

Infrastructure Funding Statement 2019/2020

Contents

1. Introduction	3
2. Section 106 Agreements	3
3. Bury Council’s Process for Requesting S106 Contributions	5
4. Monitoring Fees	5
5. 2019/20 S106 Contributions Summary	6
6. Schemes Provided and Obligations Complied With	8
7. Recreation	8
8. Affordable Housing	8
9. Employment Land Development Fund	10
10. Highways	10
11. Public Art	10
12. Outstanding Obligations	11
13. Outstanding S106 Obligations where triggers have been reached	11
14. Section 106 Agreements not yet triggered	11
15. The Community Infrastructure Levy	11
16. Conclusion	12
Appendix A – Schemes Provided Via S106 Commuted Sums	13
Appendix B – Obligations complied with (1 April 2018 – 31 March 2019)	15
Appendix C – S106 income, expenditure and unspent balance	19
Appendix D – Outstanding obligations	23

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 2019/20 monitoring period;
 - S106 contributions estimated for future years; and
 - Projects delivered in the Borough via S106 agreements in the 2019/20 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.

2. Section 106 Agreements

- 2.1 S106 agreements are legal contracts between the Local Planning Authority and the developer/landowners which include obligations that are essential to allow the granting of planning permission in certain circumstances.
- 2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.
- 2.3 The obligations may be provided by the developers "in kind" – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, or ecological enhancement, for example.

- 2.4 Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works, contributions towards providing affordable housing elsewhere in the Borough, compensation for the loss of employment land, recreation contributions and contributions towards ecological enhancements. In some cases, it can be a combination of both on-site provision and off-site financial contributions.
- 2.5 S106 Agreements may also include non-financial obligations such as provision of on-site affordable housing, access paths or the transfer of land.
- 2.6 Where an obligation involves the payment of financial contributions, on receipt by the Council, these contributions are effectively held on trust, and the Council are legally bound to spend these monies in accordance with the terms of the s106 Agreement. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 2.7 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
- 2.8 The Council cannot ask for contributions via section 106 planning obligations in certain circumstances:

"Planning obligations for affordable housing should only be sought for residential developments that are major developments...For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more...Planning obligations should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home."

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

3. Bury Council's Process for Requesting S106 Contributions

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

4. Monitoring Fees

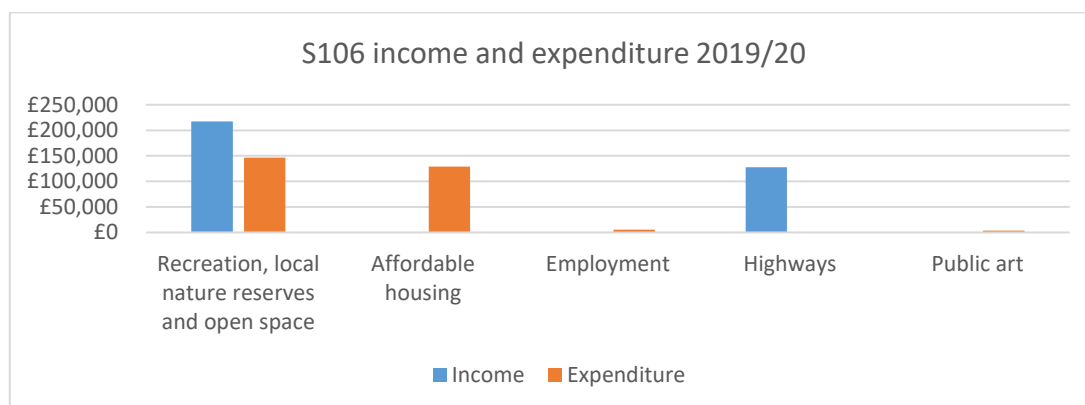
- 4.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through S106 obligations to cover the cost of the monitoring and reporting on delivery that S106 obligation as described above. Monitoring fees can be used to monitor and report on any type of planning application, for the

