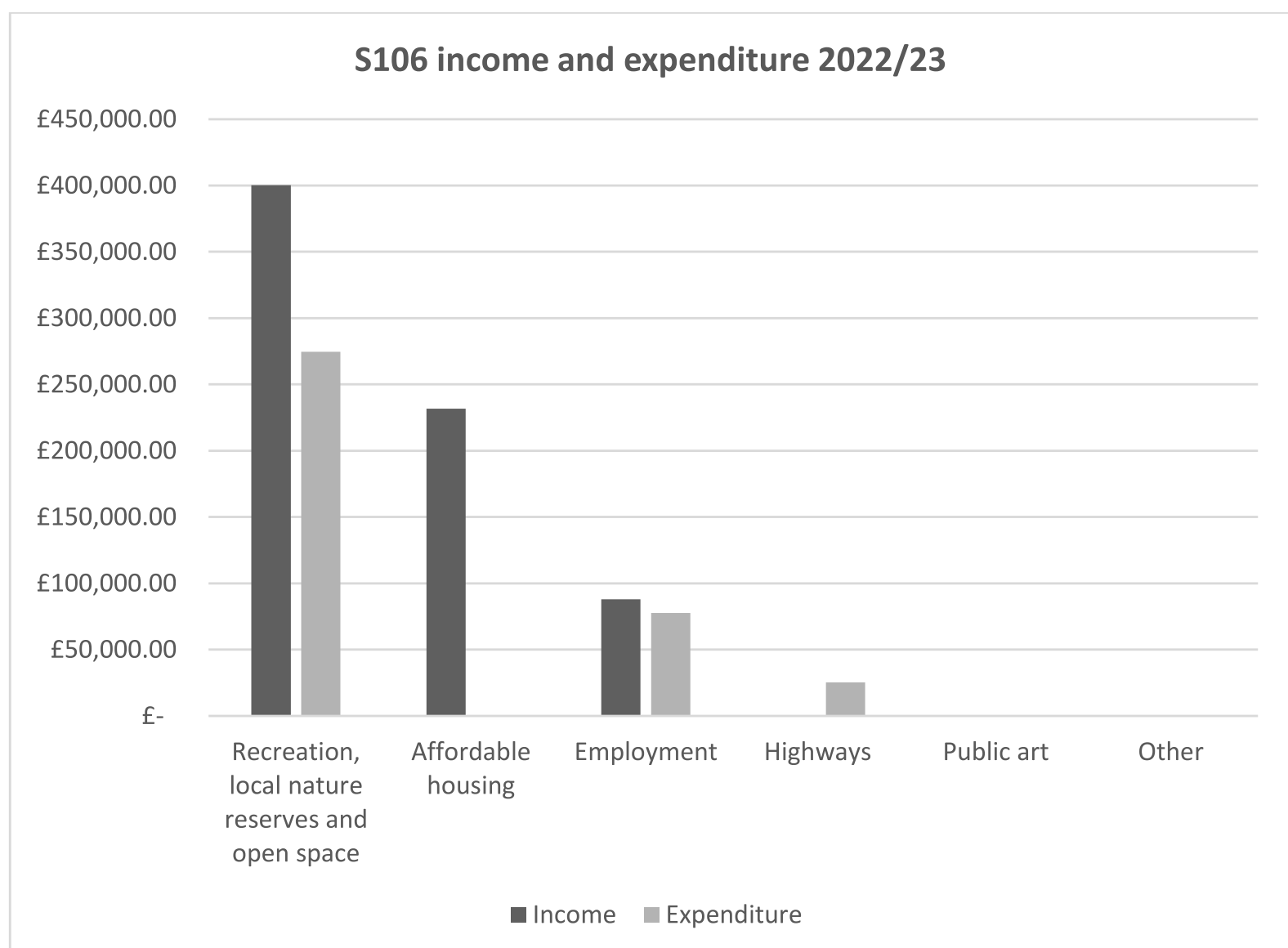
1.4 Section 106 Agreements may also include non-financial obligations such as provision of on-site affordable housing, access paths or the transfer of land.

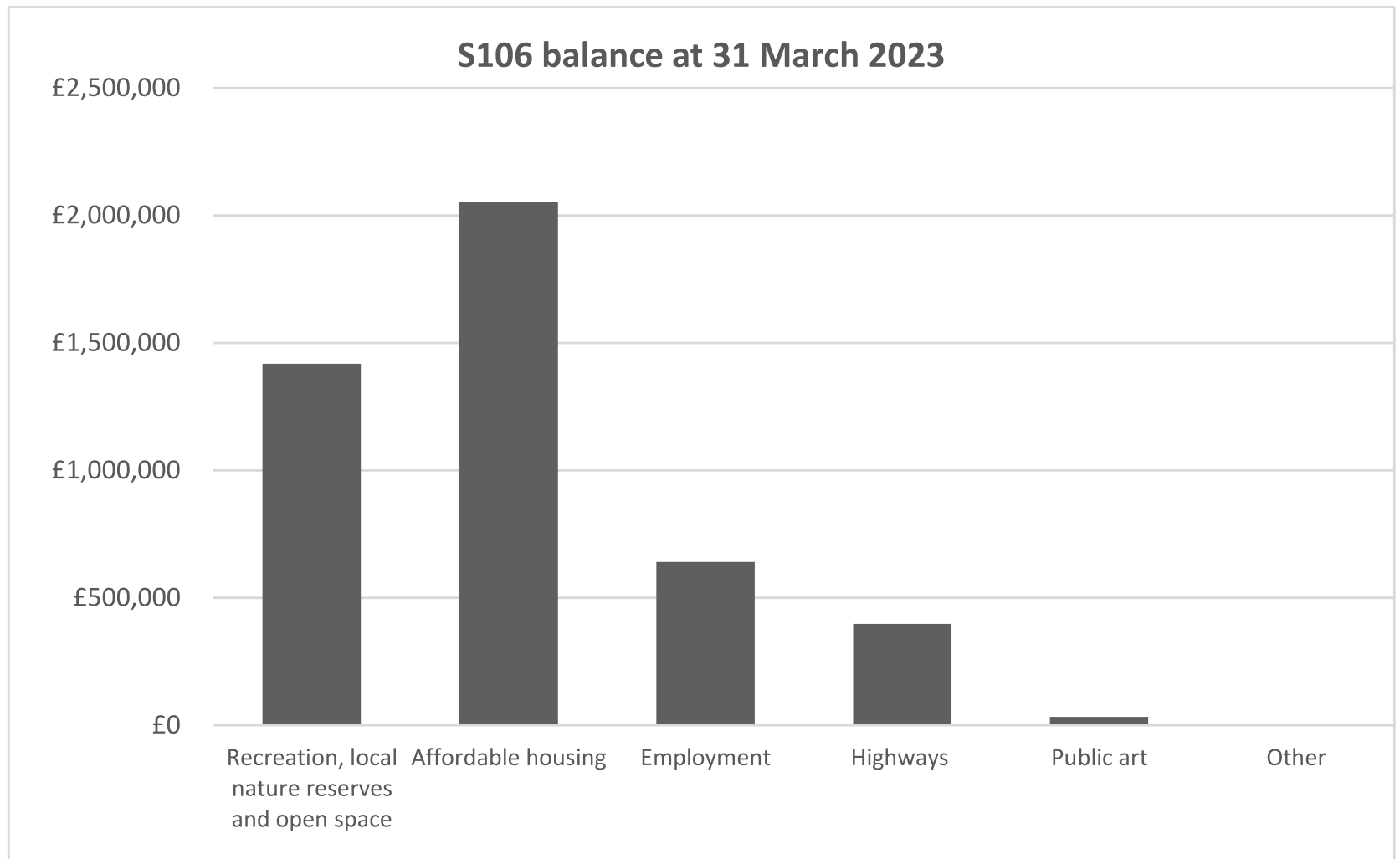
1.5 The Infrastructure Funding Statement appended to this report outlines the contributions provided by S106 obligations in the 12 months from 1 April 2022 to 31 March 2023 and identifies those Agreements where obligations are outstanding and those where triggers have not yet been reached.

