

**REPORT OF THE LEAD MEMBER FOR PLANNING AND SUSTAINABLE
DEVELOPMENT**

**TO THE PROPERTY / REGENERATION BRIEFING
(Decision)**

ON 28 March 2022

TITLE: Deans Primary School and Wharton Primary School – Section 106 Contribution Investment

RECOMMENDATIONS:

That the City Mayor approves:

1. The expenditure of £677,319.52 of Section 106 contributions towards the Deans Primary School, Swinton; and
 2. The expenditure of £635,450.96 of Section 106 contributions towards Wharton Primary School, Little Hulton
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EXECUTIVE SUMMARY:

Colleagues in School Organisation and Assets have advised that the works to the Deans Primary School and Wharton Primary School have been completed. Section 106 contributions had been secured to assist in the funding of primary school provision in those pupil planning areas. A total of £1,312,770.48 Section 106 contributions is available to be approved for expenditure by Children’s Services to support the costs of delivery.

BACKGROUND DOCUMENTS:

- N/A
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KEY DECISION: YES

DETAILS:

1.0 Background

- 1.1 In line with the council's Planning Obligations Supplementary Planning Document (SPD), Section 106 contributions were required from the Campbell Road / Brackens development at the former Swinton Sewage works site (Section 106 Ref: 369 – planning application 17/70853/FUL).
- 1.2 Full contributions from the Campbell Road development have recently been received by the city council including £677,319.52 towards education, as required by Policy OB3 of the SPD. The signed section 106 agreement requires that the education contribution be directed towards Project A in Pupil Planning Area 5 (South Swinton).
- 1.3 Similarly, Section 106 education contributions of £300,000 have been received from the Former Eaton's site in Walkden (Section 106 Ref: 373 – planning application 18/71344/FUL) and £335,450.96 from Highclove Lane Phase 2a (Section 106 Ref: 345 – planning application 15/67036/OUT). The signed agreement for the Eaton's site requires that the education contribution be directed towards Project A in Pupil Planning Area 1 (Little Hulton and Walkden) and the agreement for Highclove Lane requires that the education contribution be directed towards Project A within Pupil Planning Area 1 or Pupil Planning Area 2 (Boothstown, Worsley and Ellenbrook).
- 1.4 Reference to "Project A" within the legal agreements is a result of the pooling restrictions which were in place at the time the agreements were signed. These restrictions required the council to specify the projects to which financial obligations would be directed, in order to ensure that no more than five developments were contributing to any one project.

2.0 Proposed uses of the s106 funding

- 2.1 Works have now been delivered towards the expansion and relocation of the Deans Primary School, Swinton and the expansion of Wharton Primary School, Little Hulton. The council is now in a position to utilise £1,312,770.48 of the Section 106 contributions towards the costs incurred by the council in the delivery of these education schemes. Children's Services will draw down the contributions from the Section 106 balance sheet. The projects and the amount of Section 106 contributions which are to be drawn down are:
 - £677,319.52 from Campbell Road (Section 106 Ref: 369 – planning application 17/70853/FUL) towards the Deans Primary School, Swinton & Wardley
 - £300,000 from the Eaton's site (Section 106 Ref: 373 - planning application 18/71344/FUL) towards Wharton Primary School, Little Hulton; and
 - £335,450.96 from Highclove Lane Phase 2a (Section 106 Ref: 345 – planning application 15/67036/OUT) towards Wharton Primary School, Little Hulton

2.2 In the case of the Deans Primary, the contributions detailed within this report will supplement £257,399.37 of Section 106 contributions already drawn down in the financial year 2017/18 which came from a site on Agecroft Road (Section 106 Ref: 322 – planning application 15/66785/FUL).