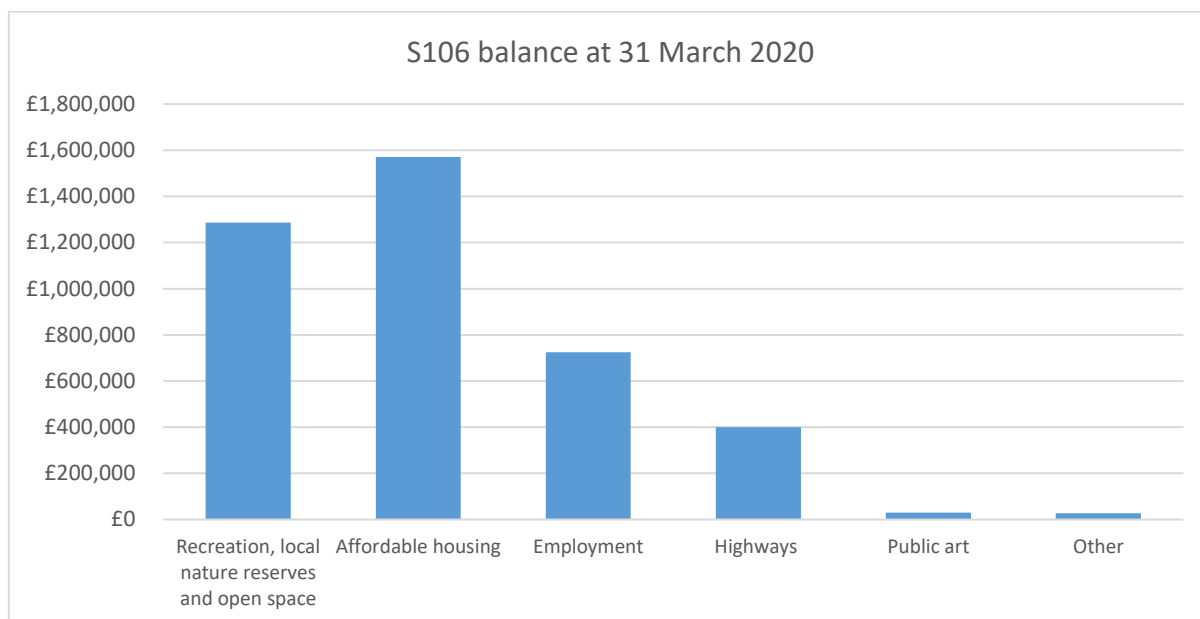
time of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.

- 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 No monitoring fees were received between 18th October 2019 and 31st March 2020.

5. 2019/20 S106 Contributions Summary

- 5.1 Over the twelve-month period from 1 April 2019 to 31 March 2020, Section 106 agreements have resulted in £284,164.89 of investment into the Borough, provision of 19 on-site affordable homes and £345,517.05 of income to the Council. As of 31st March 2020, the Council had around £4,038,958.49 of unspent S106 contributions, the majority of which has been allocated to specific projects but may take time to deliver and for expenditure to be drawn down.
- 5.2 It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes (for contributions from S106 agreements signed prior to 6 April 2015), and in some cases contributions are for the long term maintenance of land that has been or is awaiting transfer to the Council.





5.3 Table 1 below summarises income and expenditure in the twelve months from 1 April 2019 to 31 March 2020, and unspent contributions as at 31st March 2020. This is broken down into more detail in Appendix C.

Table 1: S106 Income, Expenditure and Balance

Expenditure type	Contributions received 1 April 2019 to 31 March 2020	Total amount spent 1 April 2019 to 31 March 2020	Total value of unspent contributions as at 31 March 2020
Recreation, local nature reserves and open space ¹	£217,635.33	£146,332.42	£1,286,773.84
Affordable housing	0	£129,248.00	£1,570,300.00
Employment	£0	£5,264.47	£724,802.25
Highways	£127,881.72	0	£399,917.37
Public art	0	£3,320.00	£30,523.85
Other	0	0	£26,641.18
TOTAL	£345,517.05	£284,164.89	£4,038,958.49

¹ Row 1 in Table 1 in the 2018/2019 S106 Report incorrectly stated that the total value of unspent Recreation, local nature reserves and open space contributions was £1,078, 085.48. This figure did not include the £130,823.00 Roch Valley Greenway Fund as identified in Appendix C in the 2018/19 report. The correct total is £1,208,908.48.

6. Schemes Provided and Obligations Complied With

6.1 This section of the report summarises Section 106 Agreements by type of obligation. A detailed list of schemes provided as a result of financial contributions is attached to this report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2018 and 31 March 2019 at Appendix B.

7. Recreation

7.1 In 2019/2022 £217,635.33 was received in recreation contributions.

7.2 During the same period, £146,332.42 of recreation contributions was spent. This has gone towards improvements at a number of sites including:

- Cycle improvements at Philips Park;
- Improvements Sycamore, Town Meadow and Bolton Road Play Area;
- Improvements to Whitefield Bowling Pavilion;
- Improvements to Festival Gardens; and
- Improvements to Springwater Park and Sailors Brow.

7.3 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.

7.4 All unspent recreation contributions received up to 31st March 2020 have been committed to specific projects, with the exception of contributions paid upfront that can't be committed until commencement of development.

8. Affordable Housing

8.1 Section 106 Agreements have also required developers to make provision on site for affordable housing. In 2019/20, 19 affordable properties were completed on site as a result of planning policy. In addition, some of the previously completed properties have been subsequently re-sold, re-let or are under offer, to households on the Affordable Housing Scheme.

8.2 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. Between 1 April 2019 and 31 March 2020 no properties were sold in this way.

