

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	23 JUNE 2015
SUBJECT:	SECTION 106 OBLIGATIONS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	PHILIPPA BRUNSDEN
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report outlines the contributions made by S106 obligations since 1 October 2015 and summarises agreements that are outstanding.
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to note the report.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? N/A
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:	N/A
Considered by Monitoring Officer:	N/A
Wards Affected:	ALL
Scrutiny Interest:	N/A

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. S106 Agreements signed after 6 April 2015 also have to identify which specific infrastructure project the contribution will be spent on and the Council can only enter into a maximum of five obligations for each individual infrastructure project.
- 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 This report outlines the contributions provided by S106 obligations in the 6 months from 1 October 2014 to 31 March 2015 and identifies those Agreements where obligations are outstanding and those where triggers have not yet been reached.

2.0 Schemes Provided and Obligations Complied With

- 2.1 A 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 October 2014 and 31 March 2015 at Appendix B.
- 2.2 Table 1 below identifies contributions received in the six months from 1 October 2014 and 31 March 2015, and unspent contributions as at 31 March 2015.
- 2.3 Over the six month period from 1 April 2014 and 30 September 2014 a total of **£75,272.37** has been collected from 8 separate sites. The overall income and expenditure is broken down in Table 1 overleaf.
- 2.4 The total amount of s106 contributions held by the Council as of 31 March 2015 is also included in the table below, and stands at **£3,021,352.72**. 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, and in some cases contributions are for the long term maintenance of land that has been transferred to the Council.

- 2.5 Since 31 March 2015 a further **£589,008.20** has been received, which breaks down as £400,882.45 of recreation contributions from three sites, £156,125.75 of affordable housing contributions from one site and £32,000.00 for a heat network feasibility study from one site. These are excluded from the table below, but are detailed in Appendix B and will be added to the amount received and total balance in the next S106 monitoring report.

Table 1: S106 income, expenditure and unspent balance

Expenditure type	Contributions received 1 October 2014 to 31 March 2015	Total amount spent 1 October 2014 to 31 March 2015	Total value of unspent contributions as at 31 March 2015	Comments
Recreation enhancement	£56,522.37	£57,957.26	£595,319.12	All allocated with the exception of contributions paid upfront that can't be allocated until commencement of development and £28,494.48 awaiting allocation. Ward members are likely to be consulted on the next round of allocations around September 2015. The balance includes £6,293.42 interest accrued in 2014/15.
Recreation maintenance	-	-	£149,615.85	All allocated to maintenance of transferred land. The balance includes interest earned, £1,575.87 in 2014/15.
Local Nature Reserves	-	£16,900.14	£135,254.01	All allocated. (Expenditure figures are for the whole of 2014/15).
Roch Valley Greenway maintenance fund & repair and maintenance of goyt	-	-	£130,823.00	Awaiting transfer of land.
Shrewsbury House Woodland contribution	-	-	£3,000.00	To be used to improve and enhance existing woodland in the locality of Shrewsbury House, Prestwich. Friends of Prestwich Forest Park have been engaged to carry out the work.

Public art	-	£26,965.52	£191,123.82	The majority of expenditure in the past 6 months was on a project in the Kirklees Valley which is due to be installed later this year. The balance includes £2,370.80 interest earned 2014/15.
Employment enabling works	-	£285.00	£827,590.72	£54,641.46 allocated, remainder ring fenced.
Affordable Housing	£18,750.00	-	£919,786.25	£617,000 allocated to bring empty properties back into use as affordable housing across the Borough, remainder ring fenced for AH.
Clerke Street study	-	£3,540.90	£13,059.10	Contribution to a study to identify a reuse or redevelopment scheme for land at Clerke Street. Survey work and an area study have been commissioned.
Highways	-	-	£45,780.85	The 1 st of 2 vehicle activated signs at Fletcher Bank has been ordered but the contribution has not yet been spent. The £35,780.85 for improvements to Redford Street is currently unspent as the adjoining development is not yet completed.
Public Realm	-	-	£10,000.00	Contribution for public realm improvements to improve the linkages between Aldi and Prestwich town centre.
TOTAL	£75,272.37	£105,648.82	£3,021,352.72	

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 six month period from 1 October 2014 and 31 March 2015, and total balances are as at 31 March 2015. Be Fit Close Park maintenance contribution was included in the previous S106 report as recreation maintenance but has now been excluded as it is not S106 funded.

Recreation

2.6 In the six months from 1 October 2014 to 31 March 2015 £57,957.26 of recreation contributions has been spent. This has gone towards improvements at a number of sites including

- Fencing at Allen's Green bowling club;
- Close Park and Whitefield bowling pavilions;
- Bolton Road West allotments;
- Play areas at Abden Street, Openshaw Park, Sycamore Road, Nuttall Park and Ramsbottom play area;
- Works to the Green flag parks at Clarence Park, Openshaw Park and Close Park;
- King George V Outwood pavilion showers, electrics and painting; and
- St Mary's flower park.

2.7 In terms of future spending, funding has also been allocated to a number of projects across the Borough, including works to play areas, improvements to parks, bowling facilities and allotments. The priority is to ensure that S106 recreation contributions are allocated within the area where the development took place. Potential project ideas are identified based on Green Space Strategy, the Play Strategy, local priorities, opportunities for maximising the money by attracting external funding, etc. Ward Councillors are consulted in writing, and feedback from them informs the final list of schemes. The last consultation took place in November 2014, and the next is likely to take place around September 2015.