2.0 2022/23 SUMMARY

2.0 Over the twelve-month period from 1 April 2022 to 31 March 2023, Section 106 agreements have resulted in £377,758.28 of investment into the Borough, provision of 18 on-site affordable homes and £719,901.14 of income to the Council. As of 31st March 2023, the Council had around £4,541,933.93 of unspent S106 contributions, the majority of which has been allocated to specific projects but may take time to deliver and for expenditure to be drawn down. Nevertheless, opportunities to appropriately allocate and spend outstanding s106 contributions are under constant review with the intention that benefits are delivered as soon as possible.

2.1 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as in some cases funds have to be allocated to specific projects, and some contributions are for the long term maintenance of land that has been or is awaiting transfer to the Council.





2.2 Table 1 below summarises income and expenditure in the twelve months from 1 April 2022 to 31 March 2023, and unspent contributions as at 31st March 2023.

Table 1: S106 Income, Expenditure and Balance¹

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023
Recreation, local nature reserves and open space	£400,215.76	£274,584.11	£1,418,363.19
Affordable housing	£231,685.38	£0.00	£2,051,850.55
Employment	£88,000.00	£77,774.00	£640,308.53
Highways	£0.00	£25,400.17	£398,013.20
Public art	£0.00	£0.00	£33,398.46
TOTAL	£719,901.14	£377,758.28	£4,541,933.93

¹ Please note that the figures in the table represent a snap shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the twelve month period from 1 April 2022 and 31 March 2023, and total balances are as at 31 March 2023.

3.0 SCHEMES PROVIDED AND OBLIGATIONS COMPLIED WITH

3.1 The appended Infrastructure Funding Statement (IFS) provides a breakdown of the s106 income, spend and unspent monies by each type of s106 contribution. A detailed list of schemes provided as a result of financial contributions is attached to the IFS report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2022 and 31 March 2023 at Appendix B.

4.0 OUTSTANDING OBLIGATIONS

4.1 A list of all outstanding obligations is attached to the IFS at Appendix D. These are divided into those where triggers have been reached (Appendix D – Part 1), identifying the actions that are being taken to recover overdue contributions and non-financial obligations; and those where triggers have not yet been reached, for example because development has not started or insufficient dwellings have been completed (Appendix C – Part 2).

5.0 SECTION 106 AGREEMENTS NOT YET TRIGGERED

5.1 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process, but the triggers have not yet been reached. We will continue to monitor these developments to ensure that we secure the payments / provisions as and when they are required by the S106 agreement. Further details are available in the Infrastructure Funding Statement in chapter seven.

6.0 OBLIGATIONS WHERE TRIGGERS HAVE BEEN REACHED

6.1 6 developments have been identified as having outstanding obligations that are now due and are being pursued by the Council. Of these, five require financial contributions, totalling £268,385.75. The outstanding contributions and on-site provisions are pursued initially by contacting the parties involved and, where necessary, debt recovery proceedings have been instructed. Further details are available in the Infrastructure Funding Statement in chapter seven.

7.0 CONCLUSION

7.1 The proactive approach to ensuring S106 obligations are complied with has resulted in success in recovering outstanding contributions, and enabled prompt identification when triggers have been reached on new developments. This approach will continue, and should ensure that developers deliver their obligations. Where necessary and appropriate, legal action will be taken to ensure compliance with S106 obligations.

List of Background Papers:-

Infrastructure Funding Statement 2022/23

Appendix A – Schemes provided via Section 106 commuted sums

Appendix B – Obligations complied with 1 April 2022 – 31 March 2023

Appendix C – Outstanding obligations

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Infrastructure Funding Statement

2022/2023

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1. Introduction

- 1.1 This report provides a summary of the financial contributions which the Council has secured through Section 106 (S106) from new developments for recreation, affordable housing, off-site infrastructure works, ecological enhancement and employment land.
- 1.2 In summary, the report provides:
- An overview of S106 agreements;
 - The Council's internal process relating to S106 contributions;
 - The S106 contributions paid to the Council in the 2022/23 monitoring period;
 - S106 contributions estimated for future years; and
 - Projects delivered in the Borough via S106 agreements in the 2022/23 monitoring year.
- 1.3 The information included in the report will be updated annually and published on the Council's website. This will ensure that the most up to date information on the amount of developer contributions received from new development in addition to on where these monies have been spent is readily available to members of the public and other interested parties.
- 1.4 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes (for contributions from S106 Agreements signed prior to 6 April 2015), and in some cases contributions are for the long-term maintenance of land that has been or is awaiting transfer to the Council. However, the data reported within this document is the most robust available at the time of publication.

Headline summary

- 1.5 £719,901.14 was received through planning obligations (whenever agreed) in 2022/2023.
- 1.6 Of money received through planning obligations, £377,758.28 was spent in 2022/2023:
- Recreation: £274,584.11
 - Employment Land Development Fund (ELDF): £77,774.00
 - Highways: £25,400.17
 - Total expenditure: £377,758.28

2. Section 106 Agreements

- 2.1 S106 agreements are legal contracts between the Local Planning Authority and the developer/landowners which include obligations that are essential to allow the granting of planning permission in certain circumstances.

- 2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.
- 2.3 The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, or ecological enhancement, for example.
- 2.4 Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works, contributions towards providing affordable housing elsewhere in the Borough, compensation for the loss of employment land, recreation contributions and contributions towards ecological enhancements. In some cases, it can be a combination of both on-site provision and off-site financial contributions.
- 2.5 S106 Agreements may also include non-financial obligations such as provision of on-site affordable housing, access paths or the transfer of land.
- 2.6 Where an obligation involves the payment of financial contributions, on receipt by the Council, these contributions are effectively held on trust, and the Council are legally bound to spend these monies in accordance with the terms of the s106 Agreement. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 2.7 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 2.8 The Council cannot ask for contributions via section 106 planning obligations in certain circumstances:

“Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more...Planning obligations

should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.”¹

3. Bury Council’s Process for Requesting S106 Contributions

- 3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a s106 obligation.
- 3.2 The financial contribution required for off-site recreation provision is calculated using Supplementary Planning Document 1 – Open Space, Sport and Recreation Provision in New Housing Development.
- 3.3 Supplementary Planning Document 5 – Affordable Housing Provision in New Residential Development sets the tariff for off-site affordable housing contributions and Supplementary Planning Document 14 – Employment Land and Premises provides guidance on when employment land contributions are required. These documents can be accessed on the Council’s website at:
<https://www.bury.gov.uk/10740>
- 3.4 Contributions towards required highway works as a result of new development is agreed on a case-by-case basis, evidenced by an assessment of the impact the development will have on the local highways and mitigation works required to minimise this impact.
- 3.5 Once a S106 has been signed, it is an obligation, but it will only be realised if the planning permission is implemented and reaches the trigger point 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.
- 3.6 Planning Officers, developers and the Council’s legal department work together to instruct new S106 agreements, requesting payments from the developer through to the spending of these monies by designated Council officers. Figure 1 shows this process in more detail.
- 3.7 Any commuted sums received by the Council but not spent within the timeframes set out in the S106 agreement will be identified during annual monitoring and will be refunded in accordance with the details set out in the specific agreement.