- 8.3 Eight affordable properties at Prestfield Road, Bury were sold at market value, in breach of the S106 Agreement. £100,000 has been paid in instalments in lieu of on-site affordable housing provision. £163,413.72 remains outstanding and although legal debt recovery action sought to recover the outstanding sum, resulting in the company being wound up by Order of the Court, the outcome of the liquidation shows that there is not expected to be any further return to the Council as a creditor.
- 8.4 £346,000 was received in 2017/18 for the former Holcombe Brook Tennis Club, Longsight Road in lieu of on-site affordable housing provision. A further index linked payment currently remains outstanding.
- 8.5 In total up to 31 March 2020, £2,166,086.53 in commuted sum payments has been received for affordable housing, of which £867,000 has either been spent or is committed. The remaining uncommitted contributions will be spent in accordance with the Bury Housing Strategy. Spending affordable housing contributions will be agreed by an officer group comprising of representatives from Planning and Housing Strategy, taking into account views of Portfolio holders, and must be in accordance with the terms of each Section 106 Agreement.
- 8.6 In August 2012, Cabinet agreed to spend £617,000 of monies received to bring empty properties back into use as affordable housing in the Radcliffe area, as a pilot exercise working with registered providers. However, funding for the Radcliffe pilot was subsequently secured from the HCA, who have also committed to further funding to increase the number of empty properties to be brought back into use in Radcliffe. As a result, in September 2014, Cabinet agreed to approve the use of the £617,000 commuted sums in other townships across the Borough, providing the reallocation of resources does not detrimentally affect the outcomes of the Radcliffe pilot. This work will help reduce the number of long term empty properties and provide additional affordable housing. £444,664 has been spent up to 31 March 2020, bringing 10 empty properties back into use as affordable housing (including two properties acquired in 2019/20). The Council is considering further opportunities to use affordable housing S106 contributions to bring empty properties back into use following the recent appointment of an empty homes officer.
- 8.7 In July 2017, Cabinet approval was given to commit £250,000 of S106 affordable housing contribution to support the residential development of the site of the former Radcliffe Times building for affordable housing. £151,248.02 has been spent up to 31 March 2020.
- 8.8 The Council is exploring opportunities to use the remaining uncommitted affordable housing contributions to allocate additional funding to bring empty properties back into use as affordable housing. This would have

multiple benefits of removing the blight of empty properties, bringing them back into use to provide affordable homes. This could result in significant expenditure of Affordable Housing S106 contributions, utilising the existing uncommitted balance.

9. Employment Land Development Fund

- 9.1 As at 31 March 2020, the total unspent balance of the Employment Land Development Fund (ELDF) was £724,802.25. £236,476.29 of this has been allocated to various projects but is yet to be spent. The remaining £488,325.96 is unallocated and unspent but work is continually on-going to identify specific opportunities in accordance with the approved ELDF Framework for Spending. During 2019/20, £5,264.47 from the ELDF was used to support the creation of a new temporary post with responsibility for providing a planning input into the progression and delivery of current and emerging employment sites in Bury.

10. Highways

- 10.1 In 2019/20, a £95,000 highways contribution to mitigate the impact of the Chamberhall development on the local highway and £24,000 pedestrian connectivity measures to improve pedestrian connectivity between the Chamberhall site and the town centre were received.
- 10.2 £8,881.72 was also received in 2019/20 for the provision of three street lights on Bolton Road, Hawkshaw. Two of these street lights have been installed and there is a planned installation of the third.
- 10.3 Work is planned to use the £35,000 contribution which has been received for the provision of a traffic calming scheme, 20mph zone and improvements to the existing bridleway 37 at Lowes Road. A formal consultation with residents has been undertaken and there was strong support for the scheme to progress.
- 10.4 £10,000 was received for the provision of vehicle activated signs on Manchester Road/Whalley Road. A sign has been provided and the remaining £7,622.28 will be refunded to the site promoter as the deadline for spend has now passed.

11. Public Art

- 11.1 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.

- 11.2 In relation to the provision of public art projects, £3,320 has been spent from historical funds between 1 April 2019 and 31 March 2020 on the Ramsbottom Vase to ensure it is operational.

12. Outstanding Obligations

- 12.1 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).

13. Outstanding S106 Obligations where triggers have been reached

- 13.1 Four developments have been identified as having outstanding obligations which are now due and are being pursued by the Council. Of these, 3 require financial contribution, totalling £226,195.10.
- 13.2 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.

14. Section 106 Agreements not yet triggered

- 14.1 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process but the triggers have not yet been reached, 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.
- 14.2 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.

15. The Community Infrastructure Levy

- 15.1 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.

- 15.2 These regulations have since been amended and came into force on the 1 September 2019. The amendments removed the restrictions on pooling S106 contributions.
- 15.3 However, the Council still continues to identify projects up front when the S106 agreement is signed in order to monitor S106 funds and ensure the contributions are spent on the most appropriate schemes. For recreation contributions, potential project ideas are based on the Green Space Strategy, the Play Strategy, local priorities and opportunities for maximising the money by attracting external funding. Ward councillors are consulted by email and feedback from them informs the final list of schemes.
- 15.4 Non- financial S106 obligations, such as on-site provision of footpaths and transfers of land are unaffected, and maintenance contributions are tied to specific areas of land.

16. Conclusion

- 16.1 S106 Agreements 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.
- 16.2 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.

