

Infrastructure Funding Statement 2023-2024

December 2024

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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 2023/24 monitoring period;
 - S106 contributions estimated for future years; and
 - Projects delivered in the Borough via S106 agreements in the 2023/24 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 £867,128.08 was received through planning obligations (whenever agreed) in 2023/2024.
- 1.6 Of money received through planning obligations, £246,462.69 was spent in 2023/2024:
- Recreation: £141,789.84
 - Affordable Housing: £1,350.00
 - Employment Land Development Fund (ELDF): £52,675.00
 - Highways: £50,647.85

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 landowner of the application site, should the site be sold on and developed by someone other than the applicant.
- 2.7 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 www.bury.gov.uk/spd.
- 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 financial contributions 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.

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

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 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 2023 and 31st March 2024, £9,320 of monitoring fees have been received through S106 obligations to cover the cost of the monitoring and reporting on delivery.

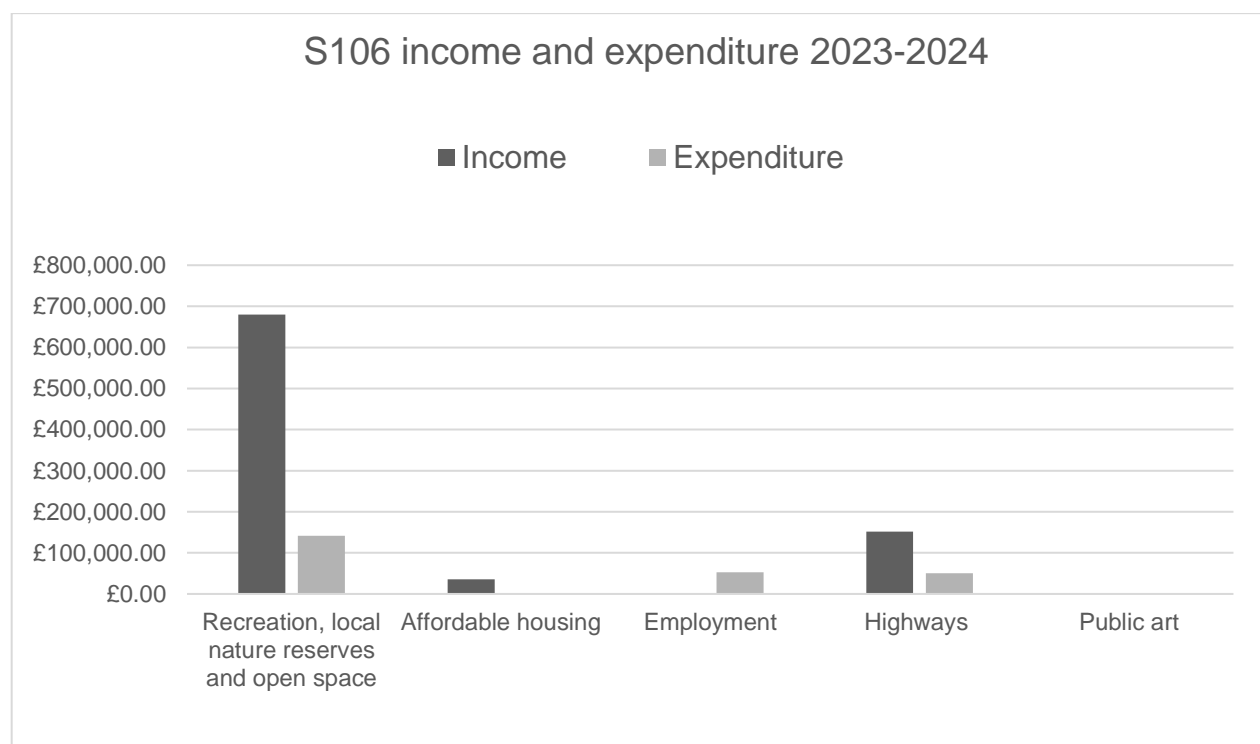
5. 2023/24 S106 Contributions Summary

- 5.1 Over the twelve-month period from 1 April 2023 to 31 March 2024, Section 106 agreements have resulted in £246,462.69 of investment into the Borough, and £867,128.08 of income to the Council.
- 5.2 As of 31st March 2024, the Council had around £6,116,361.39 of unspent S106 contributions. In order to improve clarity regarding S106 contributions, this year's report includes a column detailing the amount of unspent and unallocated contributions.
- 5.3 As of 31st March 2024, £4,857,354.82 of the unspent S106 contributions has been allocated to specific projects, though it may take time to deliver and for expenditure to be drawn down. This equates to 79% of unspent funds. £1,259,006.57 was unallocated, however work to allocate these monies is ongoing and an additional £356,825.22 has since been allocated in the 2024 calendar year.
- 5.4 Table 1 below summarises income and expenditure in the twelve months from 1 April 2023 to 31 March 2024, and unspent contributions as at 31st March 2024.