Local Nature Reserves

2.8 From 1 April 2014 to 31 March 2015, £3,300.00 of S106 contributions from developments at Kirklees Bleachworks, Olives Paper Mill and Radcliffe Paper Mill has been used, as specified in the agreements, to improve the adjacent natural environment. This funding has supported the development of Local Nature Reserves, including physical works and the time charges of a Project Officer. The LNR officer is currently undertaking projects in the Kirklees Valley LNR and at the newly declared Chapelfield, Radcliffe.

2.9 In the Kirklees Valley, £30,129.75 of s106 contributions, including those from the Kirklees Bleachworks redevelopment, have been committed as match funding in a successful application for £120,519.00 of Woodland Improvement Grant (WIG) from the Forestry Commission (total scheme value £150,648.75, 20% match funded through s106). Implementation of the grant-aided improvement work has now commenced, including approximately 400 metres of new footpath surfacing and a self closing kissing gate, and improvement of access for fishing around Carcass Lodges, Kirklees Street. £7,602.64 of S106 contributions has been spent to date on the WIG project. A further £247.50 of S106 contributions has been spent between 1 October 2014 and 31 March 2015 on Japanese knotweed spraying, completing a PEC funded access project which created the first phase of a bridle route from Kirklees Street to Sunnywood. A preliminary assessment of the reservoirs inherited as part of the s106 Kirklees land transfer, at a cost of £5,750 has also been commissioned from s106 contributions.

2.10 In October 2014 Planning Control Committee resolved to declare land at Chapelfield, formerly belonging to the former Radcliffe Paper Mill, as the Borough's sixth Local Nature Reserve. The Local Nature Reserves officer has already led community task days with local volunteers and a pond dipping platform has been installed. Draft proposals have been drawn up for improvements, particularly at entrances to the site and it is intended to seek

additional external funding for the work, using the s106 contributions as match funding.

Public Art

- 2.11 In relation to provision of public art projects, £26,965.52 has been spent between 1 October 2014 and 31 March 2015.
- 2.12 A proposal by the artist Hillary Jack for a contemporary artwork entitled "Emergency Meadow" has been commissioned for the Kirklees Trail using the Olives Paper Mill contribution and is due to be installed later in 2015. £15,000 was spent on this project between 1 October 2014 and 31 March 2015. The remaining expenditure of £11,965.52 has been on sculpture centre projects.
- 2.13 Following the publication of Government guidance which advised that planning obligations should not be sought if they are not considered necessary to make a development acceptable in planning terms, financial contributions for public art are not currently being sought for new planning applications.

Employment Enabling Works

- 2.14 A total of £201,643.15 of expenditure from the Employment Land Development Fund has been agreed by the Executive Director in consultation with the Resources and Regulation Portfolio Holder, following recommendations from the Strategic Sites Officers Group. As of 1 April 2015, £147,001.69 of the allocated funds has been spent. £62,461.15 has been approved to fund projects designed to assist in bringing the Chamberhall site forward, including site marketing, the removal of Japanese Knotweed, tree thinning to assist with the formation of development plots and topographical survey work. £12,000 has been allocated to Townside for marketing and site investigation work. £127,182 has been approved and allocated to projects at Bradley Fold, including a contribution to demolition of existing dilapidated buildings and site preparation to create development opportunities and for site investigations / feasibility work.
- 2.15 Of the agreed expenditure, £36,740.03 has been spent to date at Chamberhall on site marketing, topographical surveys, masterplanning and weed and tree eradication (£285 of this in the past 6 months). £2,300 has been spent to date at Townside on topographical and environmental surveys (none in the past 6 months). £107,961.66 has been spent at Bradley Fold on demolition and feasibility work (none in the past 6 months).

Affordable Housing

- 2.16 Section 106 Agreements have also required developers to make provision on site for affordable housing. As of 1 April 2015 191 affordable dwellings have been identified as completed as a result of planning policy requirements through S106 agreements since the adoption of SPG5 in 2004. To date, 160 of these have been sold, rented out or are under offer to people on the Affordable Housing Scheme. In addition, some of these properties have been subsequently re-sold, re-let or are under offer, again to households on the Affordable Housing Scheme.
- 2.17 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. Up to 31 March 2015 35 properties to date have been sold this way, amounting to £919,786.25 in commuted sum payments being received for affordable housing. Since 31 March 2015 a further four properties have been sold, with contributions totalling £156,125.75 paid to the Council. These contributions will be spent in accordance with Bury's Affordable Housing Strategy 2011-2016,

which identifies a range of initiatives for expenditure. Spending of 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.

- 2.18 In August 2012 Cabinet agreed to spend £617,000 of the monies received on bringing 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 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 of 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.

Highways

- 2.19 £35,780.85 has been received for improvements to Redford Street, Bury, required as a result of the redevelopment of the former Elton Cop Dyeworks on Walshaw Road. Construction on this site is currently ongoing (95 out of 111 dwellings have been completed), and the contribution must be spent or committed for expenditure within twelve months from the date of occupation of the final unit in the development.
- 2.20 Plans are also progressing to use the £10,000 Fletcher Bank contribution for the installation of vehicle activated signs on the A56 Manchester Road / Whalley Road. The first of two signs has been ordered and will be affixed when a pole and power supply are in place.

3.0 Outstanding Obligations

- 3.1 A list of all outstanding obligations is attached to this report at Appendix C. These are divided into those where triggers have been reached (Appendix C – 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).