Appendix A – Schemes Provided Via S106 Commuted Sums

Type of Contribution	Scheme Provided/Location	Money Spent 1 st April 2019-31 st March 2020
Recreation	Cycle Infrastructure Improvement, Philips Park (Pilkington Park)	£1,582.83
Recreation	Thatch Leach Lane Improvements (Whitefield and Unsworth)	£450.00
Recreation	Sycamore Play Area Improvements	£407.00
Recreation	Improvements to infrastructure at Burrs (Bury West)	£1,544.61
Recreation	Improvements to infrastructure at Starmount Reservoir and Blackshaw Brook Phase 1	£7,706.82
Recreation	Improvements to infrastructure at Dow Lane (Bury West)	£8,188.26
Recreation	Whitefield Bowling Pavilion (Whitefield and Unsworth)	£688.78
Recreation	Burrs Health & Safety (Bury West)	£2,058.14
Recreation	Bolton Road West Play Area	£2,573.00
Recreation	Kirklees Valley Maintenance** (Ramsbottom, Tottington and North Manor)	£450.00
Recreation	Bolton Road Park Improvements (Radcliffe)	£7,845.00
Recreation	Town Meadow Play Area Refurbishment (Ramsbottom, Tottington and North Manor)	£14,000.00
Recreation	Burrs Infrastructure Strategy** (Bury West)	£12,349.50
Recreation	Whitehead Park Play Area (Bury West)	£7,775.99
Recreation	King George V Whitehead Pavilion	£1,961.00
Recreation	Whitehead Park Green Flag (Bury West)	£600.01

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Recreation	Ramsbottom Civic Hall Benches (Ramsbottom, Tottington and North Manor)	£1,500.00
Recreation	Clarence Park moving outdoor gym (Moorside)	£5,000.00
Recreation	Hoyles Park improvements to front of Park (Moorside)	£3,421.33
Recreation	Manchester Rd Outdoor gym & improvements (Bury East)	£14,419.99
Recreation	Bolton Road Park Play Area	£8,602.00
Recreation	Springwater Park & Sailors Brow access Improvements - phase 1 (Radcliffe)	£475.00
Recreation	Improvements to Festival Gardens (Radcliffe)	£1,500.00
Recreation	Bradley Fold Lane (Radcliffe)	£6,420.55
Recreation	St Mary's Park Green Flag (Prestwich)	£11,315.08
Recreation	Royal Society for Prevention of Accidents (Borough-Wide)	£6,818.05
Recreation	Burrs Improvements (supporting volunteers) (Bury West)	£10,961.60
Recreation	Fold Street Play Area decommission	£384.89
Recreation	Chamberhall/Hinds Lane invasive Weeds (Little Britain)	£5,332.99
Employment	Employment Land Development Fund – 3 Year Senior Planning Officer (Borough-Wide)	£5,264.47
Affordable Housing	Empty Properties Scheme (Borough-wide)	£114,888.00
Affordable Housing	Radcliffe Times Building (Radcliffe)	£14,360.00
Public Art	Re-commission Ramsbottom urn water feature (Ramsbottom, Tottington & North Manor)	£3,320.00

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

Appendix B – Obligations complied with (1 April 2018 – 31 March 2019)

Application	Site	Description	Obligation complied with
58810	Land at Spen Moor, Bury and Bolton Road, Radcliffe (Tudor Grange)	Reserved Matters for appearance, landscaping, layout and scale following grant of Outline planning permission 55003 for residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	£475,070.93 received in three instalments: <ul style="list-style-type: none"> • £165,000 received 20/7/2016 • £160,000 received 22/12/2017 • £150,070.93 received 21/05/2019 10 affordable units completed.
63185	Land at Chamberhall, Magdalene Road, Bury, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 &D2.	£95,000 highways contribution received 23/4/2019.
63534	Site of Former Park Hotel, Lowther Road, Prestwich, M25 9GP	Residential development comprising 7 no. storey houses, 12 apartments, 21 parking spaces and associated amenity spaces.	£9,000 recreation contribution received 18/7/2019
60717 61714	Land between Geoffrey Street, Taylor Street & Brook Street, Bury, BL9 6DN	Reserved matters application following outline approval 60717 for 18 no. Dwellings with details of appearance, landscaping, layout and scale.	£46,155.24 recreation contribution received 6/7/2019 9 affordable units completed.
57317	Land adjacent to Hardman Fold Farm, Hardman Street, Radcliffe, M26 4GY	Erection of 1 no. detached dwelling.	£3,970.51 recreation contribution received 5/9/2019. S106 recreation contribution - £3,421.33, £348.18 interest for late payment, £201.00 legal fees.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Obligation complied with
63185	Land at Chamberhall, Magdalene Road, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 &D2.	£24,000 pedestrian connectivity contribution received 3/10/2019.
52821, 54715 55235 58055	Land adjacent to 103 Walmersley Road, Bury	Erection of 11 no. flats in 3/4 storey block together with parking	£5,017.32 recreation contribution received in stage payments.
63185	Land at Chamberhall, Magdalene Road, BL9 0ES	Hybrid App - Full for 5 buildings of up to 12,317sq.m (B1,B2, B8) & associated works (Phase 1). Outline for dev (B1,B2,B8) and dev within A1,A3,A4,A5,B1,B2,B8,C1,D1 &D2.	Bury Council submitted Arboricultural Mitigation Scheme on the 11/11/2019. St Modwen approved scheme on 18/11/2019. Bury Council have 5 years to implement the scheme.
59884	Land at Mountheath Industrial Estate, George Street, Prestwich	Outline planning application for the demolition of all existing structures and redevelopment for a mixed use development comprising up to 160 dwellings and 2,959sq.m of employment floorspace (B1/B8) including all associated infrastructure.	Occupation of more than 10 dwellings will not be permitted until the Phase 1 Employment Units (704sq.m gross internal area) are practically complete and available for occupation. Phase 1 Employment Units completed – November 2019.
56781	Land at 1 Woodhill Drive, Prestwich, Manchester M25 0BD	Erection of 1 detached dwelling.	£3,421.33 recreation contribution due on commencement.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Obligation complied with
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 four bed) with public open space, parking and associated access.	£8,881.72 street lighting contribution to be used towards three street lights on Bolton Road, Hawkshaw. Received 10/3/2020

