

Oldham's **Infrastructure Funding Statement**

**April 2021 to March 2022**

# Infrastructure Funding Statement

### Introduction

* 1. This report provides a summary of financial contributions the council has secured through section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through section 278 agreements.
  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 2020/21 monitoring period;
* s106 contributions estimated for future years; and
* projects delivered in the borough via s106 agreements in the 2020/21 monitoring period.
  1. The information included in the report will be updated annually and published on the council’s website. This will ensure the most up to date information on the amount of developer contributions received from new developments and where these monies have been spent is readily available to members of the public and other interested parties.
  2. The report does not include information on the infrastructure delivered on-site as part of new developments in the borough.
  3. Please note that data on developer contributions should be treated with caution because it represents estimates at a given point in time and can be subject to change. However, the data reported within this document is the most robust available at the time of publication.

### Section 106 obligations

* 1. Under section 106 (s106) of the Town and Country Planning Act 1990 a local planning authority (LPA) can seek planning obligations when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission.
  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.
  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, for example. Alternatively, planning obligations can be met in the form of financial payments to the council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions.
  4. The council cannot ask for contributions via section 106 planning obligations in certain circumstances. With regards to affordable housing, national planning guidance stipulates that planning obligations for affordable housing should only be sought for residential developments that are major developments.
  5. 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.
  6. Planning obligations should also 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’

### The council’s S106 process for off-site financial contributions

* 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.
  2. The financial contribution requirement for off-site green infrastructure provision and maintenance is set via the Joint DPD policy 23, whilst policy 10 sets the tariff for affordable housing contributions. The Joint DPD can be accessed on the council’s planning website (here).
  3. Contributions toward 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.
  4. Once the 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 of a set number of homes. 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.
  5. The Head of Planning works with case officers, developers, and the council’s legal department to instruct new s106 agreements.

### S106 contributions summary

#### Total amount of money secured through S106 during 2021-22.

* + 1. A total of £3,398,760.10 was negotiated from S106 agreements signed n 2021/22. There were 9 agreements signed in this period. The agreements are summarised below:

| **Ref No.** | **Planning Application** | **Location of Development** | **Date S106 Signed** | **S106 Description** | **Amount Due** |
| --- | --- | --- | --- | --- | --- |
| 449 | 345333 | Land at rear of 19 – 23 Shaw Hall Bank Road, Greenfield | 16/04/2021 | The Planning Obligation requires the landowner to pay a commuted sum of £6,750 for the planting of 45 trees on public open space within the Borough of Oldham on or before the commencement of development. This sum has been paid by the landowner by bank transfer and has been allocated to B52004 B5000. NO Expiry | £6,750.00 |
| 450 | 345659 | Phase R5 and Phase R6, Foxdenton Strategy Site, Broadway/Foxdenton Lane, Chadderton | 06/02/2021 | "The Planning Obligation requires the landowner to:  1. Pay £540,000 to the Council to fund the provision of primary school places within a 2 mile radius of the site in the following instalments:-  £110,000 prior to Occupation of 50% of the Dwellings on Phase R5;  £110,000 prior to Occupation of 75% of the Dwellings on Phase R5;  £160,000 prior to Occupation of 50% of the Dwellings on Phase R6; and  £160,000 prior to Occupation of 75% of the Dwellings on Phase R6. NO EXPIRY  2. Prior to the Commencement of Development to submit the Linear Park Scheme relating to the development of the site to the Council for approval PROVIDED ALWAYS that the provisions of the Deed shall not oblige the Owners to spend more than £156,000 on the construction of the Linear Park Scheme Phase 1  To implement the Linear Park Scheme Phase 1 in accordance with the timescale and requirements set out in the Linear Park Scheme  On completion of the works to implement the Linear Park Scheme Phase 1 to transfer the freehold interest in the said land to the Management Company for £1 having first put in place the Commuted Sum Arrangement  18/10/2022 confirmatory Deed confirming Countryside Properties interest in the land" | £540,000.00 |
| 451 | 346010 & 348194 | Site of the former Fytton Arms PH, The Green, Fitton Hill, Oldham | 07/01/2021 | Unilateral Undertaking - The Planning Obligation requires the landowner to pay a commuted sum prior to the commencement of development of £45,915.03 for the provision of or improvements to public open space at St Martin’s play area, St Martin’s Road, Fitton Hill. Interest payable if late payment. No expiry | £45,915.03 |
| 452 | 345308 | Plot 1, Netherfield Close, Oldham OL8 4ET | 25/08/2021 | The Planning Obligation requires the landowner to pay a commuted sum of £6,309.29 on the commencement of development for the improvement of existing open space in the locality. NO Expiry. | £6,309.29 |
| 453 | 340954 | Plot 3, Netherfield Close, Oldham OL8 4ET | 25/08/2021 | The Planning Obligation requires the landowner to pay a commuted sum of £6,309.29 on the commencement of development for the improvement of existing open space in the locality. No expiry | £6,309.29 |
| 454 | 339626 | Plot 4, Netherfield Close, Oldham OL8 4ET | 25/08/2021 | "The Planning Obligation requires the landowner to pay a commuted sum of £6,309.29 on the commencement of development for the improvement of existing open space in the locality. No Expiry Initial notice received 13/07/2018 but predates this agreement. therefore trigger date is date of agreement | £6,309.29 |
| 456 | 346728 | Land off Radcliffe Street (Site of Former Vernon Mill) Royton OL2 6RN | 17/11/2021 | The Planning Obligation requires the landowner to pay a commuted sum of £140,000 for the enhancement of Royton Park, Bleasdale Street, Royton prior to the occupation of the first dwelling on the site. 5 year expiry | £140,000.00 |
| 457 | 345630 | Land to the east of Huddersfield Road, Diggle OL3 5NU | 03/11/2022 | The Planning Obligation requires the landowner to:   * + - 1. Pay a commuted sum of £378,747.20 towards the enhancement of the existing open space provision in Diggle at Ward Lane Play Area, Diggle Fields, Diggle Pond and Sunfield Avenue Play Area prior to the occupation of the 32nd dwelling. Five year expiry and interest paid if late trigger.       2. Pay a commuted sum of £55,000 towards the improvement of habitats for the Long Eared owl and both woodland and water habitats within the local area prior to the occupation of the 32nd dwelling. Five year expiry and interest paid if late to trigger.       3. To submit to the Council for written approval prior to the commencement of development an affordable housing scheme for the provision of 10% affordable housing units on site, which shall be either transferred to a registered social landlord or sold as Discount Market Sale Units at 80% of open market value in perpetuity. The First Schedule contains further details about restrictions relating to the Discount Market Sale Units." | £378,747.20 |
| 458 | 345898 | Shaw Distribution Centre, Linney Lane, Shaw OL2 8HF | 30/03/2022 | The Planning Obligation contains the following obligations of the landowner:   * + - 1. Payment of a commuted sum of £2,200,000 for the expansion of Primary School and Secondary School education placements in Shaw Crompton and Royton and a contribution to the NHS Oldham Clinical Commissioning Group for improvements to medical facilities in Shaw and Crompton, payable as follows: 25% not later than occupation of the first dwelling, 25% not later than the first occupation of 90% of the dwellings on Phase 1, 25% not later than occupation of any dwelling in Phase 2 and 25% not later than the first occupation of 90% of the dwellings on Phase 2.       2. Payment of a commuted sum of £13,420 plus VAT towards the Transport for Greater Manchester SCOOT loop payable not later than the occupation of the first dwelling.       3. 20% of the dwellings will be discounted market units and subject to the conditions in Part 1 of the First Schedule.       4. To provide an area of on site open space to be managed by a management company as detailed in Part 3 of the First Schedule.       5. To pay a further commuted sum equivalent to 50% of the amount by which the Profit on Costs exceeds 20% of the Total Development Sales Value, provided that the value of the further commuted sum when added to the value of the Discounted Market Units and the £2,200,000 commuted sum does not exceed the sum of £10,496,267, to be used by the Council towards the provision of affordable housing for rent within the Borough of Oldham. | £2,200,000.00 |
|  |  |  |  |  |  |
|  |  |  |  | **Total** | **£3,398,760.10** |

* + 1. Total amount of money received through s106 during 2021-22.
       - £1,011,06.87
    2. Total amount of s106 receipts collected before the reported year but which have not been allocated.
       - £851,931.87 including interest accrued
    3. Total amount of s106 expenditure for the reported year (including transferring it to another person to spend).
       - £194,896.48 (expenditure limited due to covid), the schemes are listed in the table below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Reference number** | **Site Description** | **Planning App No.** | **Type of Scheme** | **Amount Spent** | **Date Done** |
| 425 | Land at St John’s Street, Porter Street and Edward Street, Oldham | 343071 | Proposed Prohibition of Driving and Revocation of One Way Working on Porter street, Oldham | £ 2,200.00 | 07/09/2021 |
| 401 | Hive House | 3339344 | Replacement safety surfacing at Incline Road Play Area | £ 6,134.32 | 07/09/2021 |
| 350 | Land at Spencer street | 59206 | Maintenance of onsite POS | £ 7,000.00 | 07/09/2021 |
| 386 | land at Brick Hall Farm, Failsworth Road, Woodhouses | 336586 | Reinstatement of footway out side property on Failsworth Road | £ 7,062.16 | 07/09/2021 |
| 372 | Land at Foxdenton Lane, Chadderton | 342835 | onward transmission to Higheays England for M60 junction improvements | £ 172,500.00 | 07/09/2021 |
|  |  |  |  | Total: £ 194,896.48 |  |