Outstanding S106 obligations where triggers have been reached

- 3.2 In summary, 15 developments have been identified as having outstanding obligations that are now due and are being pursued by the Council. Of these, 12 require financial contributions, totalling £148,936.42 (compared to £74,218.99 outstanding in the November 2014 report). These contributions can be broken down as shown in the table below:

Requirement	Total amount negotiated
Recreation	£119,348.13
Wildlife link maintenance contribution (due when the land is transferred)	£29,588.32
TOTAL	£148,936.42

- 3.3 Transfer of land is outstanding from five schemes, and landscaping works and provision of paths are also due. The outstanding contributions and on-site provisions are being pursued initially by contacting the parties involved and, if necessary, debt recovery proceedings or court injunctions will be considered. Dealing with transfers of land required through a s106 can be a lengthy

process, as outstanding issues may need to be resolved before the land can be transferred.

- 3.4 In addition, in the specific case of the recreation contributions for the former garden centre, Tottington Road, Bury (£5,563.76) and the former Sainsbury's Site, Fairfax Road, Prestwich (£1,779.60) due to the liquidation of the developer in the case of Tottington Road, difficulties in tracing the parties involved and the low value of the Fairfax Road contribution it is not considered expedient to take further action. A public art contribution for Manchester Maccabi (£10,000) and on-site public art on two sites are also outstanding but are not being actively pursued. These should be considered to be exceptional cases, as the Council is keen to take every effort to pursue outstanding obligations.

Section 106 Agreements not yet triggered

- 3.5 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 superceded permissions are included on the list for information but not included in the totals below.
- 3.6 The total sum of financial contributions required under these Agreements is around £1.3 million. 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. The terms of each Section 106 obligation will also specify how these funds can be spent. These contributions can be broken down as shown in the table overleaf:

Requirement	Total amount negotiated
Recreation	£428,064.42
Transport	£250,200.00
Footpaths	£20,000.00
Canal restoration contribution	£120,000.00
Ecology	£57,000.00
Affordable Housing contribution	£346,000.00
Education contribution	£110,285.00
TOTAL	£1,331,549.42

- 3.7 In relation to non-financial contributions, these agreements require the following:
- 41 affordable dwellings, plus a further 65 affordable dwellings on housing association developments;
 - Leachate management, aftercare / restoration of tip and reinstatement of public access following restoration at Pilsworth;
 - Riverside walkway at the East Lancashire Paper Mill site;
 - Metrolink crossing at Townside, subject to obtaining necessary consents;
 - Relocation of Tetrosyl from Bevis Green to a site within the Borough, otherwise a financial contribution for loss of employment land will be payable;
 - Restrictions on number of vehicles and fishing pegs at Elton Vale Road, Bury;
 - Provision of a cycle path and implementation of an ecological management plan at Spen Moor, Bury;
 - Phased / linked development of refurbishment of Shrewsbury House with the new build units.
- 3.8 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.

4.0 Restrictions on pooling of S106 contributions

- 4.1 The Community Infrastructure Levy Regulations have imposed new restrictions on pooling S106 contributions which came into effect from 6 April 2015. These restrictions prevent the pooling of more than five S106 contributions for a specific project or type of infrastructure. The current system of collecting generic 'recreation' or 'employment' contributions is no longer permitted.
- 4.2 In order to continue to require S106 recreation or employment contributions, the Council now has to identify within the S106 agreement exactly what project the contribution will be spent on, and can then enter into up to five obligations for each individual project. These restrictions do not apply to contributions that are secured via Agreements signed prior to 6 April 2015.
- 4.3 Non-financial S106 obligations, such as on site provision of paths and transfers of land will be unaffected, and maintenance contributions are tied to specific areas of land so are unlikely to reach the pooling limits. The restrictions do not apply to affordable housing contributions.

5.0 Conclusion

- 5.1 Section 106 obligations have led to significant investment and improvement across the Borough, and the role of Planning in securing financial contributions and non-financial achievements should be noted.
- 5.2 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:-

- Appendix A – Schemes provided via Section 106 commuted sums
Appendix B – Obligations complied with 1 October 2014 – 31 March 2015
Appendix C – Outstanding obligations

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APPENDIX A – SCHEMES PROVIDED VIA S106 COMMUTED SUMS

Type of contribution	Scheme provided / location	Money spent 1 October 2014 – 31 March 2015 (2014/15 for LNR)
Recreation	Allen's Green bowling club fencing	£8,200.00
Recreation	Close Park Bowling Pavillion	£326.26
Recreation	Whitefield Bowling Pavillion	£4,203.22
Recreation	Bolton Road West allotments – access path and water main	£2,370.00
Recreation	Ramsbottom Play Area	£4,270.00
Recreation	Abden St Play Area	£2,870.00
Recreation	Green Flag – Clarence Park	£97.00
Recreation	Green Flag – Openshaw Park	£4,200.00
Recreation	Green Flag – Close Park	£1,100.00
Recreation	Openshaw Park play area improvements	£12,190.00
Recreation	Sycamore Road Play Area	£128.00
Recreation	Nuttall Park Play Area improvement	£7,000.00
Recreation	King George V Outwood pavilion showers, electrics, painting	£10,842.44
Recreation	St Marys Flower Park	£160.34
Public art	Kirklees Valley Hilary Jack "Emergency Meadow" art work	£15,000.00
Public art	Bury Sculpture Centre projects	£11,965.52
Local Nature Reserves	Local Nature Reserves Officer	£3,300.00
Local Nature Reserves	Kirklees Valley lakes assessment	£5,750.00
Local Nature Reserves	Kirklees Valley Woodland Improvement Grant match funding	£7,602.64
Local Nature Reserves	Kirklees Valley PEC funded access project (1 st phase of a bridle route from Kirklees Street to Sunnywood) – Japanese Knotweed spraying	£247.50
Employment	Chamberhall weed eradication	£285.00
Clerke Street Study	Clerke St study framework, drawings and footfall surveys	£3,540.90
TOTAL		£105,648.82