4. Monitoring Fees

- 4.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through S106 obligations to cover the cost of the monitoring and reporting on delivery that S106

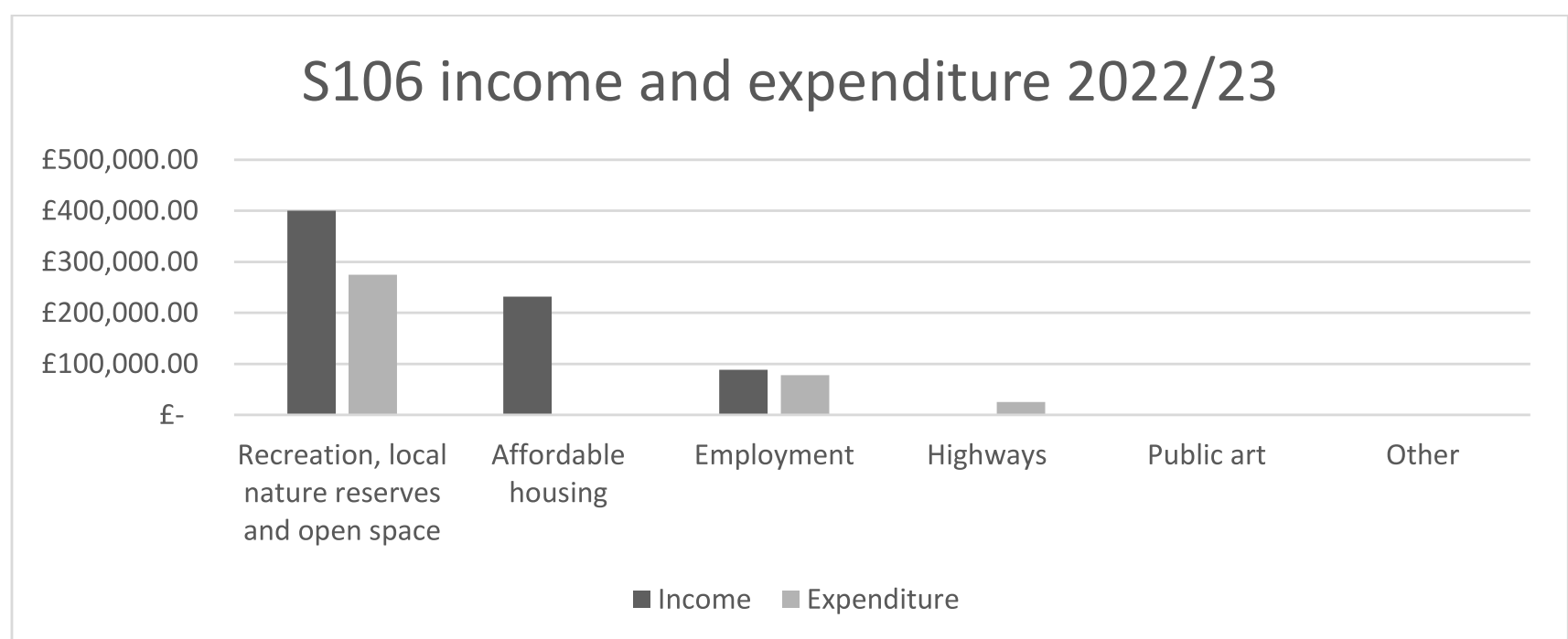
¹ Planning Practice Guidance 2019 Paragraph 023 ‘Planning Obligations’
<https://www.gov.uk/guidance/planning-obligations>

obligation as described above. Monitoring fees can be used to monitor and report on any type of planning application, for the time of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.

- 4.2 The regulations allow monitoring fees to be either a fixed percentage of the total value of the S106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation; or Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.
- 4.3 Authorities must report on monitoring fees in their Infrastructure Funding Statements.
- 4.4 In Bury the monitoring fee was set at £550 per obligation, which is considered to be proportionate and will contribute to the Council’s reasonable costs of monitoring each obligation. This fee came into effect from the 18th October 2019.
- 4.5 Between 1st April 2022 and 31st March 2023, £2,140 of monitoring fees have been received through S106 obligations to cover the cost of the monitoring and reporting on delivery.

5. 2022/23 S106 Contributions Summary

- 5.1 Over the twelve-month period from 1 April 2022 to 31 March 2023, Section 106 agreements have resulted in £377,758.28 of investment into the Borough, provision of 18 on-site affordable homes and £719,901.14 of income to the Council. As of 31st March 2023, the Council had around £4,541,933.93 of unspent S106 contributions, the majority of which has been allocated to specific projects but may take time to deliver and for expenditure to be drawn down.
- 5.2 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes (for contributions from S106 agreements signed prior to 6 April 2015), and in some cases contributions are for the long term maintenance of land that has been or is awaiting transfer to the Council.



5.3 Table 1 below summarises income and expenditure in the twelve months from 1 April 2022 to 31 March 2023, and unspent contributions as at 31st March 2023. This is broken down into more detail in Appendix C.