* + 1. The amount of S106 spent on repaying money borrowed, including any interest, with details of the items of infrastructure the money was used to provide as nil.
    2. The council do not currently charge for the monitoring of S106 fees, therefore the amount of s106 spent in respect of monitoring is nil.
    3. A total amount of £ £641,719.84 of s106 receipts were allocated but not spent in the reported year for funding infrastructure. Further details of the items of infrastructure and the amount of money allocated to each item are included in the attached table entitled “Allocated but not spent 2021-22”, which can be found here:

| **S106 reference** | **Development Name** | **Details of spend** | **Allocated to scheme** | **Allocated for Maintenance** |  |
| --- | --- | --- | --- | --- | --- |
| DB19 | Under Lane, Grotton | Annual maintenance of POS |  | £900.70 |  |
| DB50 | Owl Mill, Mellor Road, Lees | Annual maintenance of POS |  | £119.30 |  |
| DB65 | Land at Chadderton Way | Annual maintenance/monitoring of subway CCTV |  | £423.62 |  |
| DB73 | Land at Newport street | relining of school entrance markings | £1,686.96 |  |  |
| DB75 | Birch Hall | Annual maintenance of POS |  | £1,143.22 |  |
| DB113 | St Phillips Drive | Annual maintenance of POS |  | £2,541.92 |  |
| DB115 | land at Harmony Street, Glodwick | Annual maintenance of POS |  | £443.09 |  |
| DB143 | Former Cape Mill, Refuge Street | Annual maintenance of POS |  | £11,001.39 |  |
| DB144 | Land off High Barn Road | Annual Maintenance of POS |  | £30,757.72 |  |
| DB183 | Oldham Road/Hirons Lane | Sinking fund for Grotton Play area |  | £11,062.80 |  |
| DB196 | Coverhill Road, Grotton | Sinking fund for Grotton Play area |  | £11,001.39 |  |
| DB197 | Sandy Mill, Royton | Annual maintenance of POS |  | £1,695.16 |  |
| DB198 | Acorn Mill, Mellor St | Annual maintenance of POS |  | £3,031.36 |  |
| DB200 | The Victory, Union Street | Annual maintenance of POS |  | £1,693.67 |  |
| DB204 | Former St Chads, Limeside | Annual maintenance of MUGA |  | £1,464.31 |  |
| DB212 | Land at Booth Hill Lane | Annual maintenance of play scheme |  | £3,073.61 |  |
| DB215 | Former Manor House, manor Road | Annual maintenance of POS |  | £8,544.15 |  |
| DB226 | Byron Street/Cardigan Road | Annual maintenance of play area |  | £10,869.50 |  |
| DB238 | Fields New Road, Gem Mill | Sinking Fund for Coalshaw Green MUGA |  | £19,119.74 |  |
| DB243 | Land at Lancaster Street | Annual maintenance of playing fields |  | £344.21 |  |
| DB247 | land at Devon st/Suffolk st | Annual maintenance of home zone |  | £398.73 |  |
| DB251 | Byron St Club | Annual Maintenance of playing fields |  | £292.29 |  |
| DB277 | Land at Lime Lane | Annual maintenance of POS |  | £3,647.13 |  |
| DB292 | Lyon Mill, Crompton Way | Annual maintenance of POS |  | £3,698.64 |  |
| DB299 | Land at St Mary;'s Way | Annual maintenance of POS |  | £97,104.31 |  |
| DB300 | 52-56 Old Road | annual maintenance of POS |  | £3,468.18 |  |
| DB301 | Land at Byron Street | Sinking fund for play area |  | £27,592.65 |  |
| DB301 | Land at Byron Street | Annual maintenance of POS |  | £7,759.43 |  |
| DB305 | Land at Barry St/Huddersfield Rd | Implementation and maintenance of Prohibtion of waiting order | £2,003.88 |  |  |
| DB319 | Crompton Hall | Annual maintenance of woodland |  | £8,025.47 |  |
| DB325 | Land at Borough Mill | Annual maintenance of POS and play area |  | £19,335.10 |  |
| DB325 | Land at Borough Mill | Sinking fund for play area |  | £22,000.00 |  |
| DB333 | Land adj Medina Mosque | Annual maintenance of play area |  | £7,067.60 |  |
| DB340 | former Greenfield Bowling Club, Oak View Rd. | Annual maintenance of illuminated signs |  | £352.06 |  |
| DB345 | Former Lumb Mill, Huddersfield Rd | Annual maintenance of woodland |  | £17,988.25 |  |
| DB369 | land at Westwood Park | Annual maintenance of play park |  | £26,331.49 |  |
| DB369 | land at Westwood Park | Annual maintenance of MUGA |  | £58,076.38 |  |
| DB395 | Land at former Rose Mill, Rose Street, Chadderton | New Community changing faciltiy at Granby Street playng fields | £204,340.22 |  |  |
| DB416 | land at Hawk Mill | Annual maintenance of POS |  | £9,120.21 |  |
| DB425 | land at St John Street, Porter Street | Prohibition of Driving order and revocation of one way | £2,200.00 |  |  |
|  |  | **TOTAL** | **£210,231.06** | **£431,488.78** | **£641,719.84** |

* + 1. Summary of non-monetary contributions secured during the reported year including:
       - The total number of affordable housing units: none
       - The number of school places and category of school: none