Table 1: S106 Income, Expenditure and Balance

Expenditure type	Contributions received 1 April 2023 to 31 March 2024	Total amount spent 1 April 2023 to 31 March 2024	Total value of unspent contributions as at 31 March 2024 ²	Total value of unallocated contributions as at 31 March 2024
Recreation, local nature reserves and open space	£679,750.93	£141,789.84	£2,833,187.33	£0.00
Affordable housing	£35,875.00	£1,350.00	£2,086,250.16	£891,776.66
Employment	£0.00	£52,675.00	£587,633.53	£356,825.22
Highways	£151,502.15	£50,647.85	£575,891.91	£0.00
Public art	£0.00	£0.00	£33,398.46	£10,404.69
TOTAL	£867,128.08	£246,462.69	£6,116,361.39	£1,259,006.57

Figure 1. S106 income and expenditure 2023-2024



² Please note that these figures may differ from the 2022-2023 Infrastructure Funding Statement following an internal audit into S106 finances which has corrected some figures.

Figure 2. Total value of unspent S106 monies

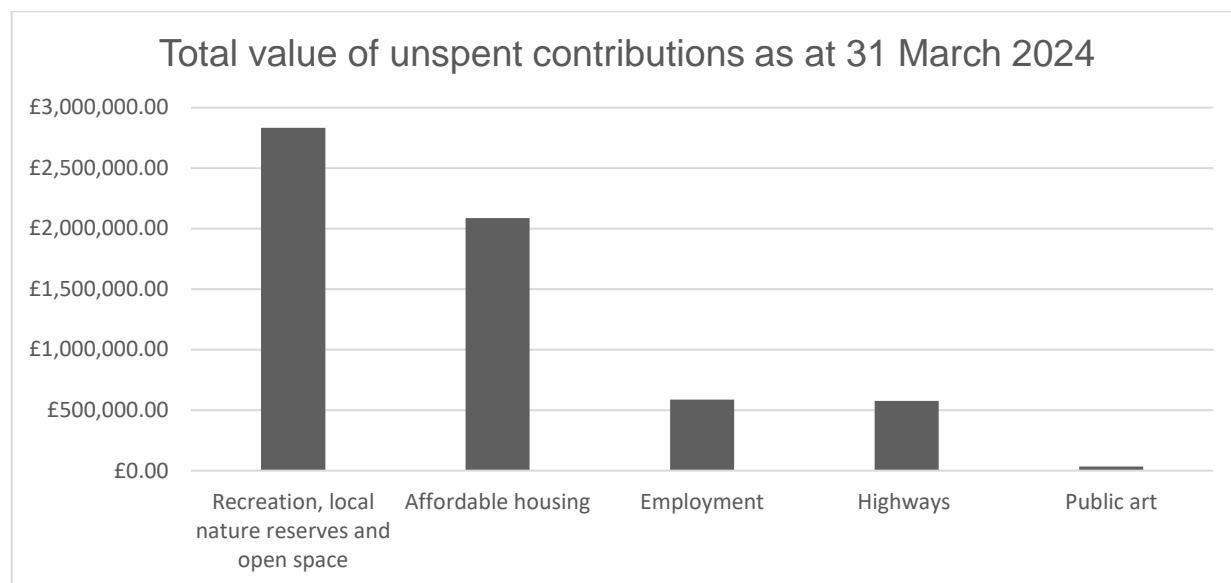


Figure 3. Types of S106 contributions allocated and unallocated at 31st March 2024