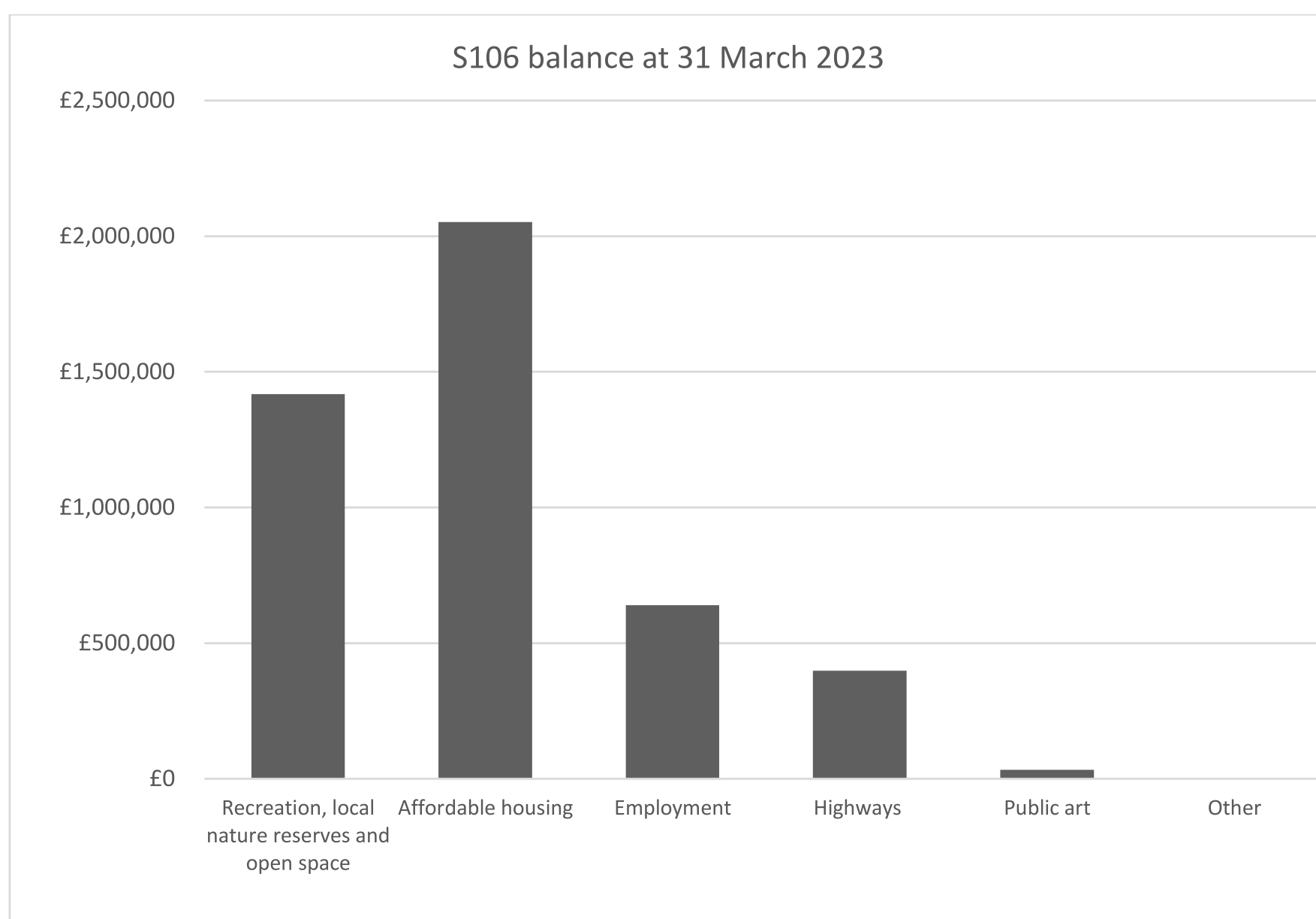


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Highways	£0.00	£25,400.17	£398,013.20
Public art	£0.00	£0.00	£33,398.46
TOTAL	£719,901.14	£377,758.28	£4,541,933.93

6. Schemes Provided and Obligations Complied With

6.1 This section of the report summarises Section 106 Agreements by type of obligation. A detailed list of schemes provided as a result of financial contributions is attached to this report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2022 and 31 March 2023 at Appendix B.

Recreation

6.2 In 2022/2023 £400,215.76 was received in recreation contributions.

6.3 During the same period, £274,584.11 of recreation contributions was spent. This has gone towards improvements at a number of sites including:

- Imp to Infrastructure at Close Park Green Flag Park Phase 1
- Imp to infrastructure at Burrs Country Park Phase 1
- Imp to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1
- O/C Radcliffe Paper Mill - POS Maintenance
- O/C Kirkless Valley Maintenance
- O/C Woodhill Road Play Area Improvement
- O/C Purbeck Drive
- O/C Prestwich Clough Improvements
- Springwater Park & Sailors Brow access Improvements - phase 1
- Prestwich Clough Infrastructure
- Woodbank Garden Improvements
- Improvements at Taylor Street
- Refurbishment of Clarence Park PA Phase 1
- Young Street PA Improvements
- Snape Street PA H&S Improvements
- Clarence Park Improvements
- Improvements to play equipment, furniture, infrastructure and landscaping at St Marys Park - Phase 1
- Improvements to landscaping at Gardener Mount Recreation Ground
- Improvements to landscaping at Gardener Mount Play Area - Phase 1
- Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park - Phase 1
- Improvements to play equipment and surfacing at Sedgley Park Play Area
- Burrs Country Park – Infrastructure, access and river improvements to benefit people and wildlife and to support the Burrs Strategy
- Whitehead Park – work to raise the standard of the park, including infrastructure and environmental improvements to support Green Flag
- Improvements to Limefield Park
- Improvements to landscape areas in Clarence Park
- Burrs Improvements Supporting Volunteers Phase 11
- Allens Bowling Green

- 6.4 In terms of future spending, funding has also been allocated to a number of projects across the Borough, including works to play areas, ball zones, tennis courts, outdoor gyms, bowling greens and park improvements. The priority is to ensure that S106 recreation contributions are allocated within the area where the development takes place.
- 6.5 All unspent recreation contributions received up to 31st March 2023 have been committed to specific projects, with the exception of contributions paid upfront that can't be committed until commencement of development.

Affordable Housing

- 6.6 Section 106 Agreements have also required developers to make provision on site for affordable housing. In 2022/23, 18 affordable properties were completed on site as a result of planning policy. In addition, some of the previously completed properties have been subsequently re-sold, re-let or are under offer, to households on the Affordable Housing Scheme.
- 6.7 The Planning Agreements allow the affordable housing units to be sold on the open market in certain circumstances, subject to 25% of the sale proceeds being given to the Council to spend on affordable housing elsewhere. No properties were sold in this way between 1 April 2021 and 31 March 2022.
- 6.8 In total up to 31 March 2023, £231,685.38 in commuted sum payments has been received for affordable housing and £2,051,850.55 is committed. The remaining uncommitted contributions will be spent in accordance with the Bury Housing Strategy. Spending affordable housing contributions will be agreed by an officer group comprising of representatives from Planning and Housing Strategy, taking into account views of Portfolio holders, and must be in accordance with the terms of each Section 106 Agreement.
- 6.9 In August 2012, Cabinet agreed to spend £617,000 of monies received to bring empty properties back into use as affordable housing in the Radcliffe area, as a pilot exercise working with registered providers. However, funding for the Radcliffe pilot was subsequently secured from the HCA, who have also committed to further funding to increase the number of empty properties to be brought back into use in Radcliffe. As a result, in September 2014, Cabinet agreed to approve the use of the £617,000 commuted sums in other townships across the Borough, providing the reallocation of resources does not detrimentally affect the outcomes of the Radcliffe pilot. This work will help reduce the number of long term empty properties and provide additional affordable housing. £502,108 has been spent up to 31 March 2023, bringing 11 empty properties back into use as affordable housing.
- 6.10 In June 2021 the Council approved the use of a further £1m of affordable housing S106 contributions to bring additional empty properties back into use. This will have multiple benefits of removing the blight of empty properties, bringing them back into use to provide affordable homes.
- 6.11 In July 2017, Cabinet approval was given to commit £250,000 of S106 affordable housing contributions to support the residential development of the site of the former Radcliffe Times building for affordable housing. £98,751.98 of this was

spent in 2021/22, so the full £250,000 has now been spent and the project has been completed.

- 6.12 The Council is exploring opportunities to accelerate the use of the committed empty properties sums and use the remaining uncommitted affordable housing contributions to support and accelerate the delivery of additional affordable housing.

