

**ITEM NO:**

**OLDHAM METROPOLITAN BOROUGH COUNCIL**

**JOINT**

**REPORT OF: EXECUTIVE DIRECTOR OF REGENERATION &  
EXECUTIVE DIRECTOR OF ENVIRONMENTAL  
SERVICES**

**TO: PLANNING COMMITTEE**

**DATE: 25 AUGUST 2004**

**TITLE: SECTION 106 PLANNING OBLIGATIONS**

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**1.0 Purpose of the Report**

1.1 To update Members and the Area Committees with information into the use and management of financial resources secured by Section 106 planning obligations (s106), and the rationale connected to the procedures for managing and procuring s106 obligations within Oldham.

**2.0 Executive Summary**

2.1 There is guidance in place from central Government in the form of Circular 1/97, relating to the use of s106 planning obligations. This details the way in which the Local Planning Authority may use them to secure improvements to a development or overcome difficulties, which would mean a planning application would be refused.

2.2 The Council has developed a set of clear and robust procedures, for dealing with all aspects of s106's, from negotiations of their contents to the implementation of schemes funded through commuted sums. These procedures were

developed following an external auditor's report into the planning process in Oldham.

- 2.3 It is important to understand that s106's do not provide a source of money, which can be used freely by the Local Authority. The purpose and provisions of any agreement, are effectively determined at the time of the planning consent, and are legally binding on both the developer and the Council. Therefore, the provisions of a S.106 should be as clear and precise as possible at the time the agreement is drafted and agreement reached. The Council's approved "Good Practice Guide" for s106 obligations, provides advice in this regard.
- 2.4 Since the last monitoring report, a further 22 new s106's have been signed, bringing in a potential £442,925 towards a range of schemes. A further £429,319 has been spent on a range of public open space and highway schemes, both capital and revenue, and a further £1.4 million is committed to projects happening within the next 18 months. This has helped to support a total of £3.2 million of investment drawn from other funding streams.

### **3 Recommendations**

3.1 It is recommended that:

- a) Members note the report.**
- b) Members continue to support the current reporting and monitoring arrangements and the ongoing work being undertaken to improve transparency of the s106 process.**
- c) Members approve the circulation of this report to the Area Committees for information purposes.**

## **SECTION 106 PLANNING OBLIGATIONS**

- Section 4      Introductions and Background
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  - Appendix 2    Report to Planning Committee 10<sup>th</sup> December 2003

## **4 Introductions and Background**

- 4.1 This report is presented to the Planning Committee, and relates to the management and allocation of resources accrued through s106 planning obligations. The last report to Committee on the 10<sup>th</sup> December 2003 is appended for information purposes at Appendix 2.
- 4.2 It provides Members with an introduction to the purpose and reasons for s106 planning obligations. It outlines the procedures that have been put in place, since the KPMG auditor's report into "Probity in Planning" in Oldham, in 1999 and the reasoning behind them. It provides information as to the reasons why s106's are used and how standards will be maintained and improved.
- 4.3 The report also gives details of new s106's signed since the last report, progress in the use of resources secured through the s106 process, as well as up to date information on the database.

## **5 What is a Section 106 – why do we have them?**

- 5.1 In considering an application for planning permission, the Council may secure improvements to the proposed development by negotiation of a 'planning obligation' with the developer. Such obligations, authorised by section 106 of the Town and Country Planning Act 1990 (hence the name), generally either improve the quality of the development, or overcome difficulties which would otherwise result in planning permission being refused.

### Examples of the use of planning obligations

- Provision of affordable housing;
- Improved community facilities - Public open space / play areas, educational facilities;

- Improved transport facilities - contributions have previously been used towards Oldham Bus station, park and ride and provision of cycle lanes;
- Public art;
- Specific measures to mitigate impact on a local area - parking restrictions, landscaping or noise insulation.

5.2 A fundamental principle when negotiating s106s is that planning permission cannot be bought or sold, and so obligations have to be fair, open and reasonable. They must also relate to the proposed development. A s106 must meet five tests, as laid down by the Government (in Circular 1/97). These are that the contents and purpose of the Obligation must be:

- Necessary;
- Relevant to planning;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

5.3 A vital test of proposed planning obligations is that they must be necessary to make a proposal satisfactory in land use planning terms. They ought not be sought where the connection does not exist or is too remote.

5.4 The Oldham Unitary Development Plan (UDP) and the Replacement UDP (RUDP) contain a number of policies, which may require the negotiation of a planning obligation. When considering an application, the Council has to have regard to the policies within the development plan.