Contributions received after 1 April 2020 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 2020

Application	Site	Description	Obligation complied with
53231, 57085	Holcombe Brook Tennis Club	Erection of 55 category II sheltered flats for the elderly, communal facilities, landscaping and car parking	Final index linked payment received 10/06/2020 - £3,561.00
60723, 62693	Land adjacent to 19A New Road, Radcliffe, Manchester, M26 1LS	Demolition of existing buildings and redevelopment including erection of 14 detached dwellings and associated works.	£38,032.02 recreation contribution received 02/07/2020
45423	Site of Former Mill, Water Street, Radcliffe	Affordable housing contribution in lieu of sale of affordable property.	£14,250 affordable housing contribution received 8/3/2021.
61474	Land at Kersal Vale Road, Prestwich	Outline - residential development to provide up to 118 residential units (Class C3) including means of access	£31,800 ecological mitigation contribution received 25/03/2021
49667	Valley View, Bury (Olives Paper Mill site)	Affordable housing contributions in lieu of sale of affordable property.	£45,500 affordable housing contribution received 28/8/20.
42383	Valley Mill Lane, Bury	Affordable housing contributions in lieu of sale of affordable property.	£18,000 affordable housing contribution received 14/9/20.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Obligation complied with
58233	Land off Salisbury Road, Radcliffe	Affordable housing overage contribution.	£300,000 received 30/9/20
63324	Land at Mountheath, George Street, Preswich	Recreation contribution	£354,425.84 received 4/8/21

Appendix C – S106 income, expenditure and unspent balance

Expenditure type	Contributions received 1 April 2019 to 31 March 2020	Total amount spent 1 April 2019 to 31 March 2020	Total value of unspent contributions as at 31 March 2020	Comments
Recreation enhancement	£217,635.33	£146,332.42	£841,514.9	All allocated with the exception of contribution paid upfront that can't be allocated until commencement of development. The balance includes £5578.93 interest accrued in 2019/20.
Recreation maintenance	-	-	£154,378.55	All allocated to maintenance of transferred land. The balance includes interested earned, £983.52 in 19/20.
Recreation – Strategic Planning projects	0	0	£95,000	£70,000 contribution towards Moss Shaw section of the Bolton Bury railway path and £25,000 Olives Brook Link contribution.
Local Nature Reserves	0	0	£65,057.39	All allocated.
Roch Valley Greenway maintenance fund & repair and maintenance of goyt	0	0	£130,823.00	Transfer of land completed 15/6/16.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Expenditure type	Contributions received 1 April 2019 to 31 March 2020	Total amount spent 1 April 2019 to 31 March 2020	Total value of unspent contributions as at 31 March 2020	Comments
Affordable Housing	0	£129,248.00	£1,570,300.00	£271,088 is committed to empty properties and the Radcliffe Times scheme but unspent as of 31/3/20. Opportunities to allocate additional funding to bring empty properties back into use as affordable housing are being explored.
Employment Land Development Fund	0	£5,264.47	£724,802.25	£5,264.47 used to support the creation of a new temporary post with responsibility for providing a planning input into the progression and delivery of current and emerging employment sites in Bury

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Expenditure type	Contributions received 1 April 2019 to 31 March 2020	Total amount spent 1 April 2019 to 31 March 2020	Total value of unspent contributions as at 31 March 2020	Comments
Highways	£127,881.72	0	£399,917.37	<p>£95,000 highways contribution to mitigate the impact of the Chamberhall development on the local highway and £24,000 pedestrian connectivity measures to improve pedestrian connectivity between the Chamberhall site and the town centre.</p> <p>£8,881.72 was received for the provision of three street lights on Bolton Road, Hawkshaw. Two of these street lights have been installed and there is a planned installation of the third.</p> <p>Plans are progressing to spend contributions received for a second vehicle activated signs at Fletcher Bank, traffic calming, 20mph zone at Lowes Road, improvements to Bridleway 37 and the provision of an additional lane at the slip road to Jn 3 of the M66.</p>
Public art	0	£3,320.00	£30,523.85	£3,320 has been spent on the Ramsbottom Vase.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Expenditure type	Contributions received 1 April 2019 to 31 March 2020	Total amount spent 1 April 2019 to 31 March 2020	Total value of unspent contributions as at 31 March 2020	Comments
Clerke Street study			£3,374.10	Contribution to a study to identify a reuse or redevelopment scheme for land at Clerke Street. Survey work has been completed and an area study has been prepared for the area.
Heat Pipeline feasibility study			23,267.08	Commuted sum from Pilsworth quarry to establish the feasibility of establishing a local heat network.
TOTAL	£345,517.05	£284,164.89	£4,038,958.49 ²	

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 2019 and 31 March 2020, and total balances are as at 31 March 2020.