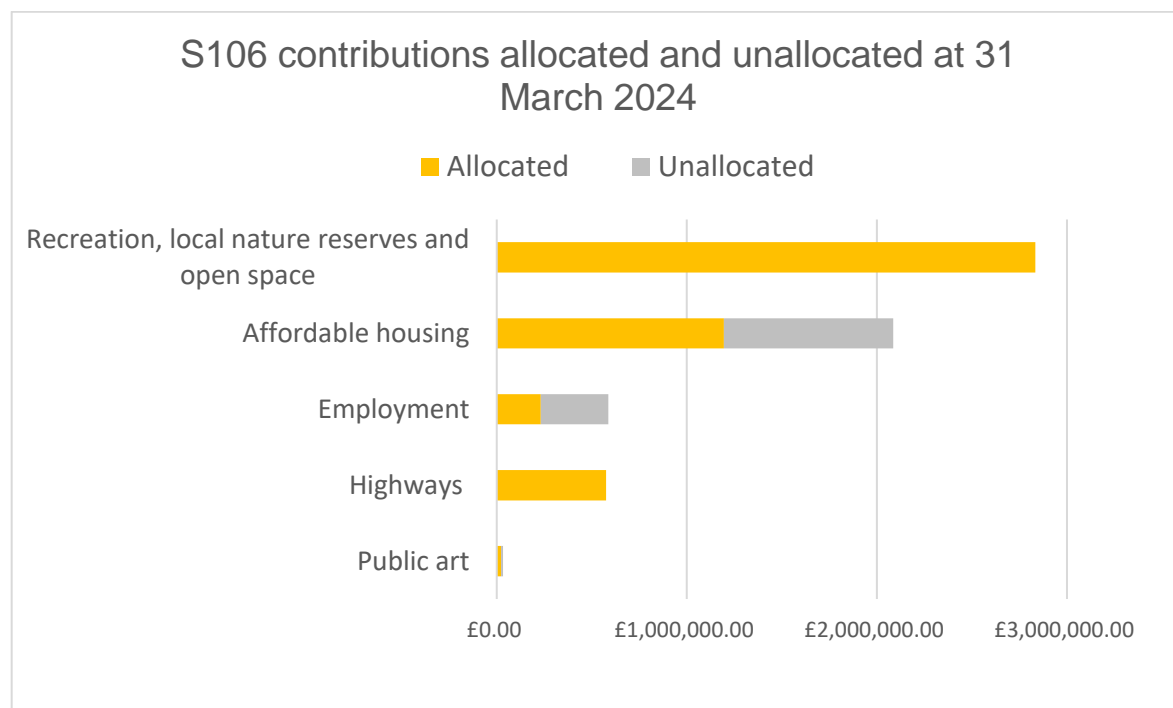
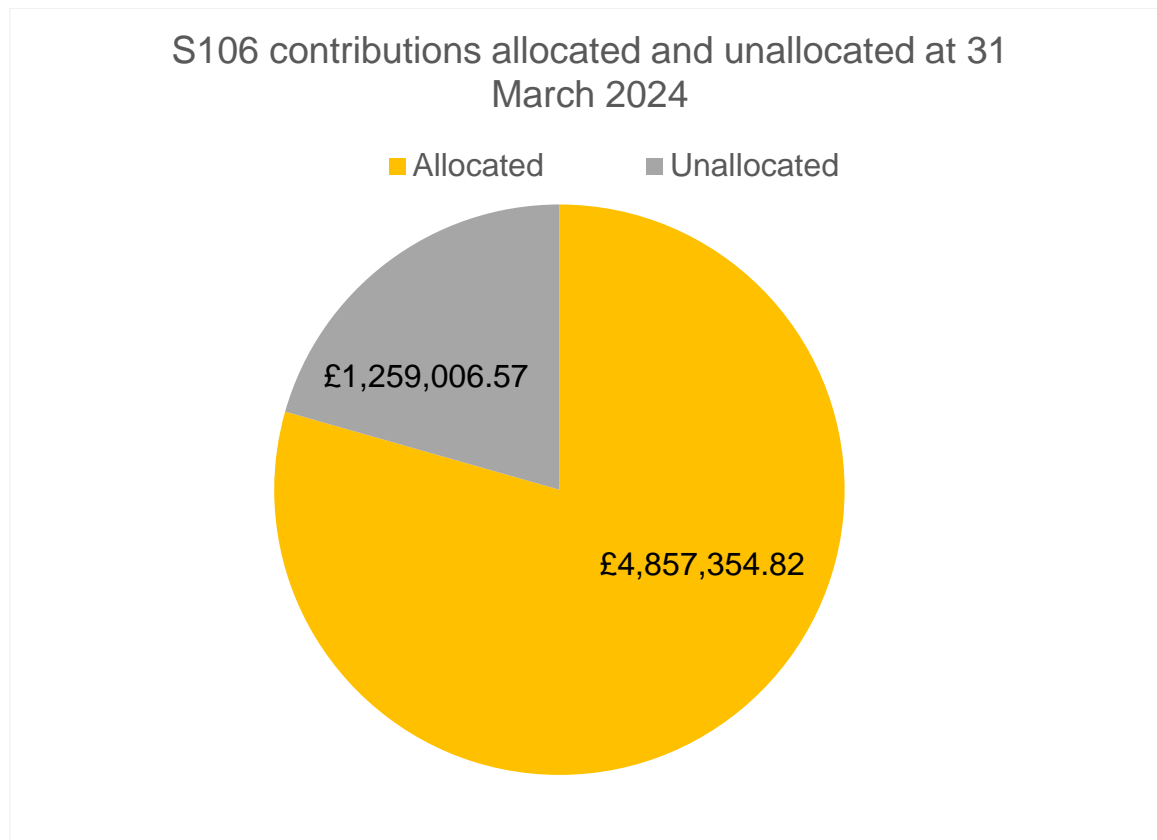


Figure 4. The total amount of unspent S106 contributions allocated and unallocated as at 31st March 2024



5.5 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.

5.6 This is broken down into more detail in Appendix C.

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 delivered 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 2023 and 31 March 2024 at Appendix B.