Employment Land Development Fund

- 6.13 As at 31 March 2023, the total unspent balance of the Employment Land Development Fund (ELDF) was £640,308.53. £142,551.81 of this has been allocated to various projects but is yet to be spent.
- 6.14 The remaining £497,756.72 is unallocated and unspent but work is continually on-going to identify specific opportunities in accordance with the approved ELDF Framework for Spending.
- 6.15 During 2022/23, £77,774.00 from the ELDF was spent on the following:
- To support a temporary post with responsibility for providing a planning input into the progression and delivery of current and emerging employment sites in Bury,
 - To support a new temporary post to assist with data management and GIS in relation to the delivery of economic development in the borough; and
 - The Bury Economic Strategy.

Highways

- 6.16 There were no highways contributions received in 2022/23.
- 6.17 In 2022/23, £25,400.75 was spent on highways projects.
- 6.18 The remaining highways contributions for 2022/23 is £398,013.20 is allocated to projects such as:
- An additional lane at the slip road of junction 3 on the M66;
 - Improvements to Pedestrian connectivity; and
 - Measures to mitigate the impact of the development on the local highway network comprising CCTV, SCOOT revalidation, extra SCOOT loops and amendment of signal staging at the Harvard Road Signals.
 - toucan crossing for pedestrians and cycle users in the vicinity of Market Street/Trinity Way.

Public Art

- 6.19 Following the publication of Government guidance which advised that planning obligations should not be sought if they are no considered necessary to make a development acceptable in planning terms, financial contributions for public art are not currently being sought for new planning applications.

6.20 There was no s106 spend on the provision of public art projects in 2022/23.

7. Outstanding Obligations

7.1 A list of all outstanding obligations is attached to this report at Appendix D. These are divided into those where triggers have been reached (Appendix D Part 1), identifying the actions that are being taken to recover overdue contributions and non-financial obligations; and those where triggers have not yet been reached, for example, because development has not started or insufficient dwellings have been completed (Appendix D Part 2).

Outstanding S106 Obligations where triggers have been reached

7.2 Six developments have been identified as having outstanding obligations which are now due and are being pursued by the Council. Of these, 5 require financial contribution, totalling £268,385.75.

7.3 The outstanding contributions are pursued initially by contacting the parties involved and, where necessary, debt recovery proceedings are instructed. However, this can be a lengthy process.

Section 106 Agreements not yet triggered

7.4 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process but the triggers have not yet been reached, for example because development has not yet commenced or insufficient dwellings have been completed. Recently lapsed or superseded permissions are included on the list for information, but these obligations will not be triggered. The terms of each S106 Agreement will specify how commuted sums can be spent. It is important to note that these developments may not all proceed as planned and there is, therefore, no guarantee that these funds will ever be received.

7.5 The Council will continue to monitor these developments to ensure that payments and provisions are secured as and when they are required by the S106 Agreement.

8. The Community Infrastructure Levy

8.1 In April 2015, the Community Infrastructure Levy (CIL) Regulations imposed restrictions on pooling S106 contributions. Local Authorities were not able to fund specific projects or type of infrastructure by pooling contributions from 5 or more separate S106 agreements. Collecting generic 'recreation' or 'employment' contributions was also no longer permitted. The Council was required to identify within a S106 Agreement exactly what project the contribution would be spent on.

8.2 These regulations have since been amended and came into force on the 1 September 2019. The amendments removed the restrictions on pooling S106 contributions.

- 8.3 However, the Council still continues to identify projects up front when the S106 agreement is signed in order to monitor S106 funds and ensure the contributions are spent on the most appropriate schemes. For recreation contributions, potential project ideas are based on the Green Space Strategy, the Play Strategy, local priorities and opportunities for maximising the money by attracting external funding. Ward councillors are consulted by email and feedback from them informs the final list of schemes.
- 8.4 Non-financial S106 obligations, such as on-site provision of footpaths and transfers of land are unaffected, and maintenance contributions are tied to specific areas of land.

9. Conclusion

- 9.1 The proactive approach to ensuring S106 obligations are complied with has resulted in success in recovering outstanding contributions, and enabled prompt identification when triggers have been reached on new developments. This approach will continue and should ensure that developers deliver their obligations. Where necessary and appropriate, legal action will be taken to ensure compliance with S106 obligations.

Appendix A – Schemes Provided Via S106 Commuted Sums

Type of Contribution	Scheme Provided/Location	Money Spent 1 st April 2022-31 st March 2023
Recreation	Imp to Infrastructure at Close Park Green Flag Park Phase 1	£49.00
Recreation	Imp to infrastructure at Burrs Country Park Phase 1	£17.70
Recreation	Imp to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1	£1,659.52
Recreation	O/C Radcliffe Paper Mill - POS Maintenance	£869.00
Recreation	O/C Kirkless Valley Maintenance	£9,919.75
Recreation	O/C Woodhill Road Play Area Improvement	£13,200.00
Recreation	O/C Purbeck Drive	£10,000.00
Recreation	O/C Prestwich Clough Improvements	£5,000.00
Recreation	Springwater Park & Sailors Brow access Improvements - phase 1	£2,990.00
Recreation	Prestwich Clough Infrastructure	£6,000.00
Recreation	Woodbank Garden Improvements	£785.00
Recreation	Improvements at Taylor Street	£4,500.00
Recreation	Refurbishment of Clarence Park PA Phase 1	£2,657.00
Recreation	Young Street PA Improvements	£15,697.00
Recreation	Snape Street PA H&S Improvements	£3,769.00
Recreation	Clarence Park Improvements	£2,683.50
Recreation	Improvements to play equipment, furniture, infrastructure and landscaping at St Marys Park - Phase 1	£11,291.00
Recreation	Improvements to landscaping at Gardener Mount Recreation Ground	£3,000.00
Recreation	Improvements to landscaping at Gardener Mount Play Area - Phase 1	£22,000.00
Recreation	Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park - Phase 1	£50,000.00

Recreation	Improvements to play equipment and surfacing at Sedgley Park Play Area	£35,000.00
Recreation	Burrs Country Park – Infrastructure, access and river improvements to benefit people and wildlife and to support the Burrs Strategy	£11,280.46
Recreation	Whitehead Park – work to raise the standard of the park, including infrastructure and environmental improvements to support Green Flag	£3,703.00
Recreation	Improvements to Limefield Park	£4,970.00
Recreation	Improvements to landscape areas in Clarence Park	£8,530.00
Recreation	Burrs Improvements Supporting Volunteers Phase 11	£9,069.02
Recreation	Allens Bowling Green	£35,944.16
Highways	Chamberhall development - highways works	£25,400.17
Employment	Senior Planning Officer (ELDF)	£38,452.00
Employment	Bury Economic Strategy	£26,022.00
Employment	Assistant Data Management / GIS Officer	£13,300.00

**The Community Infrastructure Levy Regulations imposed new regulations on s106 contributions which came into effect from 6 April 2015.

Appendix B – Obligations complied with (1 April 2022 – 31 March 2023)

Application	Site	Description	Obligation complied with
66389	Former site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1LF	Recreation contribution	£275,888.74 recreation contribution and £79,000 ecological contribution received 12/04/2022
61117	Bleaklow Mill, Bolton Road, BL8 4LL	Recreation contribution Employment contribution	£33,186.56 recreation contribution and £10,000.00 employment contribution received 22/04/2022
63533	Bevis Green Works, Mill Road, Bury, BL9 6RE	Employment contribution	£78,000 received 22/04/2022
N/A	76 Stonemere Drive, Radcliffe M26 1QX	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £28,750 received 27/05/2022
N/A	29 Blossom Walk, Bury BL9 6GF	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £32,000 received 08/08/2022
N/A	17 Oaks Close, Prestwich M25 3ER	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £94,625 received 26/09/2022
N/A	53 Stonemere Drive, Radcliffe M26 1QY	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £30,000 received 09/03/2023

Contributions received after 1 April 2023 are not included in the total values received or unspent in Table 1 of the main report, to simplify the collation of data from the Council's financial systems.