^{2 2} The 2018/2019 S106 Report incorrectly stated that the total value of unspent S106 contributions was £3,384,220.88. This figure did not include the £130,823.00 Roch Valley Greenway Fund as identified in Appendix C in the 2018/19 report. The correct total is £3,971,043.88.

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 has been instructed.
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.	Completed – contribution now due. Non-compliance letters sent. Legal action instructed.
58918	Land adjacent to 15 Prestfield Road, Whitefield, Manchester, M45 6BD	Erection of 33 no. apartments in 2,3 & 4 storey blocks with associated parking and a detached dwelling.	8 affordable housing units on site.	Development completed. Affordable housing obligation not complied with. £50,000 paid 3/10/17; £50,000 paid 20/11/17; £163,413.72 remains outstanding. Legal action is on-going to seek to recover the outstanding financial contribution in lieu of on-site affordable housing provision.
62237	Prestwich Golf Club, Hilton Lane, Prestwich, Manchester, M25 9XB	Residential development of part of golf course comprising 17 no. dwellings with new access from Kersal Road; Extension and reconfiguration of golf course to provide replacement facility.	£49,107.30 recreation contribution due prior to commencement of the residential development	Under construction - Contribution now due Non-compliance letter sent.

Part 2: S106 obligations not yet triggered

Application	Site	Description	Requirements	Current Status
45274	Former P J Power Site, Millett Street, Bury, BL9 0JA	Demolition of offices & services yard; erection of 21 apartments in four storey block & new office accommodation within three storey block	£7,548.24 recreation payment due upon 1 st occupation.	Material start made. Recreation payment has not been triggered.
50058 50948	Former Albert Inn, Ribble Drive, Whitefield	Erection of 6 retail units with 15 flats above, associated access, parking, servicing and landscaping.	£6,176.40 recreation contribution due upon the sale of the sale of the 3 rd market unit. On-site affordable housing – 3 dwellings	Development completed but sold to one owner so recreation payment has not been triggered
47200	Townside Fields, Bury	Mixed use development	Layout and maintain footpaths and to use best endeavours to provide Metrolink crossing.	Development commenced. Endeavours to provide Metrolink crossing continue.
53353 57525	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.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
58810	Land at Spen Moor, Bury and Bolton Road, Radcliffe, Manchester, M26 4JY	Reserved Matters for appearance, landscaping, layout and scale following grant of Outline planning permission 55003 for residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	<p>48 affordable housing units.</p> <p>£475,070.93 recreation contribution payable in instalments.</p> <p>1st instalment of £165,000 paid (10 projects specified in S106);</p> <p>2nd instalment of £160,000 due on commencement of 66th dwelling;</p> <p>3rd instalment of £150,070.93 due on commencement of 132nd dwelling.</p> <p>On site public open space.</p> <p>Permission for the Council to construct a public access track, with the Owner to ensure that public access is maintained.</p>	<p>Under construction.</p> <p>£165, 000 1st instalment of recreation contribution paid 20/7/2016</p> <p>£160, 000 2st instalment of recreation contribution paid 22/12/2017</p> <p>3rd instalment (£150,070.93) paid 21/5/2019.</p> <p>(10 recreation projects specified in S106).</p> <p>Public access track completed.</p> <p>Completion of the on-site Phase 1 recreational land is required prior to occupation of the 120th dwelling and completion of Phase 2 prior to occupation of the 180th dwelling.</p>

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
58521	Former Red Bridge Inn, Bury Old Road, Ainsworth, Bolton, BL2 5PJ	Refurbishment and conversion/change of use of vacant public house to form 2 no. cottages and 8 no. apartments and erection of block of 10 no. apartments	<p>£30,120.06 recreation contribution payable in instalments.</p> <p>1st instalment of £15,060.03 due upon commencement;</p> <p>2nd instalment of £15,060.03 due on occupation of the 10th unit.</p> <p>Project: Improvement to the Bradley Fold Play Area (Phase 1).</p>	<p>Under construction.</p> <p>£15,060.03 recreation contribution paid 12/4/16.</p> <p>2nd instalment not yet triggered.</p>
56744	Land at Bury Road/York Street, Radcliffe, Manchester, M26 2WH	Hybrid full planning application for the erection of 153 no. dwellings together with associated works inc laying out public open space, remediate, raise levels, emergency access, development platform for future commercial devt. Outline for B1/B2 B8 7435m2	<p>On site recreation provision.</p> <p>15 affordable housing units on site plus overage clause.</p> <p>Employment development or ELDF contribution.</p>	<p>Material start made, Recreation payment has not been triggered.</p>