Recreation

6.2 In 2023/2024 £679,750.93 was received in recreation contributions.

- 6.3 During the same period, £141,789.84 of recreation contributions was spent. This has gone towards improvements at a number of sites including:
- Improvements to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1;
 - Improvements to public footpath at Elton Reservoir Phase 1;
 - Public Open Space maintenance at Radcliffe Paper Mill;
 - Barratt Estate SBI;
 - Kirklees Valley Maintenance;
 - Springwater Park & Sailors Brow access improvements Phase 1;
 - Prestwich Clough infrastructure;
 - Woodbank Garden improvements;
 - Refurbishment of Clarence Park Play Area Phase 1;
 - Improvements to play equipment, furniture, infrastructure and landscaping at St Marys Park Phase 1;
 - Burrs Country Park – infrastructure, access and river improvements to benefit people
 - Whitehead Park – work to raise the standard of the park including infrastructure and environmental improvements to support Green Flag;
 - Kirklees Valley Local Nature Reserve – significant environmental improvements to the site which will benefit people and wildlife, including enhancing the aquatic/wetland areas and improvements to infrastructure;
 - Burrs Improvements Supporting Volunteers Phase 11;
 - Kirklees Valley Maintenance; and
 - Maintenance of the Radcliffe Paper Mill site.
- 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 2024 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 2023/24 there were no affordable completions as a result of planning policy – this is due to a various reasons:
- housing completions overall appear to have slowed in 2023/24;

- the majority of the affordable homes on the site had already been completed; or
- completions were on sites where no affordable housing was required, either because:
 - they were small sites;
 - vacant building credit applied;
 - viability challenges prevented affordable housing delivery; or
 - they were approved via the prior approval route for conversion from commercial to residential, whereby affordable housing cannot be required.

- 6.7 In 2023/24 some of the previously completed properties have been subsequently re-sold, re-let or are under offer, to households on the Affordable Housing Scheme. A further 10 affordable properties were completed on 2023/24 on schemes brought forward by Registered Providers and the Council – these are not counted as S106 affordable completions because they are not provided by private developers as a result of planning policy requirements, but they are adding to the affordable housing stock and meeting needs.
- 6.8 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. One property was sold in this way between 1 April 2023 and 31 March 2024, resulting in a commuted sum payment of £35,875.00.
- 6.9 In total up to 31 March 2024, £2,839,708.16 in commuted sum payments has been received for affordable housing, of which £753,458 has been spent and a further £1,194,473.50 is committed but unspent. The remaining uncommitted contributions (totalling £891,776.66 up to 31 March 2024) will be spent in accordance with the Bury Housing Strategy and must be in accordance with the terms of each Section 106 Agreement. The Council is exploring opportunities to use the remaining uncommitted contributions to support and accelerate the delivery of additional affordable housing.
- 6.10 A total of £1.617m has been committed to bringing empty properties back into use as affordable housing in the Borough, of which £503,458 has been spent up to 31 March 2024, bringing 11 empty properties back into use. This has multiple benefits of removing the blight of empty properties and increasing the supply of affordable homes. Although no acquisitions of empty properties completed in 2023/24, three have since completed, an additional property has been transferred into the affordable stock and two further acquisitions are progressing, accelerating the use of the committed funds. The Council's empty property officer is continuing to seek out further opportunities to bring empty homes back into use as affordable housing.
- 6.11 A further £250,000 of S106 affordable housing contributions was used to support the residential development of the site of the former Radcliffe Times building for affordable housing.
- 6.12 In February 2024 £80,931.50 was committed (alongside Employment Land Development funding) to part fund a new Career Grade Planning Officer. The creation of this role will support the delivery of the PfE strategic site allocations, which will result in the delivery of around 1,575 affordable homes across a number

of strategic housing sites, as well as a large number of job opportunities for Bury residents at the Northern Gateway (Heywood/Pilsworth) site.

Employment Land Development Fund

- 6.13 As at 31 March 2024, the total unspent balance of the Employment Land Development Fund (ELDF) was £587,633.53. £230,808.31 of this has been allocated to various projects but is yet to be spent.
- 6.14 The remaining £356,825.22 was unallocated and unspent as at 31st March 2024 however work is continually on-going to identify specific opportunities in accordance with the approved ELDF Framework for Spending. As a result, in 2024/25 100% of the remaining funds have been allocated.
- 6.15 During 2023/24, £52,675.00 from the ELDF was spent on the following:
- ELR Trust Officer;
 - Bury Economic Strategy; and
 - Atom Valley Project Director.

Highways

- 6.16 In 2023/24, £151,502.15 was received in highways contributions. This is allocated to:
- the upgrade of a pelican crossing on Walmersley Road to a puffin crossing; and
 - highways improvements within the vicinity of the JD Campus at Pilsworth.
- 6.17 In 2023/24, £50,647.85 was spent in association with the Chamberhall development.
- 6.18 There is £575,891.91 of unspent highways contributions, which is allocated to several projects including:
- 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.
 - The upgrade of a pelican crossing to a puffin crossing on Walmersley Road, north of Sunny Avenue.