5.5 An alternative to the above is for the developer to offer a 'unilateral undertaking' at the time the application is submitted. This is generally in situations where a developer knows a s106 will be required and is an attempt to speed up the decision making process by offering perhaps a commuted sum for public open space improvements. However, notwithstanding the contents of such an offer, the Council will request changes where necessary to ensure that the unilateral undertaking

complies with the minimum requirements of the relevant UDP policies and the 5 tests.

## **6 Management of the Section 106 system in Oldham**

6.1 The current procedure for dealing with s106s in Oldham, was introduced after the Council's external auditors, KPMG, conducted a 'review of probity in planning' in 1999. The report offered an opportunity for the Council to improve the way it handled all aspects of the planning process including planning obligations. The previous system was considered to lack transparency, and public access to details of individual s106 was difficult.

6.2 Following the report a number of actions were taken.

- A "S.106 Liaison Group" was established and officers continue to work together to ensure a joined-up approach in the procurement and implementation of s106s. Officers were allocated responsibility for the management of the process.
- A 'S106 Good Practice Guide' for applicants and the wider public was published and adopted as Council policy in 1999, to give applicants a degree of confidence of when a s106 was likely to be required and of any financial contributions, particularly where public open space (POS) was involved;
- A database was developed to enable the monitoring and management of s106 obligations. In particular this enables the recording and tracking of areas of spend and forms the basis of the details available to the public. Currently the database is in the process of being made more widely available to all the planning officers through the recently introduced ACOLAID computer system. It is envisaged that this information will also be made available to the public via the Council's website in due course.
- In line with good practice, a standard provision was introduced into the s106 that contributions will be refunded if not spent within 5 years of receipt, unless otherwise agreed

with the developer. This gives the Council enough time to programme spend and activities, in accordance with the provisions of the agreement, corporate strategies and maximise opportunities for match funding.

- A procedural note has been produced for all officers involved in the process, which ensures that everyone follows the same procedures when dealing with any aspect of S.106 Obligations.

## **7 Negotiating the s106 and determining the application**

- 7.1 The Planning Committee determines all applications that require a planning obligation. This is written into the Council's scheme of delegation.
- 7.2 Prior to the application going to Planning Committee, the case officer leads negotiations with the developer on the requirement for any financial contributions in line with the Good Practice Guide.
- 7.3 The service areas within the Council, whose role includes the expenditure of resources from s106 obligations, are involved during the negotiations, to provide advice in relation to the details of the s106. This will include recommending, for example, whether public open space provision should be on-site or off-site; and to which site or purpose a commuted sum should be allocated.
- 7.4 Notwithstanding ensuring that the provisions of the s106 will overcome the potential reason for refusal, the terms of the agreement must also fit with corporate objectives, relevant strategies, as well as local needs. Council officers are well placed to guide this process, using their professional judgement in relation to national, regional guidance and local strategies, such as Oldham's Green Space Strategy; the legal and audit position in relation to what we can and can't do; and also match funding s106 commuted sums against other resources in order

to increase the overall value and quality of the proposed scheme or planning gain.

- 7.5 The broad terms of the s106, including any financial requirements are then included in the officer's report to Committee in order to maintain a transparent and open process. In many cases, a draft s106 is prepared alongside the Committee report, to speed the processing of the application. However, it does not imply that the proposal will be granted planning permission and it does not fetter the Planning Committee's decision.
- 7.6 The Committee may then approve the application subject to the negotiated terms; or vary the terms of the s106 or refuse the application. Where Committee wishes to modify the terms of the s106 it should consider whether this is in line with the provisions of the Good Practice Guide, the relevant UDP policies and Government advice in Circular 1/97. Committee will be mindful that this may cause delay in processing the application.

## **8 Allocation of resources**

- 8.1 As planning obligations are sought under the Planning Acts it is appropriate therefore that the overall responsibility for them lies with the Planning Committee. However, in order to make the system workable the negotiating of the terms and allocation of resources is delegated to officers in line with the terms of the Good Practice Guide, as are all other aspects of the application process.
- 8.2 There has been a request from a member of the public that Area Committees determine how s106 resources are allocated. Whilst the Area Committees play an important function in determining priorities at a local level, through the Area Plans and the Green Space Strategy, it is not considered appropriate or expedient to take every obligation or proposal to spend to each Area Committee for their decision. The Council enters into a considerable number of s106 obligations each year, and to consult on each one would place a significant strain on an

