

## **TRAFFORD COUNCIL**

**Report to:** Planning and Development Management Committee  
**Date:** 11 November 2021  
**Report for:** Information  
**Report of:** Head of Planning and Development

### **Report Title**

**Section 106 and CIL Update: 1 April 2021 – 30 September 2021**

### **Summary**

This report is to inform Planning and Development Management Committee about the latest set of monitoring data for S106 agreements and CIL notices.

### **Recommendation**

That Planning and Development Management Committee note the contents of this report.

### **Contact person for access to background papers and further information:**

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#### **1.0 Introduction**

- 1.1 The Community Infrastructure Levy (CIL) was created under the terms of the Planning Act 2008, and established a new system for collecting developer contributions, charged on a pounds (£) per square metre basis, to fund essential infrastructure. Trafford's Community Infrastructure Levy (CIL) was implemented on 07 July 2014.
- 1.2 In addition to CIL Trafford also collects Section 106 (S106) contributions. Section 106 of the Town and Country Planning Act 1990 (as amended) enables a local planning authority to enter into a negotiated agreement – a planning obligation - to mitigate the impacts of a specific development, to make it acceptable in planning terms. The planning obligation might, for example, require the provision of, or contribution to a new or improved road, school, health facility or local green space. Local planning authorities can also seek planning obligations to secure a proportion of affordable housing from residential developments.
- 1.3 This report details S106 and CIL activities over the period 01 April 2021 to 30 September 2021, together with contextual and historic information.

## **2.0 S106 update**

- 2.1 S106 legal agreements involve lengthy negotiations between planning case officers and developers, often involving complex viability issues or land transfers, on top of the more usual planning considerations such as heritage, highways or amenity issues. Contributions have historically been secured to deliver a variety of infrastructure, including:
- affordable housing
  - highways and active travel
  - public transport
  - specific green infrastructure (Red Rose Forest)
  - spatial green infrastructure (open space / outdoor sports)
  - education facilities
- 2.2 The amount of S106 contributions received to date and the amounts spent or committed to schemes is summarised in Table 1 below.
- 2.3 Overall contributions of £42m have been received to date. Of this, £32.850m has been spent, and circa £5.6m is committed to Capital schemes. Work is ongoing to commit the remainder to appropriate infrastructure projects in line with the requirements of the associated legal agreements.
- 2.4 A 'Trafford Affordable Housing Fund' was established at the Council's Executive Committee on the 17<sup>th</sup> September 2018. The Trafford Affordable Housing Fund is a grant funded through S106 affordable housing commuted sum monies to address Trafford's affordable housing needs whilst ensuring that funds are spent in accordance with the terms of each S106 Agreement. Table 1 identifies a total of £423,000.00 that has been committed towards affordable housing capital schemes and which forms the Trafford Affordable Housing Fund.

**Table 1: S106 contributions received and committed to spend**

	<b>Open Space/ Outdoor Sports £000</b>	<b>Education £000</b>	<b>Red Rose Forest £000</b>	<b>Affordable Housing £000</b>	<b>Highways £000</b>	<b>Public Transport £000</b>	<b>Total £000</b>
<b>Amounts Received</b>							
Pre 2012/13	2,699	0	359	2,014	2,622	3,878	<b>11,571</b>
2012/13	358	101	143	250	326	718	<b>1,896</b>
2013/14	406	24	40	0	1,059	374	<b>1,903</b>
2014/15	212	63	95	0	1,695	1,021	<b>3,086</b>
2015/16	140	231	263	0	130	413	<b>1,177</b>
2016/17	930	68	80	0	87	181	<b>1,346</b>
2017/18	48	0	9	564	34	3,666	<b>4,320</b>
2018/19	0	0	60	260	0	5,347	<b>5,667</b>
2019/20	328	0	1	303	5,766	3,975	<b>10,372</b>
2020/21	70	0	0	386	0	0	<b>456</b>
2021/22 to date	0	0	0	66	0	0	<b>66</b>
<b>Total Received</b>	<b>5,190</b>	<b>487</b>	<b>1,049</b>	<b>3,843</b>	<b>11,720</b>	<b>19,572</b>	<b>41,860</b>
<b>Amounts Applied / Committed</b>							
Applied	(3,959)	(485)	(609)	(2,117)	(6,094)	(18,545)	<b>(31,808)</b>
Less previously applied	(254)	(0)	(0)	(242)	(288)	(259)	<b>(1,042)</b>
Committed contributions	(252)	(0)	(121)	(423)	(4,577)	(212)	<b>(5,585)</b>
<b>Balance Available</b>	<b>802</b>	<b>2</b>	<b>327</b>	<b>1,063</b>	<b>791</b>	<b>561</b>	<b>3,546</b>