Public Art

- 6.19 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.

- 6.20 There was no S106 spend on the provision of public art projects in 2023/24.

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 Eight developments have been identified as having outstanding obligations which are now due and are being pursued by the Council. Of these, 7 require financial contribution, totalling £343,676.25.
- 7.3 In 2023/2024 £37,103.33 of this was recovered from the following developments:
- 50775 - Former Thrush Hotel, Thrush Drive, Bury, BL9 6JD. Recreation Contribution £13,674.08 received 17/01/2024.
 - 65415 Victoria Mill, High Street, Walshaw, Bury, BL8 3AG. Recreation Contribution £23,429.25 received on 6/12/2023.
- 7.4 As such, £306,572.92 remained outstanding at 31st March 2024.
- 7.5 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

- 7.6 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.
- 7.7 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.

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 Contributions

Type of Contribution	Planning Application Reference	Scheme Provided/Location	Money Spent 1 st April 2023-31 st March 2024
Recreation enhancement	58810 & 55003 Bellway Homes	Improvements to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1;	£19,376.43
Recreation enhancement	58810 & 55003 Bellway Homes	Improvements to public footpath at Elton Reservoir Phase 1;	£7,331.44
Recreation enhancement	36520 Radcliffe Paper Mill	Public Open Space maintenance at Radcliffe Paper Mill;	£18,746.00
Recreation enhancement	36520 Radcliffe Paper Mill	Barratt Estate SBI;	£5,919.00
Recreation enhancement	38980 Kirklees Bleachworks (Kingsbury Close)	Kirklees Valley Maintenance;	£1,470.00
Recreation enhancement	59869 JLT House Brook Street Radcliffe	Springwater Park & Sailors Brow access improvements Phase 1;	£11,487.95
Recreation enhancement	57379 Land between Kenyon Lane & Henry Street	Prestwich Clough infrastructure;	£738.00
Recreation enhancement	54514 Woodhill Mill, Bury Boot & Shoe	Woodbank Garden improvements;	£995.00
Recreation enhancement	61714 Geoffrey Street	Refurbishment of Clarence Park Play Area Phase 1;	£606.42
Recreation enhancement	63324 Mountheath, George Street	Improvements to play equipment, furniture, infrastructure and landscaping at St Marys Park Phase 1;	£40,753.75
Recreation enhancement	66389 Bellway Homes Former Andrews Textile	Burrs Country Park – infrastructure, access and river improvements to benefit people	£615.31
Recreation enhancement	66389 Bellway Homes Former Andrews Textile	Whitehead Park – work to raise the standard of the park including infrastructure and environmental improvements to support Green Flag;	£1,600.00
Recreation enhancement	66389 Bellway Homes Former Andrews Textile	Kirklees Valley Local Nature Reserve – significant environmental improvements to the site which will benefit people and wildlife, including enhancing the aquatic/wetland areas and improvements to infrastructure;	£4,570.00

Recreation enhancement	66389 Bellway Homes Former Andrews Textile	Burrs Improvements Supporting Volunteers Phase 11;	£7,364.54
Recreation maintenance	38980 Kirklees Bleachworks (Kingsbury Close)	Kirklees Valley Maintenance	£1,470.00
Recreation maintenance	36520 Radcliffe Paper Mill	Maintenance of the Radcliffe Paper Mill site.	£18,746.00
Affordable Housing	49667 Olives Paper Mill	Valuations and negotiations to enable acquisitions of empty properties (acquisitions completed in 2024/25).	£1,350.00
Employment	49667 Olives Paper Mill	ELR Trust Officer	£5,706.00
Employment	49667 Olives Paper Mill and App 51143 Allens Green	Bury Economic Strategy	£17,544.00
Employment	App 51143 Allens Green	Atom Valley Project Manager	£29,425.00
Highways	63185 Chamberhall	Chamberhall highways works	£50,647.85

**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 2023 – 31 March 2024)

Application	Site	Description	Obligation complied with
61474 64462	Land at Kersal Vale Road, Prestwich, M7 3NT	Biodiversity Mitigation Contribution	Biodiversity Mitigation contribution of £31,800 received 26/03/2021 and allocated 18/10/2023.
N/A	34 Parkside Mews	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 for the Ocean Chemicals site
68530	Land at the junction of Hollins Brook Way and Pilsworth Road, Bury, BL9 8RR	Highways Contribution	£101,502.15 Highways contribution received 15/11/2023
69079	Land off Parkinson Street, Bury, BL9 6NY	Recreation Contribution	Recreation contribution of £239,750.12 received 05/12/2023
65415	Victoria Mill, High Street, Walshaw, Bury, BL8 3AG	Recreation Contribution	£23,429.25 Recreation Contribution received on 6/12/2023
69079	Land off Parkinson Street, Bury, BL9 6NY	Highways Contribution	Highways contribution of £50,000.00 received 05/12/2023
50775	Former Thrush Hotel, Thrush Drive, Bury, BL9 6JD	Recreation Contribution	£13,674.08 received 17/01/2024.
69233	Site of the former Riverside High School, School Street, Radcliffe, M26 3BW	Recreation Contribution	£246,319.40 Recreation Contribution received 26/01/2024.