- already busy service. It is also important that a consistent approach is applied across the borough in determining priorities and spending, in accordance with Council priorities and strategies.
- 8.3 When the detail of the purpose of the contribution has not been finalised by the time the s106 is signed and the application is approved, the agreement often refers to improvements to public open space within the vicinity of the site. This means that any proposal to spend must be reasonably related to the approved development, and in the case of public open space, this must be within walking distance.
- 8.4 In addition, where there are multiple possibilities for spend on public open space in a locality, officers will implement schemes in accordance with the Council's adopted Green Space Strategy, which seeks to provide a realistic and achievable framework for activity and provides the basis for a planned programme of investment. Schemes will also be progressed following consideration of the amount of money available; levels of match funding accessible and the range and type of public open space in the area. There can be many types of public open space in an area; from local amenity green space; formal and informal planting areas; to country parks and children's play areas. The Council is in a position to balance the competing demands placed on these areas.
- 8.5 It is well accepted through the adoption of the measures introduced as a result of the KPMG audit report, referred to in section 4, and the Green Space Strategy, that the past ad-hoc approach to the development of green space and use of s106 contributions was not appropriate. Nor was it the best use of resources and the best way to improve Oldham's "green estate". The use of s106 agreements should complement this strategy, and ensure that the Council does not favour certain areas or loses opportunities for match funding.

## 9 Review of Good Practice Guide – Future improvements and proposals for system

- 9.1 As previously reported, the current figures for public open space contributions need to be reviewed. The figures used have been in place for over 10 years and are now inadequate to cover the real costs of providing and maintaining public open space, particularly play facilities.
- 9.2 The figures used to calculate public open space contributions, in the Good Practice Guide, potentially comprise two elements: laying-out costs and maintenance costs.

### Laying-out costs

<u>Size of dwelling</u>	<u>Lay-out contribution per dwelling</u>
2 bedroomed house	£421 per dwelling
3 bedroomed semi-detached house	£523 per dwelling
3 bedroomed detached house	£644 per dwelling
4 bedroomed detached house	£765 per dwelling

- These contributions will be used either to enhance existing specific public open spaces near the development site or to fund the cost of laying out new facilities in the area. The contribution is based on the size of each dwelling, as measured by the number of bedrooms, since this is related to the potential demand for good quality public open space from future residents.

### Maintenance costs

- This is related to the size and content of the public open space and will be assessed by the Parks Manager - Environmental Services. The maintenance cost will cover the first 12 years maintenance and include an annual percentage increase to ensure that the real value of the contribution does not decline over the 12-year period.

- 9.3 A separate report detailing the proposed revisions to the way public open space contributions are calculated will be submitted to Planning Committee in October 2004. This will allow the proposed revisions to take account of current review of the Unitary Development Plan and emerging government guidance on the use of s106's. The report will also include details on future reporting arrangements to Area Committees.
- 9.4 In addition to the above, changes to Planning Policy Guidance 13 (Transport), has meant that the Council can no longer require commuted sums in lieu of the provision of car parking. The practice of securing contributions towards transportation infrastructure scheme and highway safety measures has continued. However, there is currently no written method of calculating a contribution, and in some cases, where a contribution has been secured, it is in no way enough to cover the full costs of the scheme.
- 9.5 In the interests of transparency and expediency in determining an application with a highway related S.106, it is therefore, also proposed to review the instances where such contributions are sought. This is so that developers either pay the full cost of the improvements required, or are contributing to a planned programme of work which can be undertaken within the 5 year period that the s106 money is available. This will also be included the October report reviewing the Good Practice Guide.

## **10 Progress Report**

### **New Section 106's**

- 10.1 Twenty-two s106 obligations have been signed since the last report and July 2004. A brief detail of each of the agreements has been provided in the table below (Table 1). As can be seen, not all of the S.106's are financial, some relate to the restriction of use of facilities, and so on. During this time, a total of £256,876 has been received and a further £186,049 is due, subject to the fulfilment of various outstanding requirements within these remaining new S.106's.

