



Halton Borough Council
**SECTION 106
INFRASTRUCTURE
STATEMENT
AUTUMN 2025**



Halton Borough Council
Infrastructure Funding Statement
2019-25

1. Introduction

- 1.1 This Infrastructure Funding Statement (IFS) is an annual public report, which provides a summary of “developer contributions” made and pending during the most recent financial year. In this case between 1st April 2024 and 31st March 2025. This is Halton’s fifth statement and has been written in line with government guidance.
- 1.2 Developer Contributions (also known as “s106 agreements” or “Planning Obligations”) are used to secure financial and non-financial contributions (including affordable housing), or other works, to mitigate the impact of new homes and other buildings, which create extra demands on local facilities. For example, improvements to local greenspaces and roads or meeting the capital costs associated with delivering additional infrastructure, such as Affordable Housing.
- 1.3 This report (for 2024-25) provides an overview of what s106 agreements are and information about developer contributions (for the year). The attached spreadsheets provide a summary of all related Section 106 Legal Agreements and are set out to show the following :
- Agreed – Contributions that have been agreed within a signed legal document. They have not been collected and if the planning applications are not implemented, they will never be received.
 - Received – Contributions received, either monetary or non-monetary that have been transferred to Halton Borough Council.
 - Allocated – Contributions that have been received and allocated to specific projects.
 - Spent / Delivered – Monetary or non-monetary contributions that have been spent or delivered.

2. Planning Obligations / s106 Agreements

2.1 What are they?

- 2.1.1 Planning Obligations / s106 Agreements are legal agreements secured under national planning law¹ and made between local planning authorities and applicants for planning permission (developers). They can also be via a “unilateral undertaking” entered into by a person with an interest in the land without the local planning authority. The government provides guidance about Planning Obligations [here](#).

¹S106 of the Town and Country Planning Act 1990: <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

- 2.1.2 Halton Borough Council, as the Local Planning Authority (LPA), seeks Planning Obligations from applicants for planning permission where it is not possible to address the unacceptable impacts of a development through a planning condition, such as when a financial contribution is required. To be lawful, obligations secured via a S106 agreement must be:
- o Necessary to make the development acceptable in planning terms
 - o Directly related to the development, and
 - o Fairly and reasonably related in scale and kind to the development

Developer Contributions secured via Planning Obligations can be used to deliver the mitigation on the land where planning permission was granted, for example through the provision of affordable housing as part of a larger housing development. Alternatively, they may fund all (or part of) mitigation nearby.

- 2.1.3 The use of Planning Obligations is governed by the fundamental principle that planning permission may not be bought or sold. Therefore, it is not legitimate for unacceptable development to be permitted because of benefits offered by a developer, which are unrelated to the development under consideration. Similarly, planning obligations should never be used purely as a means of securing a share in the development profits for the local community.

2.2 Section 278

- 2.2.1 S278 Highway Agreements are legally binding and are required to secure alterations or improvements to the highway by developers. The Council keep a 10% bond that protects the council against the risk of unforeseen expenditure if the works are not completed by the developer.

2.3 When are Developer Contributions required in Halton?

- 2.3.1 Halton Council requirements for S106 planning obligations are principally set out in its "Local Plan Core Strategy"²,
- 2.3.2 Separate SPDs for 'Sandymoor in Runcorn', 'Widnes Waterfront', and others set-out specific requirements for those locations, to be secured via planning obligations.

2.4 Development Viability

- 2.4.1 The Council's starting-point in discussions with developers is that all new development proposed should fully meet local planning policy, including any requirements identified for developer contributions towards infrastructure – as explained above. However, the Council must base its decision on a planning application on the individual circumstances of each application. This includes a consideration of any evidence submitted by a developer which shows that the delivery of a development would not (or is unlikely to) take place because its viability would be adversely effected by the payment of all (or some of) the developer contributions required.

- 2.4.2 The Council always robustly challenges viability evidence presented by developers and it has been successful in achieving, through negotiation, increased developer contributions over and above those initially offered by developers. However, developers are not obliged to agree to a planning obligation and in such cases, the Council must ultimately consider whether to refuse planning permission.
- 2.4.3 Following a refusal of planning permission, a developer has a right of appeal to government. At an appeal the appropriateness and scope of the developer contribution is determined by the Planning Inspector and not Halton Council. More detail can be found at <https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/evidencebase/viabilitystudy.pdf>

2.5 Completed Planning Obligations/ s106 Agreements

2.5.1 Once a Planning Obligations/ s106 Agreement is signed, it is registered in the Local Land Charges Register. Planning obligations are tied to the land and they may be enforced against anyone who originally enters into the agreement and any successor in title unless the agreement specifies otherwise.

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2.5.2 The requirements of a Planning Obligation/ s106 Agreement come into effect if the planning permission is implemented and any milestones (triggers) set out in the Obligation/Agreement are reached. The S106 registers can be found at the link below, they are updated annually.

[Registers](#)

- 2.5.3 The Council's s106 Monitoring Officer proactively monitors the progress of new development to ensure that the requirements of Planning Obligations/ s106 Agreement are met and that the related infrastructure projects (or affordable housing) can be delivered. In the small number of cases where a developer contribution becomes overdue, the s106 Monitoring Officer takes action to ensure its payment.
- 2.5.4 Some Planning Obligations/S106 Agreements require developer contributions not spent within a certain time to be refunded to the developer. The Council aims to ensure that all developer contributions are spent on the projects they were identified for and no refunds were required to be made during the reported year.
- 2.5.5 National regulations permit Councils to charge developers a "monitoring fee" through Planning Obligations / S106 Agreements, to cover the cost of the monitoring and reporting on delivery of that section 106 obligation as described above. The Council does not currently request S106 monitoring fees but intends to begin charging in the future.