Application	Site	Description	Obligation complied with
69233	Site of the former Riverside High School, School Street, Radcliffe, M26 3BW	Biodiversity Mitigation Contribution	£23,200 Biodiversity Mitigation Contribution received on 26/01/2024.
67431, 69413	Land off Poppythorn Lane, Prestwich	Recreation Contribution	Recreation contribution of £24,991.20 received on 28/03/2024

Contributions received after 1 April 2024 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 2024

Application	Site	Description	Obligation complied with
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.	Further £14,887.66 affordable housing contribution recovered through liquidators 17/06/2024.
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 received.
68368	Land at York Street/Bury Road, Radcliffe, Manchester, M26 2GL	211 dwellings, together with associated car parking, landscaping, public open space, drainage, the laying out of roads and footways and other associated works including engineering operations to create flood defences and the development platform	£177,299 affordable housing contribution received. £30,000 highways contribution received.

Appendix C – S106 income, expenditure and unspent balance

Expenditure type	Contributions received 1 April 2023 to 31 March 2024	Total amount spent April 2023 to 31 March 2024	Total value of unspent contributions as at 31 March 2024	Comments
Recreation enhancement	£679,750.93	£121,573.84	£2,410,283.61	In 23/24 £679,750.93 was received from the following developments: Land at Kersal Vale Road , Woodhill Farm Spring St, Land of Parkinson Street, Victoria Mill Walshaw, Ocean Chemicals Woodland, Former Thrush Inn, Site of Riverside High School and Poppythorn Lane.
Recreation maintenance	£0.00	£20,216.00	£122,321.41	In 23/24 £20,216.00 was spent on the maintenance of the Kirklees Valley and the Radcliffe Paper Mill site.
Recreation – Strategic Planning projects	£0.00	£0.00	£95,000.00	
Local Nature Reserves	£0.00	£0.00	£65,057.39	
Roch Valley Greenway maintenance fund & repair and maintenance of goyt	£0.00	£0.00	£140,524.92	
Affordable Housing	£35,875.00	£1,350.00	£2,086,250.16	In 2023/24 £1,350 was spent on valuations and negotiations to enable the acquisition of empty properties to be progressed.
Employment Land Development Fund	£0.00	£52,675.00	£587,633.53	A further £52,675 has been spent in 2023/24 on ELR Trust Officer, Bury Economic Strategy, Atom Valley Project Manager.

Expenditure type	Contributions received 1 April 2023 to 31 March 2024	Total amount spent April 2023 to 31 March 2024	Total value of unspent contributions as at 31 March 2024	Comments
Highways	£151,502.15	£50,647.85	£575,891.91	£151,502.15 was received from development at Land at the junction of Hollins Brook Way and Pilsworth Road and land at Parkinson Street. A further £50,647 has been spent in association with the Chamberhall development in 23/24.
Public art	£0.00	£0.00	£33,398.46	
TOTAL	£867,128.08	£246,462.69	£6,116,361.39	

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 2023 and 31 March 2024, and total balances are as at 31 March 2024.

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.	Following legal action the obligation has been complied with. Paid in instalments.

Application	Site	Description	Outstanding Obligations	Action
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.	<p>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.</p> <p>£6,310.38 recovered from liquidation 13/01/2023, further £14,887.66 recovered 17/06/2024.</p> <p>Liquidation nearing completion, therefore opportunity for any further recovery is limited.</p>
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	Following legal action the obligation has been complied with.

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).	Following legal action the obligation has been complied with. £23,429.25 Recreation Contribution received on 6/12/2023

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. 65133 requires an additional recreation contribution of £2,925.54 due on Commencement. 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. Non-compliance letter sent. Legal action is on-going.
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. Legal action is on-going.