**Table 1 - New S.106's signed between November 2003 and July 2004**

No.	Planning Application Number	Development	Area Committee	Amount	Purpose
150	43996	Land at Park Mill, Bleadale Street, Royton	Shaw & Royton	£35,000.00	To enhance and maintain POS within Royton Park
151	43880	High Street/Hartshead Street, Lees	Saddleworth & Lees	£17,369.00	Towards the cost of provision or improvement of POS in the vicinity of the land
152	40276	Buckley New Mills, High Street, Uppermill	Saddleworth & Lees	£8,000.00 £13,191.00	<ul style="list-style-type: none"> <li>• Highway safety measures on High Street, Uppermill</li> <li>• - Improvement of POS in the vicinity of the land</li> </ul>
153	43671	Land at 1 – 5 Ripponden Road, Denshaw	Saddleworth & Lees	£1,350.00 £1,620.00	<ul style="list-style-type: none"> <li>• Towards replacement play equipment in the vicinity</li> <li>• Towards maintenance of the play equipment</li> </ul>
154	44918	Land at Greenfield Service Station	Saddleworth & Lees	£8,696.00 £10,435.00	<ul style="list-style-type: none"> <li>• Capital</li> <li>• Revenue</li> <li>• Towards improvement of play equipment in Ladhill Lane Park (Greenfield)</li> </ul>
155	45361	Village Manor, High Street, Uppermill	Saddleworth & Lees	Not yet	£24,449 to be paid on the commencement of development towards an area of off-site POS.
156	44120	Richmond Park, land off Oakview Road/Manchester Road, Greenfield	Saddleworth & Lees	Nil	To delete the restriction of occupancy to the over 55's
157	45679	Land at Spring Street, Oldham	East Oldham	£5,230.00 £6,276.00	<ul style="list-style-type: none"> <li>▪ Capital</li> <li>▪ Revenue</li> <li>▪ Towards improving the play area/POS at Beresford Street.</li> </ul>
158	43090	Land off Hunt Lane, Chadderton	Chadderton	Not yet	On or before commencement date, to pay £50,000 to enhance footpath and cycleway link to west of site. Plus on-site POS and land transfer.
159	46196	Land at Quebec Street/Osborne Street, Oldham	West Oldham	£1,000	<ul style="list-style-type: none"> <li>▪ Towards the cost of Traffic Regulation Order to narrow Osborne Street.</li> <li>▪ To pay £20,281.80 on commencement of development towards provision of POS in the local area.</li> </ul>
160	45936	62 Oldham Road, Grasscroft	Saddleworth & Lees	£18,345.60	Towards the provision of a skate park at the Satellite Centre in Greenfield.

No.	Planning Application Number	Development	Area Committee	Amount	Purpose
161	43799	Land at Oakview Mills, off Friezland Lane, Greenfield	Saddleworth & Lees	£13,005.00 £15,606.00  £6,000.00	<ul style="list-style-type: none"> <li>▪ Capital</li> <li>▪ Revenue</li> <li>▪ To improve youth sports facilities and POS in the vicinity of the site.</li> <li>▪ Towards improvements to pedestrian facilities on Friezland Lane.</li> </ul>
162	41543	Land adj. to 3 Burnedge Lane, Grasscroft	Saddleworth & Lees	None	Construction and dedication of footway.
163	41019	Royal George Mills, Greenfield	Saddleworth & Lees	£17,000.00  £5,500.00  £4,900.00  £5,000.00	<ul style="list-style-type: none"> <li>▪ Traffic Calming on Church Road/High Grove Road</li> <li>▪ Canal towpath improvements</li> <li>▪ New roundabout High Grove Road/Armit Road</li> <li>▪ Play area in Greenfield</li> </ul> Plus on site POS to be laid out transferred to Council, with a sum for maintenance.
164	44770	Fernhill, 60 Oldham Road, Grasscroft	Saddleworth & Lees	£8,316.00 £9,979.00	<ul style="list-style-type: none"> <li>▪ Capital</li> <li>▪ Revenue</li> <li>▪ Towards an area of off-site POS</li> </ul>
165	37729	Land off Greenbridge Lane, Greenfield	Saddleworth & Lees	£17,647.08	For maintenance of landscaped footpath which needs to be transferred to the Council following completion.
166	45850	Land at Hartshead Street/High Street, Lees	Saddleworth & Lees	£11,114.00	Towards improvement of off-site POS ( <i>N.B. – agreement not fully completed</i> )
167	46190	Spring Mill, Spring Street, Uppermill	Saddleworth & Lees	£250.00	<ul style="list-style-type: none"> <li>▪ For legal fees</li> <li>▪ On or before 1/11/04, to pay £13,246.20 (cap &amp; rev) towards improvement of POS in the vicinity of the land.</li> </ul>
168	46005	Alexandra Retail Park, Park Road, Oldham	East Oldham	Not yet	Within 14 days of opening to the public, to pay £15,000 for 2 x CCTV cameras and £40,000 towards pedestrian improvements on the route to Union Street
169	46581	Brock Mill, Rochdale Road, Crompton	Shaw & Royton	£250.00	<ul style="list-style-type: none"> <li>▪ For legal fees.</li> <li>▪ On commencement of development, to pay £13,893 (which can be increased by inflation), towards the improvement of an area of off-site POS.</li> </ul>
170	46260	Dene Garage, Chew Valley Road, Greenfield	Saddleworth & Lees	£15,547.00	Towards improvements to be carried out at Ladhill Park, such as improvements to the kick about area.