APPENDIX B – OBLIGATIONS COMPLIED WITH 1 OCTOBER 2014 – 31 MARCH 2015

Application	Site	Description	Obligation complied with
40350	Rear of Brookshaw Street, Bury (now known as Clarence Close)	19 dwellings	£5,390.84 recreation contribution paid 27/3/15
44967	Old Dunsters Farm, Hebburn Drive, Bury	Residential development – 22 no. apartments	£1,500 paid 1/10/14 – 31/3/15. Original amount due was £7,907.68, plus £500 interest plus £820.00 debt recovery costs. Total paid to 31/3/15 = £8,500.00. £727.68 remains outstanding.
56973	Manor House, Fletcher Fold, Bury, BL9 9RT	Erection of 3 no. dwellings and garages (retrospective); Erection of 2 no. dwellings and garages.	£10,264.00 recreation contribution paid 8/10/14
57104	Land south of Westgate Avenue, Ramsbottom	Demolition of existing buildings and construction of 6 semi-detached houses and 2 detached houses (resubmission).	£26,104.32 recreation contribution paid 27/10/14
57459	Land at Heap Street, Radcliffe, M26 2SZ	Erection of 2 no. dwellings.	£6,420.55 recreation contribution paid prior to commencement 19/12/14
57712	9 Parkwood Cottages, Old Hall Lane, Prestwich, M25 5SL	Change of use from 'granny flat' to separate dwelling and installation of decking area and 2 no. conservation roof lights.	£3,421.33 recreation contribution paid upfront 28/10/14
57757	38 Walmersley Road, Bury	Change of use of first floor of restaurant (A3) to 2-bed residential flat (C3); New shop front and external render.	£1,709.86 recreation contribution paid upfront 17/9/14 (Collected prior to 1 October 2014 but missed from list in previous report)
57852	Land at 2 Kestrel Close, Whitefield, M45 6SB	Erection of new two storey dwelling (resubmission).	£3,421.33 recreation contribution paid upfront 8/10/14
54148, 57016, 57019, 57024	Land at James Street / Johnson Street, Radcliffe	Residential development – 90 dwellings.	£18,750 affordable housing contribution for plot 61 (35 Rayleigh Close) received 17/12/14.

Contributions received after 31 March 2015 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 31 March 2015

Application	Site	Description	Obligation complied with
54148, 57016, 57019, 57024	Land at James Street / Johnson Street, Radcliffe	Residential development – 90 dwellings.	Part of 2 nd instalment for recreation paid 27/5/15. £47,135.50 received, £5,155.19 outstanding.
55312	Former Elton Cop Dye Works, Walshaw Road, Bury, BL8 1NG	Residential development comprising of 111 dwellings, access and associated works	£348,617.36 recreation contribution received 28/5/15. Affordable housing contributions received: 5 Scholars View: £39,600 – 8/4/15 9 Scholars View: £37,500 – 8/4/15 108 Scholars View: £39,998.75 – 8/4/15 25 Scholars View: £39,027.00 – 13/5/15
55987	The Crown Hotel, 128 Rochdale Road, Bury, BL9 7AY	Ground floor retail unit extension into former public house; Two storey extension at rear and creation of four flats at ground/first & second floor levels.	£5,129.59 recreation contribution received 4/6/15
39700, 53453	Pilsworth South Quarry	Extraction of sand, restoration to agriculture, woodland and amenity using controlled waste. Demolition of Hill Top and Captain's Farms and outline application for single two storey replacement dwelling.	£32,000 commuted sum to establish the feasibility of establishing a local heat network paid 1/6/15. Leachate management, aftercare / restoration of tip and reinstatement of public access following restoration.

APPENDIX C – OUTSTANDING OBLIGATIONS

Part 1: S106 obligations where triggers have been reached

Application	Site	Description	Outstanding Obligations	Action
38586, 40942	Former Bibby and Baron Premises, Dumers Lane, Bury	Residential and mixed use employment development	On site public art.	Not expedient to take any further action.
40174	Former Garden Centre, Tottington Road, Bury (now known as Riverbank apartments), BL8 1JY	17 apartments	£5,563.76 recreation payment.	Developer is in liquidation. Not expedient to take any further action.
40190	Former Sainsbury's Site, Fairfax Road, Prestwich	Demolition of existing buildings and new build mixed use development comprising of retail, food and drink and leisure on the ground floor	£1,779.60 recreation payment (underpayment - £51,608.40 has been received, but £53,388 was due).	Previous letters have been ignored. Not expedient to take any further action.
40947	Manchester Maccabi AFC, Bury Old Road, Prestwich	Erection of sports clubhouse, 2 no. floodlit external all weather pitches, associated car parking, servicing and landscaping, ball stop fencing to grass pitches	£10,000 public art payment.	Payment remains outstanding. Not expedient to take any further action.
43920	George Hotel, George Street, Prestwich (now known as Sedgley Gardens)	Retail development and 24 apartments	On site public art. £1,000 public art maintenance payment.	No art has been provided on site to date, not expedient to take any further action.
36632, 40345	Land off Gigg Lane, Bury	152 dwellings	Transfer of land	The boundary of the land was incorrect on the original S106 agreement so the transfer of land was unsuccessful. Efforts to progress the transfer of land are ongoing.