Application	Site	Description	Outstanding Obligations	Action
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>£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>£8,881.72 street lighting contribution to be used towards the installation of three street lights on Bolton Road, Hawkshaw (paid 10/03/2020)</p> <p>First instalment of recreation contribution paid 22/04/2022.</p> <p>£10,000.00 employment contribution paid 22/04/2022.</p> <p>Second half of employment contribution and recreation contribution due upon occupation of 20th unit.</p> <p>Legal action is on-going.</p>

Application	Site	Description	Outstanding Obligations	Action
68055	Land at Springside Road, Bury	Residential development comprising of 41 no. dwellings with associated access, landscaping and ancillary works	<ul style="list-style-type: none"> • £116,011.46 recreation contribution for <ul style="list-style-type: none"> ○ Improvements to infrastructure, play equipment and access at Hartley Gardens; ○ Work to support the Burrs Country Park Strategy, including access, entrances and links to the wider footpath network in the surrounding area, infrastructure improvements and tree planting; ○ Kirklees Trail Infrastructure; and ○ Additional equipment at Woodhill Road Play Area • 10 on-site affordable houses • £42,000 Biodiversity Mitigation Contribution for Walkers Field in the following instalments: <ul style="list-style-type: none"> ○ 50% prior to or upon the Commencement of Development; and the remaining ○ 50% prior to Occupation of the 20th Dwelling. • £27,300 contribution for the survey and design of highway mitigation works for the Springside Road/Walmersley Road/Walmersley Old Road junction. 	<p>50% due upon commencement. Development commenced.</p> <p>Legal action is on-going.</p>

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. Site has come forward through an alternative permission.
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.
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	£30,120.06 recreation contribution payable in instalments. 1 st instalment of £15,060.03 due upon commencement; 2 nd instalment of £15,060.03 due on occupation of the 10 th unit. Project: Improvement to the Bradley Fold Play Area (Phase 1).	Under construction. £15,060.03 recreation contribution paid 12/4/16. 2 nd instalment not yet triggered.

Application	Site	Description	Requirements	Current Status
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 7435m ²	On site recreation provision. 15 affordable housing units on site plus overage clause. Employment development or ELDF contribution.	Material start made but obligations not yet triggered. Permission remains extant Revised application 68368 approved in August 2023.
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).	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.	Completed. S106 requirement has not been triggered.

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.	<p>£46,808.64 recreation contribution due prior to occupation of the 8th dwelling.</p> <p>Projects:</p> <ul style="list-style-type: none"> • 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. 	<p>Under Construction.</p> <p>Recreation Payment received in July 2023.</p>

Application	Site	Description	Requirements	Current Status
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.	Obligation complied with. Conversion has taken place at the former Masons Arms.
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
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. Superseded by permission 63054 which has commenced.
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 Maintain access for potential public access track Ecology Contribution	Completed April 2023. £31,800.00 Ecological Contribution paid on 25/03/2021. Ongoing affordable housing provision.
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.

Application	Site	Description	Requirements	Current Status
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. First instalment of employment contribution received in April 2022.
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.	Under Construction. Confirmed that no financial contribution is payable on 22/09/23.
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. Material start made in 2024.
65327	Land at George Street, Prestwich, Manchester, M25 9WS	Erection of a synagogue (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. Permission expired 15/09/23

Application	Site	Description	Requirements	Current Status
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.
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.	Complete as of February 2024.
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.	Completed April 2023. Ongoing affordable housing obligation

Application	Site	Description	Requirements	Current Status
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.	Under construction. £24,991.20 paid on 14/03/2024.
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	An Ecological Contribution of £6,000. The provision of a Residents Parking Area prior to any works commencing - other than works to level the site. A maintenance plan for the area is required for approval prior to commencement.	Not commenced.

66947	Land to east of M66 motorway, connecting Rochdale Road, Edenfield to Woodgate Hill WTW Compound, Bury	Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: new valve house buildings and kiosk with permanent vehicular access provision; tunnel shafts and temporary construction compound.	<ul style="list-style-type: none"> • No above ground development shall commence unless and until a) an updated BIA has been submitted to and agreed in writing by the council and b) where the updated BIA shows a biodiversity loss, a BNG offsetting scheme has also been submitted to and agreed in writing by the council. • Pedestrian footway and refuge: prior to commencement of the relevant phase, the developer shall submit details of the arrangement for construction, management and maintenance of the pedestrian footway and the pedestrian refuge for approval by the council together with a timetable for it's construction and subsequent removal. • Temporary car park: prior to implementation of the castle hill road waiting restrictions the developer shall either submit details demonstrating that the car parking arrangements would not be adversely affected by the castle hill road waiting restrictions or submit 	Not commenced.
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Application	Site	Description	Requirements	Current Status
			<p>details of a temporary car park strategy.</p> <ul style="list-style-type: none"> Abnormal wear and tear of highway: development cannot commence until and unless a scheme setting out adequate provision for the monitoring and repair of abnormal wear and tear caused as a result of the development. 	
68368	Land at York Street/Bury Road, Radcliffe, Manchester, M26 2GL	211 dwellings, together with associated car parking, landscaping, public open space, drainage, the laying out of roads and footways and other associated works including engineering operations to create flood defences and the development platform	<ul style="list-style-type: none"> On-site Recreation Land to be completed prior to first occupation of any of the dwellings. An Affordable Housing Contribution of £177,299 to be paid by the Owners prior to first occupation of any of the dwellings. A MOVA Contribution of £30,000 to be paid by the Owners prior to first occupation of any of the dwellings for the provision of MOVA at the junctions of Manchester Road/Dumers Land and Dumers Lane/York Street 	Not commenced.