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
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.
59715	Redisher Works, Holcombe Old Road	Demolition of existing buildings and erection of 22 no. Dwellings including works to culverted watercourse	£64,261.88 recreation contribution payable in instalments. 1 st instalment of £32,130.94 due upon commencement; 2 nd instalment of £32,130.94 on 1st occupation Projects: Improvements to public right of way and footpath at Redisher Woods (phase 1)); Improvements to steps and infrastructure at Pot Green Woodland (phase 1); Improvements to infrastructure at Bolton Road West Playing Fields (phase 1)	Site cleared. Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
60182	Land adjacent to Rico House, George Street, Prestwich, M25 9WS	Erection of synagogue (Class D1) and offices (Class B1) together with associated vehicular access, car parking and landscaping.	<p>£20,000 prior to or upon commencement.</p> <p>This is a financial contribution to be held by the Council to implement a Resident's Parking Scheme if considered necessary. The terms of the obligation are as follows:</p> <p>£7,500 monitoring;</p> <p>£12,500 implementation.</p> <p>Monitoring to include pre-commencement of development and post occupation of development parking surveys at suitable times of the week, to be carried out by TfGM or the Developer.</p>	Not commenced.
59884 62127 63087	Land at Mountheath Industrial Estate, George Street, Prestwich	Demolition of all existing structures and redevelopment for a mixed use development comprising 124 dwellings and 2,959sq.m of employment floorspace (B1/B8) including all associated infrastructure.	<p>Occupation of more than 10 dwellings will not be permitted until the Phase 1 Employment Units (704sq.m gross internal area) are practically complete and available for occupation.</p> <p>Works to improve the junction of George Street/Bury New Road/Kings Road due three years from the date of Phase 2 Employment Units are practically completed and in any event not to cause or permit occupation of any of the dwellings on the site until the highway works are complete.</p>	<p>Phase 1 Employment Units completed – November 2019.</p> <p>Reserved Matters application for residential element approved December 2019 (see 63324).</p>

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
60798	Land on the North side of Rochdale Road, Bury, BL9 7AX	Proposed development of 6 no shops (A1) and 24 no. Flats in 3 and 4 storey building	£37,486.80 recreation contribution due prior to or upon commencement. Project: Improvements to infrastructure at Openshaw Park (Phase 1) and improvements to infrastructure at Clarence Park (Phase 1)	Not commenced.
59375	Site of former British Legion Club, Water Street, Radcliffe, M26 4DF	Outline - Demolition of existing building and erection of 1 no. Building containing 19 apartments with associated car parking and amenity space.	£29,677.05 recreation contribution due prior to or upon commencement. Projects: Improvements to Manchester, Bolton and Bury Canal including removal of invasive species and debris and levelling of towpath east of Water Street (Phase 1); Improvements to footpath and accessibility towards the canal bridge at Banana Path, Improvements to drainage paths and raising the height of plots at Osborne Walk Allotments (Phase 1); and Improvements to track surfacing at Cams Lane running track (Phase 1).	Not commenced. This application has been superseded by a full planning application 63917 which is 100% affordable housing.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
60762	Victoria Mill, High Street, Walshaw	Proposed extension and conversion of existing mill to provide 13 no. 1 &2 bedroom residential apartments with 16 car parking spaces and associated works.	<p>£20,305.35 recreation contribution due prior to or upon commencement.</p> <p>Projects:</p> <p>Improvements to the play area at Town Meadow Park, Tottington (Phase 1);</p> <p>Refurbishment of the tennis courts at Town Meadow Park, Tottington (Phase 1);</p> <p>Improvements to the infrastructure at lodges in Kirklees Valley (Phase 1).</p>	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