Contributions received after 1 April 2023

Application	Site	Description	Obligation complied with
N/A	34 Parkside Mew	Affordable housing contribution	Payment in lieu of affordable housing resale requirements. £35,875 received 21/04/2023
62081	Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS	Recreation Contribution	£46,808.64 recreation contribution received on 21/07/2023
69680	Land off Nuttall Lane, Ramsbottom, Bury, BL0 9LD	Biodiversity Mitigation Contribution	£33,000 Biodiversity Mitigation Contribution received on 30/10/2023

Appendix C – S106 income, expenditure and unspent balance

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023	Comments
Recreation enhancement	£400,215.76	£274,584.11	£955,143.16	All allocated with the exception of contribution paid upfront that can't be allocated until commencement of development.
Recreation maintenance	£0.00	£0.00	£162,637.72	All allocated to maintenance of transferred land. The balance includes interested earned in 2022-2023.
Recreation – Strategic Planning projects	£0.00	£0.00	£95,000.00	Includes a £70,000 contribution towards Moss Shaw section of the Bolton Bury railway path and £25,000 Olives Brook Link contribution.
Local Nature Reserves	0	£0.00	£65,057.39	
Roch Valley Greenway maintenance fund & repair and maintenance of goyt	0	0	£140,524.92	Transfer of land completed 15/6/16.
Affordable Housing	£231,685.38	£0	£2,051,850.55	

Expenditure type	Contributions received 1 April 2022 to 31 March 2023	Total amount spent 1 April 2022 to 31 March 2023	Total value of unspent contributions as at 31 March 2023	Comments
Employment Land Development Fund	£88,000.00	£77,774.00	£640,308.53	Funding for the Bury Economic Strategy, a Senior Planning Officer on a fixed term contract. Spend on the Bury Economic Strategy and spend on assistant data management/GIS officer.
Highways	£0.00	£25,400.17	£398,013.20	Allocated to following projects: <ul style="list-style-type: none"> • £25,000 traffic calming • £10,000 bridleway 37 improvement • £95,000 traffic mitigation contribution • £24,000 pedestrian connectivity contribution • £229,413.37 additional slip lane at Junction 3 of M66 • £40,000 traffic mitigation contribution
Public art	£0.00	£0.00	£33,398.46	No spend in 2022/23
TOTAL	£719,901.14	£377,758.28	£4,541,933.93	

Please note that the figures in the table above represent a snap-shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the twelve-month period from 1 April 2022 and 31 March 2023, and total balances are as at 31 March 2023.

Appendix D – Outstanding obligations

Part 1: S106 obligations where triggers have been reached

Application	Site	Description	Outstanding Obligations	Action
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	On-site affordable housing – 3 dwellings	Development completed but sold to one owner so recreation payment has not been triggered. Legal action is on-going
50775 54550 58359	Former Thrush Hotel, Thrush Drive, Bury, BL9 6JD	14 no. dwellings with associated car parking and landscaping.	£13,674.08 recreation payment due in 3 phases, upon 1st occupation of each block.	Completed – contribution now due. Non-compliance letters sent. Legal action on-going.
58918	Land adjacent to 15 Prestfield Road, Whitefield, Manchester, M45 6BD	Erection of 33 no. apartments in 2,3 & 4 storey blocks with associated parking and a detached dwelling.	8 affordable housing units on site.	Development completed. Affordable housing obligation not complied with. £50,000 paid 3/10/17; £50,000 paid 20/11/17; £163,413.72 remains outstanding. Legal action is on-going to seek to recover the outstanding financial contribution in lieu of on-site affordable housing provision.
62237	Prestwich Golf Club, Hilton Lane, Prestwich, Manchester, M25 9XB	Residential development of part of golf course comprising 17 no. dwellings with new access from Kersal Road; Extension and reconfiguration of golf course to provide replacement facility.	£49,107.30 recreation contribution due prior to commencement of the residential development	Under construction <u>Development completed</u> - Contribution now due Non-compliance letter sent.

Application	Site	Description	Outstanding Obligations	Action
60762 65415	Victoria Mill, High Street, Walshaw	Extension and conversion of existing mill to residential use to provide 15 no. apartments and ancillary use A1 unit with 18 new and 3 relocated car parking spaces	£23,429.25 recreation contribution due prior to or upon commencement. Projects: Improvements to the play area at Town Meadow Park, Tottington (Phase 1); Refurbishment of the tennis courts at Town Meadow Park, Tottington (Phase 1); Improvements to the infrastructure at lodges in Kirklees Valley (Phase 1).	Under Construction. Recreation contribution due. Non-compliance letter sent.
63376	The Old School, 1 Walker Street, Radcliffe, M26 1FH	Conversion of antiques centre/dwelling to 13 no. residential apartments	1 affordable housing unit. £18,734.40 recreation contribution due prior to or upon commencement. Project: Refurbishment of equipment and surfacing at the play area in Hollinhurst Playing Fields.	Under Construction. Recreation contribution due. Non-compliance letter sent.

Application	Site	Description	Outstanding Obligations	Action
59715 66115 65133	Redisher Works, Holcombe Old Road	Demolition of existing buildings and erection of 22 no. Dwellings including works to culverted watercourse. 65133 brought up the total number of dwellings on the whole scheme from 22 to 23 homes.	£64,261.88 recreation contribution payable in instalments. 1 st instalment of £32,130.94 due upon commencement; 65133 requires an additional recreation contribution of £2,925.54 due on Commencement. 2 nd instalment of £32,130.94 on 1st occupation Projects: Improvements to public right of way and footpath at Redisher Woods (phase 1)); Improvements to steps and infrastructure at Pot Green Woodland (phase 1); Improvements to infrastructure at Bolton Road West Playing Fields (phase 1)	Amended s106 in January 2021 for application 65133. Site under construction as of April 2021. 1 st instalment due.

Part 2: S106 obligations not yet triggered

Application	Site	Description	Requirements	Current Status
45274	Former P J Power Site, Millett Street, Bury, BL9 0JA	Demolition of offices & services yard; erection of 21 apartments in four storey block & new office accommodation within three storey block	£7,548.24 recreation payment due upon 1 st occupation.	Material start made. Recreation payment has not been triggered.
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	£6,176.40 recreation contribution due upon the sale of the sale of the 3 rd market unit. On-site affordable housing – 3 dwellings	Development completed but sold to one owner so recreation payment has not been triggered
47200	Townside Fields, Bury	Mixed use development	Layout and maintain footpaths and to use best endeavours to provide Metrolink crossing.	Development commenced. Endeavours to provide Metrolink crossing continue.
58810	Land at Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 4JY	Reserved Matters for appearance, landscaping, layout and scale following grant of Outline planning permission 55003 for residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	48 affordable housing units. £475,070.93 recreation contribution payable in instalments. On site public open space. Permission for the Council to construct a public access track, with the Owner to ensure that public access is maintained.	Development Completed. All financial contributions complied with. Ongoing affordable housing obligations.