No.	Planning Application Number	Development	Area Committee	Amount	Purpose
171	45488	Land at Roundthorn Road/Aspull Street, Oldham	East Oldham	£250.00	<ul style="list-style-type: none"> <li>▪ For legal fees.</li> <li>▪ Within 12 months of commence to lay out on-site POS, to maintain it for a further 12 months, then transfer to the Council and pay £9,180 for its future maintenance.</li> </ul>
		<b>Total Received</b>		<b>£256,876.68</b>	

### S106 Expenditure - capital

10.2 Table 2 (below) shows that the S.106 capital expenditure has been matched in a ratio of 1: 9 with other funding, however in the majority of project Section 106 is the predominant funding element. Whilst some of this other funding has come from the Council's mainstream budget, much has come from external sources such as the Big Lottery Fund- Fairshare "Transforming your Space" programme; Heritage lottery fund; Quality Bus Corridors, and so on. In some of these cases, it has been the existence of the commuted sum, which has enabled the Council to secure such levels of match funding.

**Table 2 - Capital Expenditure and Committed Expenditure between December 2003 and July 2004 using s106 resources**

No.	Planning Application Number	Development	Area Committee	Scheme Details	S106 Contribution (including interest)	Total Scheme Value
77	40006	Hale Lane/Stanhope Way, Failsworth	Failsworth & Hollinwood	Dean Street Local Open Spaces	£6,812	£56,812
127	42131	Butterworth Lane/Hollinwood Avenue (South Chadderton School)	Chadderton	Traffic Regulation Order and signs	£2,290	£2,900
150	43996	Park Mill, Bleasdale Street, Royton	Shaw & Royton	Modular building at Royton Park	£35,000	£43,000

No.	Planning Application Number	Development	Area Committee	Scheme Details	S106 Contribution (including interest)	Total Scheme Value
101	38569	Land at Lime Grove, Royton	Shaw & Royton	Making up of footpath between Lime Grove and Fir Bank Road	£1,805	£1,805
60	35961	Land at Range Lane, Denshaw	Saddleworth & Lees	Repair of dry stone walls around Denshaw Park, plus training opportunities	£6,000	£6,000
106	37386	Costco, Broadway	Chadderton	Long Lane local safety scheme	£35,000	£138,100
62	35799	Elk Mill	Shaw & Royton	Holden Fold traffic calming scheme and footway	£127,750	£127,750
57	38307	Underhill Road, off Godson Street, Oldham	West Oldham	Rochdale Road/Booth Hill Lane – pedestrian refuge island and 1 –way scheme	£10,500	£25,793
115	42217	Harmony Street, Glodwick	West Oldham	New play equipment in Alexandra Park	£13,200	£45,000
139	42769	Hopkinson Close, Uppermill	Saddleworth & Lees	New play area in St. Chad's, Uppermill	£10,078	£65,000
149	44052	Acorn Mill, St John Street, Lees	Saddleworth & Lees	Fencing/gating scheme	£10,000	£10,000
57	38307	Underhill Road, Oldham	West Oldham	Oldham Edge entrance at White House	£11,500	£15,000
116	41884	Land off Ripponden Road	East Oldham	Whitehall Lane multi use games area	£56,732	£60,000
54	37946	McDonalds, Globe Iron Works, Plane Street	East Oldham	Local safety scheme and Quality Bus Corridor	£24,262	£2,600,000
		<b>Total</b>			<b>£350,929</b>	<b>£3,197,160</b>

## S106 Expenditure - Revenue

10.3 Much of the revenue based commuted sums that are negotiated by the Council are for the maintenance of new facilities and infrastructure, such as new traffic signals, public open space and landscaping handed over to the Council, as part of the S.106 agreement. Since the last report, £78,390 has

been spent or is committed for maintenance purposes. These are detailed in Table 3, which follows.