Application	Site	Description	Outstanding Obligations	Action
38312, 39060, 49447, 53180, 53263	Land east of Brandlesholme Road and west of Woodhill Road, Bury	38312: 2 dwellings 39060: 5 detached houses 49447: 3 detached houses 53180: 2 detached dwellings 53263: Change of use from public open space to domestic garden.	The S106 requires the provision of recreational path / cycleway link, landscaping, transfer of wildlife corridor following completion of landscaping works, maintenance and ongoing access rights. The recreational path has been surfaced but some of the landscaping works have not been completed.	Ongoing dialogue with the developer.
44967	Old Dunsters Farm, Hebburn Drive, Bury	Residential development – 22 no. apartments	£7,907.68 recreation payment due prior to occupation of the 11 th unit. Additional £500 interest plus £820.00 debt recovery costs payable. Total paid to 31/3/15 = £8,500.00. £727.68 remains outstanding.	Instigation of debt recovery action has resulted in an instalment plan of £500 per month being agreed, including the Council's costs and an interest contribution. £8,500 received to date.
49310, 52012	Former railway track off Ainsworth Road, Radcliffe	Erection of 13 dwellings (Phase 1)	£16,688.90 wildlife link maintenance contribution, formation of wildlife link and transfer of land, construction of a cycleway. Due prior to occupation of 11 dwellings.	Development completed. Recreation contribution has been paid and the cycleway has been provided, negotiations are underway regarding transfer of land, subject to satisfactory completion of landscaping works.
50315, 52764	Former railway track, Ainsworth Road, Radcliffe	Erection of 10 no. dwellings (Phase 2)	£12,899.42 wildlife link maintenance contribution and transfer of land within 6 months of completion, construction of a cycleway, public access along road in absence of adoption.	Development completed. Recreation contribution has been paid and the cycleway has been provided, negotiations are underway regarding transfer of land, subject to satisfactory completion of landscaping works.

Application	Site	Description	Outstanding Obligations	Action
49667 54802	Olives Paper Mill, Tottington Road, Bury	Development of 90 residential units including landscaping	Transfer of recreation land due prior to occupation of the 45 th dwelling. (Other obligations have been complied with or are not yet triggered). Payment of £25,000 brook link contribution when the Council has obtained the right to access the land on the northern side of the brook. Provision of Olive Bank and Brook Link. On site affordable housing – 18 units (in progress, financial contributions received in lieu of on site provision for 6 units)	The Council are in negotiation with Persimmon to secure the transfer of the recreation land. Persimmon have engaged a bridge engineer to design the brook link bridge. The brook link contribution and provision of the Brook Link will be due when a formal right to access the land has been obtained.
52821, 55235	Land adjacent to 103 Walmersley Road, Bury	Erection of 11 no. flats in 3/4 storey block together with parking	£5,017.32 recreation payment due upon commencement.	Under construction. Contribution now due. Letter requesting payment sent 4/9/14, developer has requested additional time to pay.
54148, 57016, 57019, 57024	Land at James Street / Johnson Street, Radcliffe	Residential development – 90 dwellings.	£99,427.14 recreation contribution payable in 2 instalments, on substantial completion of the 30 th and 70 th dwellings. 1 st instalment paid, 2 nd instalment part paid, £5,155.19 remains outstanding. 5 affordable units on site, with potential for an overage payment dependent upon actual Gross Development Value. £18,750 commuted sum paid 17/12/14 for plot 61 in lieu of on- site provision.	Under construction. 55 dwellings completed. First instalment of £47,136.50 received 11/3/13. Part of 2 nd instalment (£47,135.50) received 27/5/15. £5,155.19 remains outstanding – letter sent chasing payment 27/5/15.

Application	Site	Description	Outstanding Obligations	Action
55312	Former Elton Cop Dye Works, Walshaw Road, Bury, BL8 1NG	Residential development comprising of 111 dwellings, access and associated works	£288,600 employment contribution paid 10/5/13. £35,780.85 highways contribution paid 4/8/14. £348,617.36 recreation contribution paid 28/5/15. Interest on late payment remains outstanding. 25% on site affordable housing (28 units). Commutated sums have been received for 4 of the affordable units. (£156,125.75 paid after 31/3/15)	The site is now under construction. Recreation contribution of £348,617.36 received 28/5/15 but interest on late payment of this contribution remains outstanding (£10,659.09 to 28 May 2015).
55512	Birtle Barn, School House Farm, Castle Hill Road, Bury	Conversion of an existing barn to two storey dwelling including erection of carport and store.	£3,421.33 recreation contribution due on commencement.	Under construction. Contribution now due. Letter requesting payment sent 30/7/14. Owner has requested additional time to pay.
56925	Plot No. 2 Ringley Chase, Whitefield, Manchester, M45 7UA	Erection of detached dormer bungalow with existing hard standing for car parking and maintaining the existing vehicular access to the site with associated landscaping.	£3,421.33 recreation contribution due on commencement.	Under construction. Letter sent 12/5/15 chasing payment.
57089	Land at Hunt Fold House, off Hayfield Close, Greenmount, Bury BL8 4HU	Erection of 1 no. bungalow	£3421.33 recreation contribution due on commencement	Under construction. Letter sent 12/5/15 chasing payment.
57170	Land between 16 & 18 Ribble Drive, Whitefield, Manchester, M45 8WJ	Erection of 2 semi-detached dwellings (resubmission of 56495)	£6,420.55 recreation contribution due on commencement	Under construction. Letter sent 12/5/15 chasing payment.
57255	Land off Radcliffe Road/Inglewhite Close, Bury, BL9 9JT	Erection of 34 no. dwellings (resubmission)	£55,000 recreation contribution due prior to or upon commencement. 8 affordable dwellings on site, 25% discount.	Under construction – need to chase the recreation contribution.