Application	Site	Description	Requirements	Current Status
58521	Former Red Bridge Inn, Bury Old Road, Ainsworth, Bolton, BL2 5PJ	Refurbishment and conversion/change of use of vacant public house to form 2 no. cottages and 8 no. apartments and erection of block of 10 no. apartments	<p>£30,120.06 recreation contribution payable in instalments.</p> <p>1st instalment of £15,060.03 due upon commencement; 2nd instalment of £15,060.03 due on occupation of the 10th unit.</p> <p>Project: Improvement to the Bradley Fold Play Area (Phase 1).</p>	<p>Under construction.</p> <p>£15,060.03 recreation contribution paid 12/4/16.</p> <p>2nd instalment not yet triggered.</p>
56744 63361 65847	Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH	Hybrid full planning application for the erection of 153 no. dwellings together with associated works inc laying out public open space, remediate, raise levels, emergency access, development platform for future commercial devt. Outline for B1/B2 B8 7435m2	<p>On site recreation provision. 15 affordable housing units on site plus overage clause.</p> <p>Employment development or ELDF contribution.</p>	<p>Material start made, Recreation payment has not been triggered.</p> <p>Revised application 68368 received in April 2022.</p>
59809/ 60750/ 62599	Paradise Mill, John Street, Bury, BL9 0NH	Demolition of existing buildings and formation of public pay and display car park including resurfacing works and boundary treatments (temporary period of 3 years).	<p>Potential £144,000 employment contribution - given the applicant's longer-term ambitions for the site, they have entered into a deferred overage planning obligation. The obligation specifies that if the site was to subsequently come forward for a higher value use, such as residential and/or retail, there would be a requirement to make a one-off financial contribution to off-set the loss of the employment land and premises.</p>	<p>Completed.</p> <p>S106 requirement has not been triggered.</p>

Application	Site	Description	Requirements	Current Status
59375 63917 65205	Site of former British Legion Club, Water Street, Radcliffe, M26 4DF	Outline - Demolition of existing building and erection of 1 no. Building containing 19 apartments with associated car parking and amenity space.	59375: £29,677.05 recreation contribution due prior to or upon commencement. Projects: Improvements to Manchester, Bolton and Bury Canal including removal of invasive species and debris and levelling of towpath east of Water Street (Phase 1); Improvements to footpath and accessibility towards the canal bridge at Banana Path, Improvements to drainage paths and raising the height of plots at Osborne Walk Allotments (Phase 1); and Improvements to track surfacing at Cams Lane running track (Phase 1). 63917: 100% affordable housing	Full planning application 63917 is 100% affordable housing. Completed April 2022. There is an ongoing affordable housing obligation.

Application	Site	Description	Requirements	Current Status
61117	Bleaklow Mill, Bolton Road, Tottington, BL8 4LL	Demolition of the existing vacant industrial building and the erection of 24 dwellings (20 three bed and 4 bed) with public open space, parking and associated access.	<p>£66,373.12 recreation contribution due in instalments: £33,186.56 due prior to or upon occupation of the 10th unit. £33,186.56 due prior to or upon occupation of the 20th unit.</p> <p>Projects: Improvements to play equipment at Old Kays Park Play Area (Phase1); Refurbishment of play equipment and surfacing at Hawkshaw Recreation Ground Play Area (Phase 1); Relocation of playground site and upgrade of play equipment of play equipment at Greenmount Recreation Ground Play Area.</p> <p>£20,000 employment contribution due in instalments: £10,000 due prior to or upon occupation of the 10th unit. £10,000 due prior to or upon occupation of the 20th unit.</p> <p>Project: Work to support the identification and delivery of sites for future employment development.</p>	<p>Under construction. £8,8881.72 street lighting contribution to be used towards the installation of three street lights on Bolton Road, Hawkshaw (paid 10/03/2020) First instalment of recreation contribution paid 22/04/2022. Second half due prior to or upon occupation of 20th unit. £10,000.00 employment contribution paid 22/04/2022.</p>

Application	Site	Description	Requirements	Current Status
62081 64656	Woodhill Farm, Spring Street, Ramsbottom, Bury, BL0 0DS	Demolition of existing farm buildings and erection of 16 no. dwellings and associated new infrastructure, including construction of new access road.	£46,808.64 recreation contribution due prior to occupation of the 8 th dwelling. Projects: Improvements to infrastructure and accessibility at Nuttall Park (Phase 1); Improvements to the appearance of the Town Centre open space at Factory Street garden including tree works and clearance (Phase 1); Improvements to Irwell Sculpture Trail (section between Ramsbottom and Stubbins) and surrounding public footpaths to offer improved access on the trail including drainage, surfacing and signage (Phase 1); Improvements to infrastructure at Kay Brow Lodge and Garden; Improvements to landscaping and environmental quality including tree works and creation of habitats at Bolton Road West Playing Fields.	Under Construction. Recreation Payment received in July 2023.
62129	Former car park of Masons Arms, Walmersley Old Road, Bury, BL9 6RU	Erection of 1 no. dwelling.	The obligation requires that the ground floor of the Masons Arms public house be converted into 2 flats (pursuant to planning permission 61787) before any development can take place on the car park site.	Under Construction.

Application	Site	Description	Requirements	Current Status
62220	The Elizabethan, Ribble Drive, Whitefield	Demolition of public house and erection of 15 no. dwellings	100% affordable housing.	Completed April 2021. Ongoing affordable housing obligation.
62765	The Plough, 51 Rainsough Brow, Prestwich, M25 6XW	Demolition of existing public house and erection of 15 no. apartments with basement parking and rear amenity area.	1 affordable housing unit. £23,429.25 recreation contribution due prior to or on commencement of the development. Projects: Improvements to access, sight lines and safety of users at Drinkwater Park through removal of shrubs and trees: Improvements to paths, access and landscaping to raise the quality standard at Barnfield Park (Phase 1)	Pub demolished. Development not commenced however material start made in April 2022.
61217	Ainsworth Mill, Bury New Road, Radcliffe	HYBRID APPLICATION – FULL APP – COU of Phase 1 land (B2/B8) to Place of Worship (D1) OUTLINE APP – Partial demolition of mill and outbuildings retaining no less than 2,000sq.m for B2/B8 and provision of car parking, servicing, landscaping & infrastructure.	The S106 requires that Phase 1 (full app) only be carried out in conjunction with the use of the building under Phase 1 as a place of worship and ancillary uses and secure the parking and servicing areas shown on the plan are delivered for this phase. Phase 2 (outline) is to be brought forward with details of access, servicing and parking provision to be carried out with Phase 2 only.	Phase 1 in progress.

Application	Site	Description	Requirements	Current Status
63534	Site of former Park Hotel, Lowther Road, Prestwich, Manchester, M25 9GP	Residential development comprising 7 no. 2 storey houses, 12 apartments, 21 parking spaces and associated amenity spaces.	100% affordable housing. £9,000 recreation contribution Project: The completion fencing to improve and upgrade tennis court facilities at St Mary's Park, Prestwich.	£9,000 recreation contribution - received 18/7/2019. Complete as of April 2022. Ongoing affordable housing contribution.
63429	Parkgates, Sedgley Park Road, Prestwich, Manchester, M25 0JW	Creation of one additional floor of office space to an existing building.	£7,500 monitoring contribution; £12,500 parking scheme contribution. Both due prior to or upon commencement.	Not commenced. Permission expired.
63003	85 Bury Old Road, Whitefield, Manchester, M45 7AY	Erection of new four storey office building (B1) and new four storey building comprising 11 no. residential apartments (C3) together with dedicated parking.	1 affordable housing unit. £17,181.45 recreation contribution due prior to or upon commencement. Projects: Drainage improvement works to upgrade accessibility across the site at Thatch Leach Open Space; Improvements to equipment, surfacing and fencing at Victoria Besses Play Area (Phase 1).	Not commenced. Permission expired.