**Table 3 - Revenue Expenditure incurred and committed between November 2003 and July 2004**

No.	Planning Application Number	Location	Area Committee	Purpose	Details of expenditure
3	29495	Cutler Hill Road, Failsworth	Failsworth & Hollinwood	Maintenance of the POS for five years	£6,579.58 for ongoing maintenance for 2004/5
4	30761	Chew Valley Road, Greenfield	Saddleworth & Lees	Maintenance of the POS for five years	£2,325.09 for ongoing maintenance for 2004/5
17	33864	Holden Fold, Royton	Shaw & Royton	Maintenance of the POS for twelve years	£2,200 for ongoing maintenance for 2004/5
24	34647	Delph New Road, Dobcross	Saddleworth & Lees	Maintenance of POS for six years	£1,513.92 for ongoing maintenance for 2004/5
55	36722	Lower Dingle Sholver	East Oldham	Maintenance of landscaping on Cop Road	£1465.73 for ongoing maintenance for 2004/5
103	28247	Holt Lane, Willow Park, Failsworth	Failsworth & Hollinwood	Maintenance of POS for five years	£2,050 for ongoing maintenance for 2004/5
21	36108	Constantine Street, Oldham	East Oldham	Maintenance of on site POS and landscaping strip	£1,400 for ongoing maintenance for 2004/5
25	35746	Springbrook Works, Chadderton	Chadderton	Maintenance of on-site POS for twelve years	£9856 for ongoing maintenance for 2004/5
98	40740	Ripponden Road/Northgate Lane	East Oldham	Maintenance of traffic signals	£1,000 for maintenance of traffic signals for 2004/5
65	36620	Chadderton Way (B & Q)	West Oldham	Operation of bus park & Ride	£50,000 for ongoing costs associated with bus park & ride scheme for 2004/5
				<b>TOTAL</b>	<b>£78,390.32</b>

### **S106 Planned Expenditure (next 18 months)**

10.4 The following table provides an indication of how s106 resources are to be used in a programme of planned investment in a variety of public open space and highway related schemes. In some cases, the level of resources secured through s106 can be quite considerable when used in conjunction with each other and additional funding streams.

**Table 4- Planned Expenditure for the next 18 months using s106 resources**

**Public Open Space Schemes**

<b>Copster Park, Oldham</b>		Park improvements (toilets, fencing, new play equipment)		
DB no	Site description	PA no	Available	Purpose
90	Honeywell Lane/Ashton Road	0	£21,781.69	POS in area
102	Hollins Road	41416	£12,260.57	POS in area
112	Copster reservoir	41491	£114,127.04	Copster Park
		<b>TOTAL</b>	<b>£148,169.30</b>	

<b>Ladhill Play area, Greenfield</b>		Links with wider Fairshare "Transforming Your Space" (TYS) scheme at Ladhill – Play improvements and sports facilities		
DB no	Site description	PA no	Available	Purpose
31	Hollin Hall	35731	£15,499.27	POS in area
154	Greenfield Service Station	44918	£19,793.19	Ladhill Park
161	Oak View Mills	43799	£34,611.00	Sport @Ladhill Park
163	Royal George Mill	41019	£5,000.00	Play equip in U/mill or G/field
170	Dene garage, Chew Valley Road	46260	£15,547.00	Improvement works to kick about area at Ladhill Park
		<b>TOTAL</b>	<b>£90,450.46</b>	

<b>Mills Recreation Ground, Lees</b>		Replacement play area		
DB no	Site description	PA no	Available	Purpose
130	Hartshead St/High St, Lees	42320	£7,050.00	POS in area
151	High St/Hartshead St, Lees	43880	£17,970.20	POS in area
		<b>Total available now</b>	<b>£25,020.20</b>	
Not yet signed	Hartshead St/High St, Lees	45850	£11,114.00	POS in area (unavailable to use as not yet signed and negotiations into additional contribution)

**Leesbrook Nature Park** Part of wider Pennine Edge Forest initiative

DB no	Site description	PA no	Available	Purpose
149	Acorn Mill, St. John Street, Lees	44052	£41,437.30	POS in area

**Foxfields** Open space improvements (links to wider Fairshare TYS scheme)

DB no	Site description	PA no	Available	Purpose
33	Fox Mill, Limeside Road	35524	£6,841.75	POS in area

**Leavers Wood and Delph Donkey Circular, Dobcross** Ongoing – improvements to footpaths, habitats, walls and woodland management

DB no	Site description	PA no	Available	Purpose
49	Walk Mill, Dobcross	36412	£6,617.44	POS in area

**Beckett Meadows** Added value to Fairshare TYS scheme for grass kick about area

DB no	Site description	PA no	Available	Purpose
56	Cranbrook Street, Clarksfield	38251	£9,529.41	POS in area

**Denshaw Park, (Wibsey)** Habitat improvements and play facilities

DB no	Site description	PA no	Available	Purpose
60	Range Lane, Denshaw	35961	£3,910.38	POS in area
153	1-5 Ripponden Rd, Denshaw	43671	£3,072.80	POS in area
<b>Total</b>			<b>£6,983.18</b>	