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:</p> <p>£33,186.56 due prior to or upon occupation of the 10th unit.</p> <p>£33,186.56 due prior to or upon occupation of the 20th unit.</p> <p>Projects:</p> <p>Improvements to play equipment at Old Kays Park Play Area (Phase1);</p> <p>Refurbishment of play equipment and surfacing at Hawkshaw Recreation Ground Play Area (Phase 1);</p> <p>Relocation of playground site and upgrade of play equipment of play equipment at Greenmount Recreation Ground Play Area.</p> <p>£20,000 employment contribution due in instalments:</p> <p>£10,000 due prior to or upon occupation of the 10th unit.</p> <p>£10,000 due prior to or upon occupation of the 20th unit.</p>	Under construction.
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INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
			<p>Project:</p> <p>Work to support the identification and delivery of sites for future employment development.</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>	
61135	Car park to the north of 129 Croft Lane, Bury, BL9 8QH	Outline application for the construction of 8 no. dwellings	£1,500 highways contribution due prior to the commencement of the development.	Not commenced.
60045	Texaco Petrol Station, Bury Old Road, Prestwich, M25 0EY	Demolition of existing structure and erection of a retail A1 unit and synagogue with associated car parking, landscaping and access arrangements.	£5000 monitoring contribution and £10,000 parking scheme contribution due prior to or upon commencement.	Not commenced.
59067	Cartime, Bell Lane Car Centre, Bell Lane, Bury, BL9 6DJ	Demolition of existing car showroom and erection of a new car showroom with car valet.	Restriction on deliveries to Site A (edged in red) being made using 'prohibited vehicles' as defined in the Agreement.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
62081	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> <p>Improvements to infrastructure and accessibility at Nuttall Park (Phase 1);</p> <p>Improvements to the appearance of the Town Centre open space at Factory Street garden including tree works and clearance (Phase 1);</p> <p>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);</p> <p>Improvements to infrastructure at Kay Brow Lodge and Garden;</p> <p>Improvements to landscaping and environmental quality including tree works and creation of habitats at Bolton Road West Playing Fields.</p>	Not commenced.
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.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
62220	The Elizabethan, Ribble Drive, Whitefield	Demolition of public house and erection of 15 no. dwellings	100% affordable housing.	Under Construction
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: <ul style="list-style-type: none"> • 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) 	Not commenced.
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.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
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.	Not commenced.
63185	Land at Chamberhall, Magdalene Road, Bury, BL9 0ES	HYBRID APPLICATION FULL APP – 5 buildings of up to 12,317sq.m (B1, B2, B8) & associated works (Phase 1). OUTLINE APP – Development (B1, B2,B8) and development within A1,A3,A4,A5,B1,B2,B8,C1,D1&D2.	£30,000 Tree Replacement Contribution. The Council has 12 months from the date of receipt of the contribution to submit an Arboricultural Mitigation Scheme to St Modwen for approval. The £30,000 may be used towards the preparation of the scheme. St Modwen have 30 days to either agree or propose amendments to the scheme. The Council have 5 years from the date of approval of the scheme to implement it. £95,000 – Local highway network mitigation. £24,000 pedestrian connectivity contribution to improve pedestrian connectivity between the site and the town centre due prior to first occupation.	Under construction. £30,000 Tree Replacement Contribution – received 7/2/2019. £95,000 – Local highway network mitigation – received 23/4/2019 £24,000 – Pedestrian connectivity contribution received 03/10/2019.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
63534	Site of former Park Hotel, Lowther Road, Prestwich, Manchester, M25 9GP	Residential development comprising 7 no. 2 storey houses, 12 apartments, 21 parking spaces and associated amenity spaces.	100% affordable housing. £9,000 recreation contribution Project: The completion fencing to improve and upgrade tennis court facilities at St Mary's Park, Prestwich.	Under Construction. £9,000 recreation contribution - received 18/7/2019
63429	Parkgates, Sedgley Park Road, Prestwich, Manchester, M25 0JW	Creation of one additional floor of office space to an existing building.	£7,500 monitoring contribution; £12,500 parking scheme contribution. Both due prior to or upon commencement.	Not commenced.
62546	Land adjacent to 436 Walmersley Road, Bury, BL9 6QE	Erection of 6 no. dwellings	£12,140.46 recreation contribution due prior to or upon commencement. Projects: Improvements to Limefield Park Improvements to landscape areas in Clarence Park.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
63003	85 Bury Old Road, Whitefield, Manchester, M45 7AY	Erection of new four storey office building (B1) and new four storey building comprising 11 no. residential apartments (C3) together with dedicated parking.	1 affordable housing unit. £17,181.45 recreation contribution due prior to or upon commencement. Projects: Drainage improvement works to upgrade accessibility across the site at Thatch Leach Open Space; Improvements to equipment, surfacing and fencing at Victoria Besses Play Area (Phase 1).	Not commenced.
60370 63617	Land to the west of Manchester Road, Ramsbottom, Bury, BL0 0BZ	35 no. dwellings	9 affordable housing units On-site recreation provision (specification for recreation land is to be submitted for approval prior to commencement with the recreation land being completed and available to the public prior to first occupation.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

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.
63462	Land at Chapel Road (adjacent to Sycamore Cottage), Prestwich,	Erection of 3 dwellings	£9,723.98 recreation contribution. Project: Improvements to play equipment and surfacing at Kersal Road Plan Area.	Not commenced.
63630	Land off Kay Street, Summerseat	Erection of a single building containing 16 no. dwellings and associated car parking. Creation of an upgraded vehicular access from Kay Street	2 affordable housing units. £24,991.20 recreation contribution. Project: Improvements to surfacing and equipment at Waterside Play Area.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

Application	Site	Description	Requirements	Current Status
63002	Land adjacent to 41 Station Close, Radcliffe, Manchester, M26 4GW	Erection of 14 no dwellings and associated access road.	1 affordable housing unit. £40,957.56 recreation contribution. Project: Refurbishment of equipment and infrastructure at Snape Street Play Area (prior to commencement); Refurbishment of equipment at Young Street Play Area (prior to occupation of the 5 th unit). Cycleway	Not commenced.
61474, 64462	Land at Kersal Vale Road, Prestwich, Salford, M7 3NT	Approval of RM of layout, scale, landscaping and appearance for outline app 61474 for the construction of 109 no residential dwellings together with associated public open space, landscaping, sub & pumping stations and highways infrastructure.	44 affordable housing units On-site recreation provision Provision of a public access track	Not commenced.
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.	Not commenced.

INFRASTRUCTURE FUNDING STATEMENT 2019/2020

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.	Not commenced.
63992	Land between 60 and Unit 6 Millett Street, Bury, BL9 0JA	Erection of a building to contain 36 no. apartments with associated external works, car parking and landscaping	100% affordable housing.	Not commenced.