Application	Site	Description	Requirements	Current Status
60370 63617	Land to the west of Manchester Road, Ramsbottom, Bury, BL0 0BZ	35 no. dwellings	9 affordable housing units On-site recreation provision (specification for recreation land) is to be submitted for approval prior to commencement with the recreation land being completed and available to the public prior to first occupation.	On-site open space approved with reserved matters application. Development complete Ongoing affordable housing obligation.
63054	Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY	Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangements and addition of basement for use as storage and plant space.	£5000 monitoring contribution; £10,000 parking scheme contribution to be paid prior to or upon commencement. Vehicles above 8m in length are prohibited from entering the site. Prior to commencement, signage is to be agreed with the Council and erected at the entrance to the site regarding the restriction on prohibited vehicles.	Not commenced. Pre-commencement conditions discharged.
63462	Land at Chapel Road (adjacent to Sycamore Cottage), Prestwich,	Erection of 3 dwellings	£9,723.98 recreation contribution. Project: Improvements to play equipment and surfacing at Kersal Road Plan Area.	Not commenced. Permission expired.

Application	Site	Description	Requirements	Current Status
63630	Land off Kay Street, Summarseat	Erection of a single building containing 16 no. dwellings and associated car parking. Creation of an upgraded vehicular access from Kay Street	2 affordable housing units. £24,991.20 recreation contribution prior to or upon commencement. Project: Improvements to surfacing and equipment at Waterside Play Area.	Not commenced. Permission expired.
63002	Land adjacent to 41 Station Close, Radcliffe, Manchester, M26 4GW	Erection of 14 no dwellings and associated access road.	1 affordable housing unit. £40,957.56 recreation contribution prior to or upon commencement. Project: Refurbishment of equipment and infrastructure at Snape Street Play Area (prior to commencement); Refurbishment of equipment at Young Street Play Area (prior to occupation of the 5 th unit). Cycleway	Not commenced. Permission expired.
61474, 64462	Land at Kersal Vale Road, Prestwich, Salford, M7 3NT	Approval of RM of layout, scale, landscaping and appearance for outline app 61474 for the construction of 109 no residential dwellings together with associated public open space, landscaping, sub & pumping stations and highways infrastructure.	44 affordable housing units On-site recreation provision Provision of a public access track	Under construction 57 completions in 2021/22. 51 completions in 2022/23.

Application	Site	Description	Requirements	Current Status
63324	Land at Mountheath Industrial Estate, George Street, Prestwich	Approval of reserved matters - erection of 124 no dwellings including details of appearance, scale, landscaping and layout pursuant to planning permission 62127	18 affordable housing units. £354,425.84 recreation contribution due prior to or upon commencement.	Under construction. Recreation contribution received 04/08/2021. 15 completions in 2021/22. 47 completions in 2022/23.
63533	Bevis Green Works, Mill Road, Bury, BL9 6RE	Residential development comprising 268 no dwellings (Class C3) with associated access, car parking, landscaping and open space.	33 affordable housing units; On-site recreation land to be completed and thereafter maintained; £156,000 employment contribution, half payable upon commencement and half upon occupation of 50% of the dwellings.	Under Construction. May 2021 - site clearance work in progress First instalment of employment contribution received in April 2022.
63992	Land between 60 and Unit 6 Millett Street, Bury, BL9 0JA	Erection of a building to contain 36 no. apartments with associated external works, car parking and landscaping	100% affordable housing.	Completed in April 2022. Ongoing affordable housing obligation.
64093	Former Magistrates Court, Tenters Street, Bury, BL9 0HX	Conversion of the existing building to 39 no. apartments and erection of 10 no. townhouses with associated landscaping works	The Owner is required to submit a Viability Appraisal to establish whether any affordable housing/recreation contribution is payable. This is due within three months of completion of 75% of the dwellings. An hourly fee is payable to cover the Council's costs of reviewing the Viability Appraisal.	Not commenced.

Application	Site	Description	Requirements	Current Status
64640	Land at Brandlesholme Road	Residential development comprising of 52 no. dwellings, associated means of access and landscaping	On-site recreation; 4 self build plots, 12 affordable units	Not commenced.
65327	Land at George Street, Prestwich, Manchester, M25 9WS	Erection of a synagogoue (Class D2) and offices (B1) together with associated vehicular access and car parking.	A car park monitoring contribution of £7,500 and a parking scheme contribution of £12,500 are due upon commencement.	Not commenced.
65664	Old Hall, Lower Chesham	Residential development for 3 no. dwellings with associated access, car parking and landscaping works to allow cross-funding renovation and repair of Lower Chesham Hall	The development be carried out in strict accordance with a Phased Link Development Management Programme to secure renovation and repair works to the Listed Building. Listed Building Consent must be granted and a Phased Link Development Management Programme must be approved before the commencement of development.	Not commenced.
65379 66074	Lord Clive Pub, 92 Mersey Drive, Whitefield, Manchester, M45 8LF	Demolition of existing building and construction of a three storey block of apartments consisting of 27 no. units	100% affordable housing	Completed April 2022. Ongoing affordable housing obligation.

Application	Site	Description	Requirements	Current Status
65525	Topping Mill, Topping Street, Bury, BL9 6DR	Change of use of former industrial premises (Class B2) into 15 no. residential apartments (Class C3)	£23,429.25 recreation contribution	Not commenced.
66090	Woolfield House, Wash Lane, Bury, BL9 6BJ	Change of use into 9no. one bed apartments and 2no. two bed apartments	The Agreement requires an affordable housing contribution payable prior to or upon occupation of the sixth unit. The contribution will be 20% of the open market value of Unit 11 to be evidenced by a RICS valuation.	Not commenced.
67546	Land at Morris Street, Radcliffe, Manchester, M26 2HF	Construction of 25no. dwellings with associated access, landscaping and ancillary works. Variation of conditions 2 (approved plans) and 4 (materials) and removal of condition 3 (affordable housing) which will be replaced by a legal agreement.	100% affordable housing.	Under construction.
67431	Land off Poppythorn Lane, Prestwich	Residential development of 6 apartments and 12 duplexes	The agreement requires a recreation contribution of £24,991.20 payable on the commencement of the development and two affordable housing units to be sold at a 20% discount.	Not commenced.

Application	Site	Description	Requirements	Current Status
67109	Land off Kirkman Street, Bury (Land east of the Bungalow, 2 Kirkman Street. Bury BL9 8DX)	Proposed new residential development for 9 no. dwellings with associated infrastructure	<p>An Ecological Contribution of £6,000.</p> <p>The provision of a Residents Parking Area prior to any works commencing - other than works to level the site.</p> <p>A maintenance plan for the area is required for approval prior to commencement.</p>	Not commenced.

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