Application	Site	Description	Requirements	Current Status
68815	Land adjacent to 62 Springside Road, Bury, BL9 5JQ	Outline application for 12 no. dwellings including means of access (all other matters reserved for appearance, layout, scale and landscaping)	The Agreement prohibits the Owners from commencing development unless and until they have entered into a Section 38 Agreement highway adoption agreement with the Highways Authority.	Not commenced.
69572	137 The Rock, Bury, BL9 0ND	Part demolition, conversion and extension of existing building to provide 10 no. supported living units; Construction of detached building to rear containing a further 3 no. supported living units	Recreation Contribution of £20,305.35 to the Council prior to the Commencement of the Development for: <ul style="list-style-type: none"> • Kay Gardens - refurbishment • Woodbank Woods – wetland thinning works, removal of flytipping, footpaths • Chamberhall/Kirklees Trail - improved access to the river, including removal of invasive species (working with Little Britain Anglers) 	Not commenced.
69680	Land off Nuttall Lane, Ramsbottom, Bury, BL0 9LD	Proposed works associated with stormwater storage scheme, including the installation of an above ground control building, tank air vent, bollards and boundary treatment, modifications to retaining wall, and highway modifications (new access).	£33,000 to the Council prior to the Commencement of the Development which is to be used for biodiversity improvements at the Ocean Chemicals site.	Development commenced. Paid 30/10/2023

Application	Site	Description	Requirements	Current Status
69079	Land off Parkinson Street, Bury, BL9 6NY	Demolition of existing buildings and erection of 84no. dwellings with associated parking and landscaping; formation of a car park in association with the existing recreation field	<ul style="list-style-type: none"> £239,750.12 contribution towards open space, sport and recreation provision projects, one of which is the provision of the replacement facilities granted permission under reference 69333. Council to replace the facility within 6 months of the receipt of the recreation contribution or commencement (whichever is later). 21 on-site affordable housing units. £50,000 contribution for the upgrade of the pelican crossing on Walmersley Road north of Sunny Avenue to a puffin crossing prior to commencement. 	<p>Development commenced.</p> <p>Recreation and Pelican crossing contribution received 5 December 2023.</p> <p>Replacement facility provided.</p>

Application	Site	Description	Requirements	Current Status
67625	121-131 Bell Lane, Bury, BL9 6BB	Demolition of existing building and erection of 24 no. apartments and 1 no. retail unit with 23 no. car parking	<ul style="list-style-type: none"> £37,486.60 recreation contribution due upon commencement for: <ul style="list-style-type: none"> De culverting and re-naturalising watercourses in Chesham Woods and Clarence Lido improvements to support participation by junior anglers Gypsy Brook infrastructure improvements Broad Oak Lane Ballzone/Play facility refresh 2 on-site affordable houses 	Not commenced
69086	Salisbury Conservative Club, Badger Street, Bury, BL9 6AD	Change of use from club to sweet manufacturing unit (Class E(g)(iii) Industrial processes) with extraction system	The agreement prohibits vehicles in excess of 3.5 tonnes from entering the site or delivering/picking up from the site.	Ongoing.
69535	Land at Billberry Close & Albert Road, Whitefield, M45 8BL	Erection of 7 no. bungalows with associated works	Biodiversity Mitigation Contribution of £18,840 prior to commencement of the development for works to improve and enhance biodiversity at Thatch Leach Lane Open Space.	Not commenced.

Application	Site	Description	Requirements	Current Status
69233	Site of the former Riverside High School, School Street, Radcliffe, M26 3BW	Residential development to erect 90 dwellings with associated parking and landscaping	<ul style="list-style-type: none"> • £246,319.40 Recreation Contribution for the following: <ul style="list-style-type: none"> ○ canal improvements in the adjacent area; ○ improvements to Cams Lane Athletics Track; ○ Abden Street Play Area equipment and infrastructure; ○ Radcliffe Skate Park improvements; ○ Radcliffe Cemetery improvements; ○ Close Park football facility improvements; ○ Radcliffe town Centre Pocket Park improvements; and ○ Outwood football facility improvements. • 22 affordable houses • £23,200 Biodiversity Mitigation Contribution for improvements to biodiversity at Walker's Field, Chesham 	<p>Not commenced.</p> <p>Recreation and Biodiversity Contributions received.</p> <p>Ongoing affordable housing obligation.</p>
69463	Station Works, Bury Road, Radcliffe, Manchester, M26 2UA	Development for 30 no. dwellings with associated access road, landscaping and infrastructure works	The Agreement requires 100% affordable housing provision (22 Shared Ownership Units and 8 Affordable Rent Units).	Not commenced.

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