Application	Site	Description	Outstanding Obligations	Action
57464	Land off Kingswood Road, Prestwich, Manchester, M25 3BP	Demolition of existing buildings for residential development of 6 detached and 18 semi-detached houses with associated external works.	Recreation contribution in 3 instalments: £26,104.31 on commencement, £26,104.31 on completion of the 1st and £26,104.32 on completion of the 10th unit	Under construction, need to chase the 1 st instalment.

Part 2: S106 obligations not yet triggered

Application	Site	Description	Requirements	Current Status
39700, 53453	Pilsworth South Quarry	Extraction of sand, restoration to agriculture, woodland and amenity using controlled waste. Demolition of Hill Top and Captain's Farms and outline application for single two storey replacement dwelling.	£32,000 commuted sum to establish the feasibility of establishing a local heat network, paid 1/6/15 Leachate management, aftercare / restoration of tip and reinstatement of public access following restoration.	Infilling has commenced, financial contribution paid. Ongoing long term management and restoration obligation.
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. Site is currently on the market.
45598, 55901	Former East Lancs Papermill Site, Cock Clod Street, Radcliffe (Radcliffe Riverside)	Hybrid outline application for mixed use development comprising Class B1, B2, B8, industry, residential development, water feature, open space and full application for secondary school and highway infrastructure. Application 55901 extends the time limit for the outline element and condition 2 of the original application.	£37,000 ecological payment, £20,000 environmental monitoring payment, £196,440 Metrolink payment, £10,000 Irwell Bridge payment due prior to commencement (excluding preparatory works). Transfer of riverside walkway prior to occupation of 30% of the dwellings, and payment of £10,000 maintenance sum. £120,000 canal restoration payment and £53,760 GMPTE car park improvement prior to occupation of 60% of the dwelling. All payments index linked.	Not commenced.
47200	Townside Fields, Bury	Mixed use development	Layout and maintain footpaths and to use best endeavours to provide Metrolink crossing.	Development commenced. Some elements completed.
49718, 53800	Park Hotel, Lowther Road, Prestwich	Three storey block of thirty apartments with car parking and associated works. 53800: application for extension of time.	£14,396.40 recreation payment due upon 1 st occupation.	Not commenced – permission expired.
49805 54303	Land between 78 Mile Lane and Mile Lane Health Centre, Bury	Outline application for sheltered accommodation for the elderly comprising of 14 units including wardens flat. 54303: application for extension of time.	Occupation restricted to persons over 55.	Not commenced, outline only. Permission expired.

Application	Site	Description	Requirements	Current Status
50058, 50948	Former Albert Inn, Ribble Drive, Whitefield, (Albert Place)	Erection of 6 retail units with 15 flats above; associated access, parking, servicing and landscaping.	£6,176.40 recreation payment due upon the sale of the 3 rd market unit. On site affordable housing – 3 dwellings.	Development nearly completed and few sold to date. Original developer went into receivership.
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 1 st occupation of each block.	Not commenced.
51623	Former Elton Vale Works, Elton Vale Road, Bury	Residential development – 16 dwellings.	Ongoing requirement regarding reservoir maintenance.	Development completed.
53231	Holcombe Brook Tennis Club	Erection of 55 sheltered flats for the elderly.	£346,000 affordable housing contribution (plus additional index linked contribution) payable in instalments. First instalment due on occupation of the 13 th dwelling.	Site has been cleared and ground works started. Trigger not reached.
53353	Whitefield House, Pinfold Lane, Whitefield	60-bed care home within ancillary clinic / rehab facilities, car parking and landscaping.	£50,000 recreation contribution due upon commencement.	Not commenced.
53562	12-22 Warwick Street, Prestwich	Demolition of existing building and erection of 4 no. 2-bed houses, 4 no. 3-bed houses and 4 no. 2-bed houses.	£8,322.93 recreation payment due upon 1 st occupation. Restoration of footpath.	Under construction, none completed.
53629	York Street Mill, York Street, Bury	Conversion, extension and refurbishment existing mill building to create 24 apartment dwellings.	£10,946.88 recreation payment due prior to commencement. On site affordable housing – 6 dwellings.	Not commenced, permission expired.
53762	Bevis Green Works (Tetrosyl), Mill Road, Bury, BL9 6RE	Outline residential development at Bevis Green (275 dwellings) with associated access, car parking, landscaping, and recreational open space shown illustratively.	Relocation of Tetrosyl to a site within the Borough, otherwise a financial contribution for loss of employment will be due if the site is to be redeveloped for residential.	Not commenced, permission expired?
54717	Land at Elton Vale Road, Bury, BL8 2RZ	Residential development - 4 no. dwellings, 1 no. water bailiffs cottage and 2 no. units for temporary accommodation for fishing lodges	Restricted to 15 parked vehicles, 45 fishing pegs, advise fisheries users that they must not park in Elton Vale Road or Foulds Avenue, keep records of lettings for fishing lodges.	Under construction.

