



TRAFFORD
COUNCIL

Trafford Council S106 Agreement Report (2022/23)

Background

1. Section 106 of the 1990 Town & Country Planning Act (as amended) allows Local Planning Authorities to require developers to enter into Legal Agreements to provide measures to mitigate the impact of their development. These Agreements are known as Section 106 Agreements. The measures contained within them either require the developer to deliver on-site mitigation (for example provide a proportion of affordable housing, or connect to a district heating network), or to make a financial contribution to enable the Council to provide appropriate mitigating measures (for example an improved bus stop, or off-site tree planting).
2. Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended) requires Local Authorities that have entered into Section 106 Agreements to produce an annual report detailing Section 106 income and expenditure. This is Trafford Council's annual report for the year 1 April 2022 to 31 March 2023.

Types of Section 106 Agreements

3. Section 106 monies are secured for a variety of reasons, and these are categorised as follows:
 - **Financial Contributions** – these are monies that the Council uses to deliver measures “on the ground” such as affordable housing, highway and transport improvements, open space and children’s play facilities etc. Financial contributions often also contain ‘fees’ payable to the Council, to enable it to cover its costs when providing a service to the developer that is required as part of their development. Fees can be for introducing or amending Traffic Regulation Orders, for monitoring Travel Plans, or for approving drawings relating to highway works and subsequently inspecting the works.
 - **On-Site Provision** - these are legal agreements requiring the developer/ landowner to provide an item(s) within the site boundary of the development, such as on-site affordable housing, open space and children’s play facilities etc.
 - **Section 278 Agreements** – allows developers to enter into a legal agreement with the local authority to make permanent alterations or improvements to a public highway, as part of a planning approval.

Section 106 Financial Contributions Held by the Council as of 31 March 2023

4. As of 31 March 2023, the Council held £8.3m in S106 funds. The table below shows a breakdown of how these funds were allocated and unallocated as well as which types of infrastructure they must be spent on.

Infrastructure Type	Allocated (committed)	Unallocated
Open Space/Outdoor Sports	£209,239.00	£796,805.00
Specific Open Space	£153,625.00	£288,205.00
Education	£0.00	£8,692.00
Affordable Housing	£540,000.00	£1,466,542.00
Highways	£3,210,427.00	£905,906.06
Public Transport	£212,262.00	£505,008.00
Sub Total	£4,325,553.00	£3,971,158.06
Grand Total	£8,296,711.06	

Section 106 Agreements Entered into in 2022/23

5. A total of 6 Section 106 Agreements were entered into between 1 April 2022 and 31 March 2023. It should be noted that this does not mean that the relevant measures have been provided or the relevant monies received. This will only happen if the developments to which the Section 106 Agreements relate are built out and triggers contained within the legal agreement met. It is important to understand that not all developments are built out.

6. A summary of the obligations contained in the 6 Section 106 Agreements entered between 1 April 2022 and 31 March 2023 is shown in the following table.

Obligation Type	Maximum Potential Value (Including deferred payments)
Affordable Housing Financial Contributions	£377,114.00
Highways Financial Contribution	£2,499,638.98
Education Financial Contributions	£53,346.00
Biodiversity Mitigation Contributions	£5,000.00
On-Site Provision (Affordable Housing)	0
On-Site Provision (Highways)	0
Other	0
Grand Total	£2,935,098.98

7. Only maximum potential values are identified. It is not possible to detail the exact sum of contributions entered, as some S106 Agreements include set financial contributions and also deferred financial contributions. It is therefore important to note that actual amount(s) received may be less than illustrated.

S106 Contributions Received and Allocated in 2022/23

8. No financial contributions received in 2022/23 were allocated to any specific infrastructure projects in the 2022/23 financial year.

Obligation Type	Allocated Infrastructure Project	Value	Amount Spent
Section 106 Contributions	N/A	£456,164.85	£0.00
Affordable Housing Financial Contributions	N/A	£192,125.00	£0.00
Grand Total	N/A	£648,289.85	£0.00

9. The financial contributions received in 2022/23 must be spent in accordance with terms of the specific S106 Agreements, which collectively can be summarised under the following provisions:
- £149,778.85 - Open space/ outdoor sports
 - £192,125.00 – Affordable Housing
 - £306,386.00 – Highways

S106 Contributions Spent in 2022/23

10. Five schemes across Trafford benefited from S106 financial contributions secured prior to 1 April 2023.

Infrastructure Type	Project	Contributions spent
Highways	Town Centre Public Realm Improvements	£1,375,549.98
	Barton Road, Urmston – Toucan Crossing	£11,140.36
	Sub Total	£1,386,690.34

Infrastructure Type	Project	Contributions spent
Open Space / RRF	Longford Park, Stretford – Heritage Lottery Fund Bid	£129,000.00
	Parks Infrastructure Improvements	£198,000.00
	Play Area Refurbishments	£5,976.03
	Sub Total	£332,976.03
Monitoring of Agreement(s)	Highways Monitoring	£18,000.00
Total		£1,737,666.37

Repayment of Borrowed Money

11. No S106 financial contributions were spent repaying money borrowed in the 2022/23 financial year.

S106 Contributions Passed on or Transferred

12. No S106 financial contributions were passed on or transferred to any external body(s) or agency(s) in 2022/23 financial year.

Total Amount of S106 Financial Contributions Retained by the Council on 31 March 2023

13. As of 31 March 2023, the Council retained £8.3m of S106 Agreement financial contributions.

Status	Financial Contributions Held
Value of Section 106 Contributions held as of 1 April 2022	£9,386,087.58
Value of Section 106 Contributions received during 2022/23	£648,289.85
Value of Section 106 Contributions spent during 2022/23	£1,737,666.37
Total Value of Section 106 Contributions held as of 31 March 2023	£8,296,711.06

Section 278 (S278) Agreements Implemented/ Received in 2022/23

14. There were five S278 Agreements implemented in 2022/23. These were all on-site schemes rather than financial contributions.

Development/Planning Reference	Summary of works	Status/progress
Carrington Village, Carrington. 88439/HYB/16	New footway including new vehicle access points, street lighting and a reduction in the speed limit.	Works completed during the financial year 2022/23.
Cornbrook Park off Chester Road, Virgil Street, Princess Street 90991/FUL/17 – 97274/VAR/19	New footways, altered/new vehicle access points and Highway closures	Works completed during the financial year.

Development/Planning Reference	Summary of works	Status/progress
Lock Lane, off site Highway Works	Alterations to the roundabout on Manchester Road, Partington. Works include improvements to the pedestrian facilities on Manchester Road.	No Works undertaken and during the financial year. It is anticipated that these works will commence during the 2023/2024 financial year.
Lock Lane site access 86160/OUT/15	Provision of a new roundabout on Lock Lane to serve a new residential development including associated works.	Works commenced during the financial year. These works will be completed during 2023/24.
Regent Road 93171/FUL/17 – 98607/VAR/19.	Improved footways along Regent Road, Public realm improvements to Albert Road with alterations to Lloyds Square, including associated works.	Works commenced during the financial year. These works will be completed during 2023/24.
Sale West Ph1 100206/HYB/20	Construction/Improvements to footways and carriageways, including new lighting columns on Epsom Avenue and Chepstow Avenue, Sale	Works commenced during the financial year. These works will be completed during 2023/24.

Contact details

15. For further information about this report or any queries relating to CIL, please email CIL@trafford.gov.uk