- 2.5 It should be noted that prior to February 2012, there was no requirement for contributions to be secured to support the provision of education facilities, this was introduced with the adoption of a new Supplementary Planning Document on Planning Obligations at the time (SPD1).
- 2.6 SPD1 was further revised and adopted in July 2014 to support the introduction of CIL. SPD1 (2014). It provides greater clarity for when the use of S106 legal agreements will be appropriate to mitigate the negative impacts of development, as there should be no circumstances where a developer is paying CIL and S106 for the same infrastructure in relation to the same development
- 2.7 In addition to the figures set out in Table 1, there are a number of outstanding S106 agreements where trigger points have not yet been met; as of September 2021 (the reporting period) these amount to £11.434m. Caution is advised when considering these figures as there is no guarantee that developments which have planning permission will definitely come forward. However, these developments are continually monitored to make sure that as trigger points are met, appropriate action is taken to ensure that the provisions of the S106 are met.

### 3.0 Community Infrastructure Levy update

- 3.1 Between the introduction of Trafford's CIL on 07 July 2014 and 30 September 2021, CIL Liability Notices to the value of £4.306m have been raised for around 125 developments. CIL monies only become due after a development commences, so predictions about future income should be mindful of the fact that some planning consents never go on to be implemented.
- 3.2 Actual CIL monies received to date total £5.047m (£0.227m of which was received between 1 April 2021 and 30 September 2022). A breakdown of what these receipts can be applied to is shown in Table 2.

**Table 2: CIL monies received**

	<b>Total Monies Received</b>	<b>Admin Portion 5%</b>	<b>Local Infrastructure Portion 15%</b>	<b>Strategic Infrastructure Portion 80%</b>
07-Jul-14 to 31-Mar-15	£5,060.00	£253.00	£759.00	£4,048.00
01-Apr-15 to 31-Mar-16	£297,568.23	£14,878.41	£43,570.76	£239,119.06
01-Apr-16 to 31-Mar-17	£822,950.78	£41,147.54	£123,332.46	£658,470.78
01-Apr-17 to 31-Mar-18	£1,068,425.22	£53,421.26	£159,524.80 <sup>1</sup>	£854,740.18
01-Apr-18 to 31-Mar-19	£921,398.71	£46,069.94	£140,856.41	£734,472.36
01-Apr-19 to 31-Mar-20	£991,696.08	£49,584.80	£130,337.98 <sup>2</sup>	£787,938.33
01-Apr-20 to 31-Mar-21	£712,607.88	£35,630.39	£68,314.31 <sup>3</sup>	£561,631.74
01-Apr-21 to 30-Sep-21	£226,930.61	£11,346.53	£10,523.87 <sup>4</sup>	£181,544.49
<b>Total</b>	<b>£5,046,63.51</b>	<b>£252,331.87</b>	<b>£677,219.59</b>	<b>£4,021,964.94</b>

- 3.3 To date, none of the strategic or local infrastructure portions of the received CIL funds have been spent by the Council. However, as was agreed by the Council's Executive on the 1 December 2014, the strategic infrastructure portion will, in the

<sup>1</sup> Excluding £738.98 which in accordance with the CIL Regulations 2010 (as amended) has been transferred to Partington Parish Council for spending following receipt of £4,926.55 from a development located within the Parish Council area.

<sup>2</sup> Excluding: £23,515.72 which in accordance with the CIL Regulations 2010, 2019 (as amended) is due to be transferred to Carrington Parish Council for spending following receipt of £156,771.47 from a development located within the Parish Council area; and £319.24 which in accordance with the CIL Regulations is due to be transferred to Partington Parish Council following receipt of £2,128.29 from a development located within the Parish Council area.

<sup>3</sup> Excluding £47,031.44 which in accordance with the CIL Regulations 2010, 2019 (as amended) is due to be transferred to Carrington Parish Council for spending following receipt of £313,542.94 from a development located within the Parish Council area.

<sup>4</sup> Excluding £23,515.72 which in accordance with the CIL Regulations 2010, 2019 (as amended) is due to be transferred to Carrington Parish Council for spending following receipt of £156,771.47 from a development located within the Parish Council area.

first instance, be used towards funding the third party contribution of the Trafford Park Metrolink extension. The 2020/21 Trafford Infrastructure Funding Statement will set out future infrastructure schemes that may be funded by the strategic infrastructure portion. The Council will prepare a CIL Protocol in 2022 setting out how the Local Infrastructure portion of CIL funds will be spent.

#### **4.0 Recommendation**

- 4.1 That the Planning and Development Management Committee note the contents of this report.