Application	Site	Description	Requirements	Current Status
54804	Land to rear of 60 Sandy Lane, The Downs, Prestwich, Manchester, M25 9NB	Erection of 1 no. dwelling with detached garage	£3,421.33 recreation contribution due on commencement.	Not commenced. Alternative permission granted with no recreation requirement (58503).
54838	Land at 49 Rainsough Brow, Prestwich	Proposed 3 storey building consisting of 200sqm retail space at ground floor and 6 no. apartments at first and second floor level.	£10,259.18 due for recreation prior to or upon commencement.	Not commenced. Permission expired – alternative permission for retail only is being implemented.
54975	Halter Inn Works, Holcombe Brook, Ramsbottom	Demolition of existing industrial buildings and erection of 3 detached dwellings.	£10,264 recreation contribution due on commencement.	Not commenced. Permission expired in May 2015.
54993	7-9 Prestwich Park Road, Prestwich	Erection of one new dwelling.	£3,421.33 recreation contribution due on commencement.	Alternative application submitted but not yet determined (58712)
55003	Land at Spen Moor, Bury and Bloton Road, Radcliffe, M26 0JZ	Outline - Residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	£67,594 education contribution due prior to occupation. Provision of cycle path. Implement ecological management plan.	Not commenced – outline application only.
55170	118 Rectory Lane, Prestwich, M25 1DJ	Mixed use development comprising of 2 storey building with a ground floor retail unit (Class A1) and 3 no. flats (Class C3) at first floor with associated car parking and service yard facility	£5,129.59 recreation contribution due on commencement.	Not commenced.
55175	The Rowans, 120 Tottington Road, Bury, BL8 1LR	Erection of two dwellings.	£6,420.55 recreation contribution due on commencement.	Not commenced.
55198	Land adjacent to 1 Ribchester Drive, Bury	Residential development of 5 no. 3-storey townhouses.	£14,431.44 recreation contribution due on commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
55301	Tonge Fold, Hawkshaw Lane, Hawkshaw, Bury, BL8 4LD	Division of 1 dwelling into 2 dwellings; Single storey extension at rear	£2,886.29 recreation contribution due on commencement	Not commenced.
55374	Former Red Bank Health Centre, Unsworth Street, Radcliffe	Demolition of existing health centre and erection of 11 2-storey residential houses.	£32,397.14 recreation contribution due in 3 installments: £11,000 on commencement, £11,000 on occupation of the 5 th unit and £10,397.14 on occupation of the 8 th unit.	Not commenced.
55429	Workshop adjacent to 40 Manchester Road, Ramsbottom, Bury, BL0 0DH	Change of use and extension and alterations to workshop (Class B1) to form dwelling (Class C3) - resubmission	£3,421.33 recreation contribution due on commencement.	Alternative application approved with no recreation requirement (58247).
55580	194 Hornby Street, Bury, BL9 5BA	Change of use from offices (Class B2) to 2 no. flats (Class C3)	£3,419.73 recreation contribution due on commencement.	Not commenced.
55583	Land off Morris Street, Radcliffe, Manchester, M26 2HF	Erection of 14 no. three-storey dwellings with raised gardens, including extension to Morris Street and associated pedestrian footpaths.	£41,703.97 recreation contribution due on commencement, but only if the riverside park assoc with 55584 has not been landscaped, laid out and made available for use by the public.	Not commenced, but the riverside park has been provided.
55584	Land at Dumers Lane and Morris Street, Radcliffe	Mixed use development comprising 11 x Class B1 (b), B1 (c) and B8 units totalling 3,368 sqm (GIA) of floorspace and 239 dwellings, riverside park and habitat creation scheme, associated land raising, access and estate roads, sub-station, landscaping and flood mitigation measures.	Phased completion of employment units (in progress), 24 units on-site affordable housing and affordable housing overage clause, on site recreation (riverside park).	Under construction. Practical completion of employment units signed off and riverside park provided.
55608	Old Bartles Farmhouse, Watling Street, Affetside, Bury	Conversion of building to dwelling and rebuild of garage on footprint of cart store; erection of stables to replace existing chicken shed	£3,421.33 recreation contribution due on commencement.	Alternative application approved with no recreation requirement (58191)
55610	Huntley House, Chesham Fold Road, Bury	Erection of 4 no. dwellings (resubmission)	£12,841.10 recreation contribution due prior to commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
55741	Thurston Fold Farm, Castle Road, Bury, BL9 8QS	Change of use and extension of existing barn building to 5 no. self contained dwellings together with removal of existing double-height garage and reinstatement of windows and erection of new porch to existing farmhouse (resubmission)	£14,431.44 recreation contribution due on commencement.	Not commenced.
55815	Woolpack Hotel, 5 Stand Lane, Radcliffe, Manchester, M26 1NW	Conversion, alteration & extension of existing public house and hotel to form 14 no. 1 & 2 bedroom apartments and associated works	£11,969.04 recreation contribution due on 1st occupation. Overage clause to require an additional contribution up to £11,969.04 depending on overall GDV.	Under construction. None completed.
55858	Shrewsbury House, Lowther Road, Prestwich, Manchester, M25 9QG	Refurbishment and extension of Shrewsbury House and construction of 4 no. detached dwellings with access and associated works.	£13,685.33 recreation (Paid), £3,000 woodland contribution (Paid), phased / linked development of refurbishment of Shrewsbury House with the new build units.	Under construction. None completed.
55915	Site of former Cussons Sons & Co Ltd, Kersal Vale Road, Prestwich, M7 0GL	Outline - residential development of 122 houses including means of access from Kersal Vale Road	£42,691 education contribution due on occupation of the 60th unit.	Not commenced – outline only.