3 Viridor

- 3.1 The Section 106 agreement requires Viridor to pay Halton Council an annual lump sum for every tonne of fuel received and processed known as the 'Environmental Fund'. The Section 106 states the following:

“Environmental Fund shall be used by the Council to fund environmental matters as may be specified from time to time by the Council within the Borough of Halton for the benefit of its residents generally and which may include measures to improve public transport, highway network improvements, travel plan monitoring, waste recycling and wider community improvements such as landscaping and nature conservation measures.”

- 3.2 As part of the agreement, the Council organises a Management Board consisting of 3 elected members who meet to discuss funding applications, ensuring that those are agreed meet the objectives of the Fund.
- 3.3 The Management Board feeds back to the Environment and Regeneration Policy and Performance Board on an annual basis, ensuring that progress is in line with the Council's Corporate Plan. See link below for details of the Board along with minutes of meetings and a list of projects supported by the fund.

[Halton Borough Council: Meetings & Agenda Information](#)

4. Affordable Housing

- 4.1 Within this financial year, there has been a huge increase in Affordable Housing being offered within the Borough, in particular within Widnes and Daresbury. This is made up of 3 strands:
- **First Homes** offer a 30% discount in the market value of a home for local people who are first time buyers.
 - **Affordable rent** is let by a private Registered Provider of social housing to households who are eligible for social rented housing where the rent level is capped at 80% of the Local Market Rent.
 - **Shared Ownership** is where a lessee enters into a lease and purchases a percentage of the equity (initially between 10% and 75% but can increase to 100%) and pays a rent to the Registered Provider for the remaining equity of the property.
- 4.2 The following sites have Affordable Housing contributions attached to the S106s which are in development within this financial year:

| Developer | Address | Affordable Rented | Shared Ownership | First Homes |
|------------------|-----------------------------|--------------------------|-------------------------|--------------------|
| Castle Green | Red Brow Lane, Daresbury | 27 | | 26 |
| Miller Homes | Lunts Heath Road, Widnes | 30 | 4 | 32 |
| Prospect Homes | South of South Lane, Widnes | 5 | 5 | 10 |
| Redrow | Mill Green, Widnes | 21 | 22 | 43 |
| Redrow | Oak Villa, Widnes | 3 | 2 | 5 |
| Bloor Homes | South Lane, Widnes | 9 | 9 | 19 |

5 Sandymoor Residential Area

5.1 The legal agreement, signed in 2005, details the development of the Sandymoor Residential Area for residential and associated purposes in accordance with the Masterplan.

As of March 31st 2025, there is £10,320,855.49 in account which has been paid to the Council from developers building within the area.

This money, as set out in the original S106 deed is earmarked to be spent on the following infrastructure works:

- Maintenance
- Structural Landscaping
- Daresbury Expressway
- Upgrading footpaths
- Traffic calming
- Bridleways
- Public Art Work
- Primary School

6 Hale Gate

6.1 There is an outline planning permission for up to 500 residential dwellings; later living units; a new primary school, a local centre and associated infrastructure and open space.

Due to the application being in outline, the legal agreement allows for contributions to be made on a formula basis once the detailed matters are approved. Future funding statements will provide the detailed nature of these contributions at this stage.

7 Section 106 Contributions Statement

7.1 Monies Agreed in 24/25 through S106 Agreements and not yet paid

| Contribution Type | S106 Contributions not yet Paid |
|--------------------------------------|---------------------------------|
| Active Travel & Highways | 1,772,958.09 |
| Open Space / Recreation contribution | 571,805.37 |
| BNG | 93,560.52 |
| Bus Passes | 515,046 |
| Total | £2,953,369.98 |

7.1.1 Active Transport – There has been an increased focus and awareness of the benefits of cycling and walking and the importance of considering these modes of travel as an integral part of the design process. The Halton Local Cycling and Walking Infrastructure Plan (LCWIP) will set out the development and delivery of a planned active travel network for Halton over a 10 year period, to help provide active travel infrastructure for its residents, workers and visitors.

7.1.2 Open Spaces – The creation, improvement or enhancement of public open spaces. This includes parks and gardens; natural and semi-natural space; amenity green space and open space for the provision of children and young people. The legal agreement will set out the geographical areas where the money needs to be spent – usually within the close vicinity of the development.

7.1.3 BNG - Biodiversity Net Gain (BNG) is a new requirement introduced by the 2021 Environment Act and became a statutory obligation in 2024. It is an approach to planning and land management that leaves the natural environment, including habitats for wildlife, in a measurably better state (of at least 10%) than they were before the development.

Currently, developers are agreeing an off-site contribution to pay to the Council via s106 agreements. However, with the introduction of the statutory obligation to developers, it is hoped that future developments will include on-site BNG contributions. If that is the case, there will still be a financial obligation to the Council as part of the obligation is for the Council to monitor any site for the next 30 years.

7.1.4 Bus Passes – Each Dwelling will be offered the chance to have a bus pass for a year paid by the Developer to be used within the Borough.

7.2 S106 monies held at the end of the reporting year

The table below highlights that as of the 31st March 2025, a total of S106 money was available to fund public open space, highways infrastructure, and environmental projects within the Borough.

| Contribution Type | S106 Contributions Held £ |
|------------------------|---------------------------|
| Public Open Space | 776,735.24 |
| Highways | 584,717.35 |
| BNG | 798,623.73 |
| Bus Pass Contributions | 126,936.00 |
| Total | 2,287,012.32 |
| Sandymoor | 10,320,855.49 |
| Viridor | 3,810,958.22 |