**Werneth Park** Play equipment

DB no	Site description	PA no	Available	Purpose
81	Chamber Road	40437	£9,859.15	Werneth Park

**Uppermill Park (St. Chad's)** Park improvements

DB no	Site description	PA no	Available	Purpose
152	Buckley New Mills, High Street	40276	£13,200.00	POS in area
83	Alexandra Mill, Uppermill	39392	£15,000.00	Off site POS provision
<b>Total</b>			<b>£28,200.00</b>	

**Broadway/Oldham Road Park, Royton** Play equipment and park improvements

DB no	Site description	PA no	Available	Purpose
142	Land at Salmon Fields, Royton	42906	£40,975.86	Broadway/O/m Rd, POS

<b>Mabel Rd/Minor St, Failsworth</b>		Added value to Fairshare TYS scheme – open space improvements		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
132	Land at Mabel Rd/Minor St, Failsworth	42542	£10,239.60	Tree planting and boundary treatment to Mabel/Limeditch/Recreation Roads

<b>Crossley Playing Fields</b>		Open space improvements		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
133	Albion Street, Chadderton	43403	£7150.41	Crossley Playing fields

<b>Dogford Park</b>		Links to wider Fairshare TYS scheme – play improvements		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
141	Eros site, Rochdale Rd, Royton	43507	£16,529.81	Dogford Park

<b>Osram's playing fields</b>		Enhance playing fields and Site of Biological interest		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
143	Cape Mill, Refuge street, Shaw	42855	£51,730.67	Enhance playing fields and SBI, plus future maintenance

<b>Beresford Street</b>		Links to wider Fairshare TYS scheme – kick about area and landscaping		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
157	Land at Spring Street, Greenacres	45679	£11,506.00	Beresford Street

<b>SK8, Greenfield</b>		Skate park		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
160	Land at 62 Oldham Rd, Grasscroft	45936	£18,345.60	Skate park at Satellite Centre, Greenfield

<b>Rochdale Canal, Failsworth</b>		Access and environmental improvements		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
121	Marlborough Mill, Poplar St, Failsworth	42257	£26,000.00	Enhance Rochdale Canal

<b>Huddersfield Canal, Royal George Mills</b>		Towpath improvements		
DB no	Site description	PA no	Available	Purpose
163	Royal George Mills	41019	£5,500.00	Towpath improvements between A & B

<b>Cambridge Street, Freehold</b>		Open space improvements		
DB no	Site description	PA no	Available	Purpose
134	Land at Block Lane, Chadderton	43653	£62,076.80	POS in Freehold

## Highway Schemes

<b>Alexandra Road/Brook Lane</b>		Traffic Regulation Order (TRO)		
DB no	Site description	PA no	Available	Purpose
148	Alexandra Road and Brook Lane, Oldham	44229	£1,034.61	To contribute towards TRO to revoke the prohibition of driving order on Brook lane

<b>Carlton Way Estate</b>		Traffic Calming Scheme		
DB no	Site description	PA no	Available	Purpose
65	Land at Chadderton Way	36620	80,000	Towards improvement to local transportation infrastructure and traffic calming

<b>High Street, Uppermill</b>		Pelican Crossing		
DB no	Site description	PA no	Available	Purpose
152	Buckley New Mills, Uppermill	40276	£8,000	Towards highway safety measures on High Street, Uppermill

<b>Chew Valley Road</b>		Footpath		
DB no	Site description	PA no	Available	Purpose
128	136/138 Chew Valley Road, Greenfield	42553	£1,575.82	Improvement to the transport infrastructure in the vicinity

<b>Mough Lane</b>		<b>Traffic Calming</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
106	Costco, Broadway	37386	£35,000	Local transport initiatives
<b>Elk mill</b>		<b>Traffic Signal upgrade</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
62	Elk Mill	35799	£10,000	Towards transportation infrastructure
<b>Salmon Fields</b>		<b>Traffic Signal Upgrade</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
62	Elk Mill	35799	£50,000	Towards transportation infrastructure
<b>Broadway</b>		<b>Cycle Track</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
62	Elk Mill	35799	£60,000	Towards transportation infrastructure
<b>Greenwood Street/Mortar Street</b>		<b>Prohibition of Driving Order (PDO) and installation of bollards</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
145	Greenwood Street/Mortar Street	43786	£1,034.61	Towards processing of a PDO
<b>Oldham Road, Lees</b>		<b>Pedestrian refuge Island</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
130	Land at Hartshead Street, Lees	42320	£3,200	Enhancement of pedestrian crossing facilities and Quality Bus Corridor
<b>Park Road/Kings Road</b>		<b>Improvements to traffic signals</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
125	Land at Landseer Street, Oldham	42056	£2,113.72	Highway safety improvements on Park Road
<b>Oldham Road, Failsworth</b>		<b>Quality Bus Corridor</b>		
<b>DB no</b>	<b>Site description</b>	<b>PA no</b>	<b>Available</b>	<b>Purpose</b>
121	Land at Marlborough Mill, Poplar Street, Failsworth	42257	£50,000	Towards the Quality Bus Corridor

