



TRAFFORD
COUNCIL

Trafford Council S106 Agreement Report (2021/22)

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 2021 to 31 March 2022.

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 2021

4. As of 31st March 2021, the Council held £9.6m 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	£290,000.00	£1,132,000.00
Specific open space	£121,000.00	£351,000.00
Education	£0.00	£5,000.00
Affordable housing	£423,000.00	£994,000.00
Highways	£4,577,000.00	£863,000.00
Public transport	£212,000.00	£600,000.00
Sub Total	£5,623,000.00	£3,945,000.00
Grand Total	£9,568,000.00	

Section 106 Agreements Entered into in 2021/22

5. A total of 9 Section 106 Agreements were entered into between 1 April 2021 and 31 March 2022. 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 9 Section 106 Agreements entered between 1 April 2021 and 31 March 2022 is shown in the following table.

Obligation Type	Maximum Potential Value (Including deferred payments)
Financial Contributions	£2,726,808.00
Affordable Housing Financial Contributions	£377,114.00
On-Site Provision (Affordable Housing)	46 affordable dwellings ¹
On-Site Provision (Highways)	Provision of a Strategic Processional Route along Warwick Road and Brian Statham Way ²
Other	No new contributions (financial or on-site)
Grand Total	£3,103,922.00

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.

¹ 100270/FUL/20 – 37 shared ownership units and 103044/VAR/21 9 affordable units

² 103921/FUL/21

S106 Contributions Received and Allocated in 2021/22

8. No financial contributions received in 2021/22 were allocated to any specific infrastructure projects in the 2021/22 financial year.

Obligation Type	Allocated Infrastructure Project	Value	Amount Spent
Section 106 Contributions	N/A	£366,000.00	£0.00
Affordable Housing Financial Contributions	N/A	£863,000.00	£0.00
Grand Total	N/A	£1,229,000.00	£0.00

9. The financial contributions received in 2021/22 must be spent in accordance with terms of the specific S106 Agreements, which collectively can be summarised under the following provisions:
- £295,000.00 - Open space/ outdoor sports
 - £863,000.00 – Affordable Housing
 - £71,000.00 - Highways

S106 Contributions Spent in 2021/22

10. Eight schemes across Trafford benefited from S106 financial contributions secured prior to 1 April 2021.

Infrastructure Type	Project	Contributions spent
Highways	Flixton Road, Carrington - Junction Imps	£377,098.70.
	Town Centre Public Realm Improvements	£148,080.14.

Infrastructure Type	Project	Contributions spent
	Seamons Moss Bridge	£2,989.50.
	Sub Total	£528,168.34
Affordable Housing	Contribution to Trafford Housing Trust	£377,683.50
Open Space / RRF	Turn Moss Playing Fields - Development	£220,000.00
	Wilding Trafford	£17,871.01
	Parks Infrastructure Improvements	£153,831.83
	Play Area Refurbishments	£95,357.74
	Sub Total	£487,060.58
Monitoring of Agreement(s)	Highways Monitoring	£18,000.00
Total		£1,410,912.42

Repayment of Borrowed Money

11. No S106 financial contributions were spent repaying money borrowed in the 2021/22 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 2021/22 financial year.

Total Amount of S106 Financial Contributions Retained by the Council on 31 March 2022

13. As of 31 March 2022, the Council retained £9.4m of S106 Agreement financial contributions.

Status	Financial Contributions Held
Value of Section 106 Contributions held as of 1 April 2021	£9,568,000.00
Value of Section 106 Contributions received during 2021/22	£1,229,000.00
Value of Section 106 Contributions spent during 2021/22	£1,410,912.42
Total Value of Section 106 Contributions held as of 31 March 2022	£9,386,087.58

Section 278 (S278) Agreements Implemented/ Received in 2021/22

14. There were five S278 Agreements implemented in 2021/22. These were all on-site schemes rather than financial contributions.

Development/Planning Reference	Summary of works	Status/progress
No 1 Old Trafford, Trafford Wharf Road, Trafford 90738/FUL/17 – 95830/VAR/18.	Public Realm works, including paving and landscaping.	Works completed during the financial year.
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 continued in stages through the year, with works completed during 2022/23.

McDonalds Access off mercury Way, Trafford Park 96460/FUL/18	New footway, alterations/closure to existing access.	Works undertaken and completed during the 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 latter end of the financial year and have been ongoing during the 2022/23 year.
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.	No progress during the financial year. It is anticipated that works are due to commence during 2022/23.

Contact details

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