3.0 Other Section 106 Spending on Education 2021/22

3.1 Separate Section 106 reports will consider the approval of expenditure of other education contributions this financial year that have been received by the city council from several other developments (subject to approval by the Strategic Director or Lead Member as appropriate):

- £17,276.36 from Land on New Hall Avenue (Section 106 Ref: 285 – planning application 13/64131/FUL) towards Beech Street Primary School, Barton & Winton
- £61,609.57 from the former Oaklands Nursery (Section 106 Ref: 298 – planning application 14/65545/FUL) towards River View Primary, Broughton
- £40,303.26 from Outwood Wharf Phase 1 (Section 106 Ref: 316 – planning application 15/66823/OUT) towards St Philips CE Primary School, Ordsall
- £4,474.70 from the former Griffin Business Centre (Section 106 Ref: 368 – planning application 17/70056/FUL) towards Brentnall Primary, Kersal & Broughton Park
- £288,780.69 from the former Hope High School site (Section 106 Ref: 343 – planning application 16/69279/FUL) towards St Luke’s CE Primary, Weaste & Seedley

4.0 Recommendation

That the City Mayor approves:

1. The expenditure of £677,319.52 of Section 106 contributions towards the Deans Primary School, Swinton; and
2. The expenditure of £635,450.96 of Section 106 contributions towards Wharton Primary School, Little Hulton

KEY COUNCIL POLICIES:

- Salford City Council Unitary Development Plan 2004-16 (2006);
- Education Contributions Supplementary Planning Document (2013);
- Planning Obligations Supplementary Planning Document (2015);
- Planning Obligations Supplementary Planning Document (2019);

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

The improvements will be of benefit to all. It is considered that there are no adverse impacts associated with this project.

ASSESSMENT OF RISK:

Low – Developers can seek to legally challenge the city council to claim back Section 106 monies if not used on a scheme that mitigates the impacts of that development and/or spent in line with the requirements of the Section 106 agreement.

LEGAL IMPLICATIONS Supplied in consultation with: Juliet Mbam, solicitor

Comments: The Section 106 contributions can only be invested into the provision of primary school education in accordance with the respective Section 106 agreements.

In the case of agreement 369, this needs to be Project A within PPA5. Project A is defined within the agreement as “a scheme of works to enhance or extend existing education facilities or create new education facilities, for a primary school located within Pupil Planning Area 5”. There are no other agreements specifying this project, and the city council can therefore allocate the education contribution to the Deans Primary School, without this constraining how funding from any other agreements can be spent.

In the case of agreement 373, Schedule 5 of the agreement states that the education contribute must be spent on “Education Project A, a scheme to increase capacity to an existing or new primary school(s) within Pupil Planning Area 1 (Walkden North and Little Hulton)”. In the case of agreement 345, the spending of the agreement is limited to “Education Project A, Pupil Planning Area 1 (Little Hulton and Walkden) and/or Pupil Planning Area 2 (Boothstown, Worsley and Ellenbrook)”. These are the only agreements specifying Project A within PPA1 and the city council can therefore allocate the funding to Wharton Primary School, without constraining how funding from any other agreements can be spent.

FINANCIAL IMPLICATIONS Supplied by: Alex Archer, Finance Manager 778 0498

Comments: The £1,312,770.48 Section 106 funding as identified in the report has been received and are available to fund the following schemes:

- Deans Primary School, Swinton - £677,319.52
 - Wharton Primary School, Little Hulton - £635,450.96
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SOURCE OF FUNDING:

Section 106 Contributions received from the development(s) at:

- £677,319.52 from Campbell Road site (Section 106 Ref: 369 - 17/70853/FUL);
 - £300,000 from the former Eaton's site (Section 106 Ref: 373 - 18/71344/FUL)
 - £335,450.96 from Highclove Lane Phase2a (Section 106 Ref: 346 - 15/67036/OUT)
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PROCUREMENT IMPLICATIONS Supplied by: N/A

HR IMPLICATIONS Supplied by: N/A

**CLIMATE CHANGE IMPLICATIONS supplied in consultation with:
Mike Hemingway**

Comments: Climate change implications are considered through the planning application process, and where relevant appropriate mitigation will be identified through planning conditions and/or planning obligations. The Section 106 contribution(s) can only be used towards specific mitigation in accordance with the respective Section 106 agreement.

OTHER DIRECTORATES CONSULTED:

This report is the outcome of discussions between section 106 officers and officers in School Organisation and Assets.

CONTACT OFFICERS:

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**WARDS TO WHICH REPORT RELATES: Swinton Park, Swinton &
Wardley, Walkden North, Little Hulton, Boothstown & Ellenbrook**