Newport Street		Traffic calming		
DB no	Site description	PA no	Available	Purpose
73	Land at New port Street	39261	£3,562.70	Traffic calming measures on the approach to the site
Friezland Lane, Greenfield		Pedestrian Facilities		
DB no	Site description	PA no	Available	Purpose
161	Land at Oak View Mills, Off Friezland Lane	43799	£6,000.00	To improve pedestrian facilities on Friezland Lane
Park Cake Bakeries		Monitor residents parking scheme		
DB no	Site description	PA no	Available	Purpose
123	Park Cake Bakeries, Ashton Road	42431	£3,181.75	Monitoring residents parking scheme
Shaw Hall Bank Road, Greenfield		Double yellow lines		
DB no	Site description	PA no	Available	Purpose
89	Shaw Hall Bank Road, Greenfield	40860	£1,106.12	Provision of traffic management scheme
Warren Lane, Oldham		Traffic regulation Order and signs		
DB no	Site description	PA no	Available	Purpose
111	Land at Warren Lane, Oldham	40996	£3,218.01	Towards the costs of processing and implementing the TRO

## 11 Legal comments

11.1 The adoption and implementation of policies and procedures as described in this report are necessary to comply with the statutory provisions and Government policy on the use of s106 Obligations, and to ensure the process is open and transparent and delivers the benefits envisaged. (GJO)

## 12 Financial implications

12.1 There are no financial implications from this report, as it is for information only.

### 13 Treasurer's comments

13.1 The schemes listed in table 1 represents both capital and revenue expenditure and will be a charge against their respective budgets. The Section 106 will be allocated in accordance with par 8.0 above as and when specific works/schemes have been identified. The amount of Section 106 monies received and receivable is shown below:

	Received £	Outstanding £	TOTAL £
Section 106	256,876.68	186,050.00	442,926.68

13.2 The amount outstanding will only be received as and when the development scheme commences or at the due date stated in the planning agreement. However, if any development scheme does not proceed, no monies will be received in respect of that agreement.

13.3 The schemes listed in table 2 represent capital expenditure and will be a charge against their respective capital programmes. As can be seen from the totals, in most cases the section 106 is used to enhance existing schemes.

13.4 The schemes listed in table 3 represent revenue expenditure and will be a charge against their respective revenue budgets, with the Section 106 being made available to ensure the maintenance of the facility/site.

13.5 Each individual scheme will be subject to a further report, which will identify all funding both capital and revenue (including maintenance) finance, in accordance with Council procedures.

13.6 It is important that S.106 procedures are followed in order that S.106 monies are allocated to schemes before they are started, rather than being allocated after the scheme is completed.

13.7 It is recommended that spending departments identify a planned scheme of S.106 work for the year. This way, the

necessary preparatory work of obtaining quotes/tenders can be undertaken in a systematic way.

## **14 Environmental and Health & Safety Implications**

14.1 Not applicable. This report is for information and monitoring purposes, and any future proposals to use S.106 resources will be judged on their individual merits, and the environmental implications will be assessed at that time.

## **15 Community Cohesion**

15.1 It is known that resources accrued from s106 agreements are used in order to offset any dis-benefits from the original development. In many cases, these resources assist in building community cohesion by providing or enhancing facilities in areas that would not have been given this opportunity. The use of s106 agreements is not targeted at any particular area of the Borough, and as such is not divisive in this manner.

Appendix 1– Complete list of all signed S.106's

Appendix 2 – Report to Planning Committee 10<sup>th</sup> December 2003

## **BACKGROUND PAPERS**

**The following is a list of background papers on which this report is based, in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by the Act.**

- Circular 1/97 “Planning Obligations”
- Oldham Unitary Development Plan & Replacement Unitary Development Plan (2<sup>nd</sup> Deposit Draft)
- OMBC - Section 106 Good Practice Guide (revised)
- S106 database
- “Contribution to Sustainable Communities – a new approach to Planning Obligations” – ODPM 2003

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