55938, 58022	Ramsbottom Cottage Hospital, Nuttall Lane, Ramsbottom, Bury, BL0 9JZ	Demolition of existing buildings and erection of 13 no. dwellings	£44,477.33 recreation contribution due prior to commencement.	Not commenced. Alternative application has been approved with the same requirement (58022).
56201, 57487, 58318, 58319	Bankside Mill, Chapelfield, Radcliffe, M26 1JH	Demolition of existing mill and offices and erection of 14 no. dwellings with associated site access, parking and landscape works. Alternative application submitted for 13 dwellings with a reduced requirement.	£42,366.74 recreation contribution due prior to or upon 1 st occupation. Further £2,999.22 due if the 14 th dwelling is commenced.	Under construction, none occupied yet.
56276	Masons Arms, 241 Walmersley Old Road, Bury, BL9 6RU	Change of use from Public House to dwelling and 4no. new dwellings (Re submission)	£12,080.19 recreation contribution due on commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
56466	Castle Leisure Centre, Bolton Street, Bury, BL9 0EZ	Outline application (Means of Access to be approved at outline stage) for demolition of existing on-site structures and development of up to 12,077 sq.m (130,000 sq.ft) gross Class A1 retail floorspace (provided by a single large foodstore unit together with the option for unit shops of a maximum of 1,850 sq.m, this floorspace being part of the 12,077sqm) with Petrol Filling Station, car parking, landscaping and other associated elements	Enabling agreement (Council owned site). S106 to be signed on completion of the transfer of the site from the Council to Ask Real Estate limiting foodstore maximum gross floor area of 10,227 sq.m; maximum net sales area of 6,136 sq.m.; maximum 4,357 sq.m. convenience goods; maximum 1,779 sq.m. comparison goods.	Not commenced. Outline application only.
56511	Black Moss Farm, Bolton Road, Radcliffe, Manchester, M26 3QG	Application to extend the time limit for implementation planning permission 52224 for demolition of storage/workshop buildings, erection of block of 7 terraced houses and associated parking area	£20,204.01 recreation contribution due on commencement.	Not commenced.
56781	Land at 1 Woodhill Drive, Prestwich, Manchester M25 0BD	Erection of 1 detached dwelling.	£3,421.33 recreation contribution due on commencement.	Not commenced.
56860	The Hollins, Haweswater Crescent, Bury, BL9 8LT (DTE House)	Residential development – 21 dwellings	£71,847.99 recreation contribution due on commencement. Relocation of DTE and Leonard Curtis within the Borough. £28,150.01 employment contribution payable prior to commencement.	DTE and Leonard Curtis have related within the Borough. Development not commenced.
56874	Land at Hazel Street/Bolton Road West, Ramsbottom, Bury, BL0 9PT	Residential development – 46 dwellings.	All units to be affordable housing.	Nearing completion. Ongoing obligation.
56899	Site of former petrol station, adjacent 253 Bury and Bolton Road, Radcliffe, Manchester, M26 4FP	Erection of 2 no. semi detached dwellings	£6,420.55 recreation contribution due on commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
56953	Land at rear of Keswick Drive/Derwent Drive, Bury, BL9 9LT	Erection of 6 no. dwellings	All units to be affordable housing.	Not commenced. Alternative application approved (58297) with no AH requirement.
56965	Former Chapel, Chapel Road, Prestwich, Manchester, M25 9SS	Demolition of existing chapel and erection of 4 no. dwellings and creation of 4 no. parking spaces.	£11,545.15 recreation contribution due on commencement.	Not commenced.
56973	Manor House, Fletcher Fold, Bury, BL9 9RT	Erection of 3 no. dwellings and garages (retrospective); Erection of 2 no. dwellings and garages	1 st instalment of £10,264 paid 8/10/14. Further £6,752.67 due on Commencement of the 4 th dwelling.	Under construction. 3 units completed but 4 th yet to commence.
57097, 58229	Site of former Beech Grove, Danesmoor Drive, Bury, BL9 6HA	Erection of 16 no. independent living apartments for the over 55's and 3 no. bungalows with shared communal space and creation of 11 no. car parking spaces.	All units to be affordable housing.	Site now cleared and ground works underway.
57162	Former Bank Lane Friendly Burial Society building, Spring Street, Shuttleworth, Ramsbottom, Bury, BL0 0DS	Conversion of building and external alterations to form 2 no. dwellings	£6,420.55 recreation contribution due on commencement.	Alternative application submitted with no recreation requirement (58366).
57198	Land at rear of 353-365 and Beechwood Bungalow, Bury Road, Tottington, Bury, BL8 3DS	Residential development - 30 dwellings	£100,529.40 recreation contribution paid 4/9/14. Affordable housing to be provided on site (8 dwellings) alongside completion of the other dwellings.	Under construction. Ongoing obligation.
57317	Land adjacent to Hardman Fold Farm, Hardman Street, Radcliffe, Manchester, M26 4GY	Erection of 1 no. detached dwelling	£3421.33 recreation contribution due prior to or upon commencement	Not commenced.

Application	Site	Description	Requirements	Current Status
57340	Land at rear of 62 Peveril Close, Whitefield, Manchester, M45 6NR	Erection of detached dwelling	£3421.33 recreation contribution due on commencement	Not commenced.
57379	Land between Kenyon Lane and Henry Street, Prestwich, Manchester, M25 1HY	Erection of 6 no. dwellings	Recreation contribution due in 2 installments: £8982.85 on commencement; £8982.85 on 1st occupation.	Not commenced.
57459	Land at Heap Street, Radcliffe, Manchester M26 2SZ	Erection of 2 no.dwellings	£6,420.55 recreation contribution due on commencement	Not commenced.
57508	Spenside, Bury and Bolton Road, Radcliffe, Manchester, M26 4LA	Erection of 4 no. detached dwellings.	£13,685.33 recreation contribution due on commencement.	Not commenced.
57524	Land off Hollinhurst Road, Radcliffe, Manchester, M26 1LF	Erection of 4 no.dwellings	£11,545.15 recreation contribution due on commencement	Not commenced.