

Report to CABINET

Oldham's Infrastructure Funding Statement 2024-25

Portfolio Holder: Councillor Elaine Taylor, Deputy Leader and Cabinet Member for Neighbourhoods

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Reason for Decision

To approve the publication of Oldham's Infrastructure Funding Statement 2024 - 2025.

Executive Summary

As required under the 2019 revised Community Infrastructure Levy (CIL) Regulations the Council has prepared an Infrastructure Funding Statement (IFS) for the monitoring period 2024 – 2025. The IFS provides a summary of the financial contributions the Council has secured through Section 106 (s106) 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 (s278) agreements. The IFS is attached at Appendix one.

Recommendations

It is recommended to approve the Infrastructure Funding Statement 2024 - 2025 for publication.

Oldham's Infrastructure Funding Statement 2024-25

1 Background

- 1.1 As required under the 2019 revised Community Infrastructure Levy (CIL) Regulations the Council has prepared an Infrastructure Funding Statement (IFS) for the monitoring period 2024 – 2025. The IFS provides a summary of the financial contributions the Council has secured through Section 106 (s106) 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 (s278) agreements. This includes Unilateral Undertakings¹.
- 1.2 Oldham's IFS 2024 - 2025 is attached at Appendix one.
- 1.3 The information included in the IFS 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 Current Position

- 2.1 In summary, the IFS sets out:
- The total amount of money received through s106 during 2024/25 is £532,077.19 (including interest).
 - In total there are £3,263,668.71 s106 receipts which have been received but have not been allocated² – of this £3,156,158.94 (including interest accrued) was received before the reporting year (prior to 2024/25).
 - A total of seven agreements were signed during 2024 – 2025. The commuted sums negotiated during the year have a combined value of £688,020.
 - One of the agreements (no.487) also included an obligation to pay a further affordable housing contribution if the profit on the development exceeds 20% of the total development sales value. The viability review to determine this is to commence no later than the occupation of the 23rd dwelling.

¹ A unilateral undertaking is a type of planning obligation entered into by a person with an interest in the land *without* the local planning authority being a party to it. It is made under Section 106 of the Town and Country Planning Act 1990, is legally binding, and runs with the land (Planning Obligations Planning Guidance: <https://www.gov.uk/guidance/planning-obligations>).

² As applicable to the monitoring year of 2024/25. S106 funds are received and allocated throughout the year, and as such some of this may now be allocated or even spent.

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- One of the agreements (no.489) was non-financial and agreed that “the Owners [of the dwelling] covenant with the Council not to cause or permit the Extension to be Occupied as a Separate Dwelling”.
 - Non-monetary contributions secured during the reported year:
 - The total number of affordable housing units: two homes (to be sold/ rented as discounted market sales housing).
 - The number of school places and category of school: none.
 - The total amount of s106 expenditure for the reported year (including transferring it to another department to spend) is £685,258.15.
 - A total of £951,999.93 of s106 receipts are allocated for infrastructure projects (and/ or maintenance) but are unspent (as of 31 March 2025). Of this, £55,784.22 was allocated in 2024/25 (but has not been spent during 2024/25).
 - It is important to note that there is often a lag of time between receipt and expenditure of s106 contributions. This is because funds have to be allocated to particular schemes which may take time to deliver, and/or are allocated for maintenance of infrastructure over a long period of time, meaning expenditure is spread over a number of years.
 - The amount of s106 spent on repaying money borrowed, including any interest, was nil.
 - The Council does not currently charge for the monitoring of s106 fees, therefore the amount of s106 received/ spent in respect of monitoring is nil.

3 Options/Alternatives

- 3.1 Option 1 – To approve the Infrastructure Funding Statement (IFS) 2024 - 2025 for publication on the Council’s website and send it to the Ministry of Housing, Communities and Local Government (MHCLG).

(Advantages – approving the IFS meets the requirements of the regulations and is transparent). (Disadvantages – there are no disadvantages to approving the IFS.)

- 3.2 Option 2 – To not approve the Infrastructure Funding Statement (IFS) 2024 – 2025 and not publish it on the Council’s website and not send it to MHCLG.

(Advantages – there are no advantages in not approving the IFS.) (Disadvantages – not approving the IFS would result in us not meeting the regulations.)

4 Preferred Option

- 4.1 Option 1 – To approve the Infrastructure Funding Statement (IFS) 2024 - 2025 for publication on the Council’s website and send it to MHCLG.

5 Consultation

- 5.1 N/A. The report is reporting s106 agreements made and is made available for the public to view.

6 Financial Implications

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- 6.1 The Oldham's Infrastructure Funding Statement 2024-2025 will be published on the Council Website. Therefore, no additional revenue costs will be charged to the service.

The S106 figures mentioned in the report have been checked and verified.

(Mohammed Hussain)

7 Legal Implications

- 7.1 Under Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended in 2019), in each calendar year the Council must publish an annual infrastructure funding statement which comprises specified details about planning obligations entered into during the reported year. The statement may also include summary details of any funding or provision of infrastructure which is to be provided through a section 278 Highways Act agreement which was entered into during the reported year. The Council must publish each annual infrastructure funding statement on its website. (A Evans)

8 Procurement Implications

- 8.1 None. (S Kapoor- Commercial Procurement Unit)

9 Equality Impact, including implications for Children and Young People

- 9.1 Yes, please see appendix two - Oldham Impact Assessment for the Infrastructure Funding Statement 2024-25.

10 Key Decision

- 10.1 Yes

11 Key Decision Reference

- 11.1 RBO-03-26

12 Background Papers

- 12.1 There are no background papers for this report.

13 Appendices

- 13.1 Appendix one: Oldham's Infrastructure Funding Statement 2024-25 (including appendix tables 1-3).
- 13.2 Appendix two: Oldham Impact Assessment for the Infrastructure Funding Statement 2024-25.