



Fw: URGENT Redaction and Upload - Plot D, Great Jackson Street, application 137227/FO/2023, and Part of Plot C and Plot E, Great Jackson Street, application 137226/FO/2023 - matters material to determination

From: [REDACTED]

Sent: 07 September 2026 20:58

To: Lucy Harrison [REDACTED] Dave Roscoe [REDACTED]

Cc: [REDACTED]
[REDACTED]
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Subject: Plot D, Great Jackson Street, application 137227/FO/2023, and Part of Plot C and Plot E, Great Jackson Street, application 137226/FO/2023 - matters material to determination

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Dear Ms Harrison,

I write in relation to both of the above applications, which remain undetermined more than three years since they were submitted, and almost exactly two years since they were resolved to grant (subject to agreeing a section 106 agreement) at the Planning and Highways Committee in August 2024, and well over a year since the draft section 106 agreement was first posted to the planning portal.

To be clear, this letter is not a request for information. It does not ask the Council to search for or produce documents. It records matters which are material to the determination of both applications, and questions which have been put to the Council and which the Council has not answered.

It is, however, a representation on both applications, and I ask that it is treated as one.

Therefore I ask that it is placed on both application files, published on the register alongside the earlier objections, and put before the decision maker prior to any decision notice issues being issued.

I also ask that it is answered on its own terms and not by cross-reference to responses given under the Freedom of Information Act or the Environmental Information Regulations. It is not a request under either. Some of what follows may or may not concern decisions taken before your involvement with these applications. Where that is so, I am asking you to obtain and state the Council's position rather than your own recollection which is why I have also copied in your colleague Mr Roscoe.

The matters are as follows:-

1. The Council's reviewer has now stated that public realm is not a section 106 cost

Savills, in their Viability Assessment Review for Plot D prepared for the Council and dated August 2024, portal reference 2587862, state at section 1 under the heading Planning Obligations:

*"Roger Hannah made reference to a S106 contribution towards public realm, **however it has since been confirmed that public realm costs are not part of a S106 contribution and remain part of the general development costs.**"*

That sentence is written in the passive & the Council's own reviewer records that the position was confirmed to them by someone. Please can you confirm:-

- who confirmed it;
- when it was confirmed;
- in what document, and whether that document is held; and
- whether the same confirmation was given in respect of application 137226/FO/2023.

2. This question has been put twice before and has not been answered

The treatment of public realm in the viability material was questioned in writing in the objection of 1 August 2025 and again in the objection dated 19 February and submitted on 27 February 2026, which asked how the issue had been explored with the applicant and what the applicant's response had been, and asked that the answer be made publicly available.

Neither the appraisals of 25 November 2025, nor the Savills addenda of 22 January 2026, nor anything published since, answers it.

I am recording that it has been asked twice, that it remains unanswered, and that the Council's own reviewer has since stated that the treatment complained of was wrong and that MCC has seemingly changed its stance on the matter since receipt of these objections.

3. The Council's previous reviewer raised the same point in February 2022, and its cost consultant could not verify the figure

This is not a point the Council first encountered in 2024.

On Trinity Islands, application number 132429/FO/2021, the Council's own committee report in its affordable housing and viability section records the public realm as 1.29 hectares, some 10,885 square metres, at a cost of £10.3m. The Council therefore put the public realm cost before members as bearing directly on whether an affordable housing contribution could be made.

The review of that application prepared for the Council by Cushman & Wakefield in February 2022 was supported by a cost review by Russell Bolton Consulting, appended to it.

Russell Bolton's conclusion on the line the applicant described as a "*Pro rata contribution to park / public realm - Section 106 cost*" was that the external works cost already within the construction cost was high but might be reasonable given the extent of the works, and that without further detail of the additional £10.3 million "*it is difficult to establish whether this extra inclusion is reasonable*".

Cushman and Wakefield's executive summary records the figure of £10,273,465 in both the applicant's column and the reviewer's column with the note that it "*requires further justification according to RBC*", records that the applicant's build costs already included approximately £12,600,000 for external works, so that the two together came to nearly £23,000,000, and draws the Council's attention to the point that if the actual cost were lower, additional surplus would be available for policy contributions.

The equivalent note appears in the Plot F review, 132199/FO/2021, against a supposed Public Realm figure of £4,294,780.

So, in February 2022 the Council's cost consultant told the Council it could not verify the public realm figure, the Council's reviewer told the Council the figure required further justification, and the Council reported the figure to members as the reason no affordable housing contribution could be made.

Please can you therefore confirm:-

- a. whether the Council obtained the further justification which its own cost consultant and its own reviewer said was required, and if so where it is on the planning register;
- b. if it was not obtained, on what basis the figure was accepted in the viability conclusion reported to members on 17 February 2022;
- c. whether members were told, when the figure was put before them, that the Council's own cost consultant had been unable to verify it; and
- d. whether the same question has been asked of the applicant in respect of the public realm line in the appraisals on the present applications.

4. The position taken on the earlier schemes

The Council's current position, as recorded by its current reviewer Savills, is that public realm is not a section 106 cost and forms part of general development costs.

On the earlier schemes the opposite position appears to have been taken, and taken as the very reason no contribution was made:-

- a. in the officer report to the Planning and Highways Committee of 30 June 2016 on application 111719/FO/2016/C1, under Objectors' Comments, members were told that the scheme would deliver significant levels of new public realm and other infrastructure, which means that it is not viable to incorporate affordable housing or other planning contributions;
- b. in the Financial Viability Assessment for Trinity Islands of November 2021, prepared by the applicant, a sum of £10,273,465 for public realm was carried as a line described on its face as a "*Section 106 cost*", reducing the stated margin to 12.04%, and that margin was the stated reason no affordable housing contribution could be supported; and
- c. in the appraisal for Crown Street prepared by the applicant in 2018 and disclosed by the Council, the cost column is headed "*Build Cost Including Public Realm Spend*", which is where the Council's reviewer said in 2024 the cost belongs.

Those positions cannot all be correct. Please set out the Council's position on:-

- d. which treatment is correct;
- e. if the current treatment is correct, whether the reports which recommended approval of the earlier schemes were correct on this point at the time they were written; and
- f. when the Council's approach changed, and what record exists of that change.

5. The viability material for the earlier schemes

I understand the Council does not hold the viability assessment for the Owen Street development, does not hold any record of a review of it, and has given differing accounts of whether a review took place at all.

The position appears to be similar on a number of the applicant's earlier applications. Most of the documents relating to section 106 or affordable housing contributions on applications determined before the Council began publishing viability material in 2019 appear no longer to be held, for a variety of stated reasons. By contrast, the Council appears to hold almost everything of that kind on applications submitted after 2019. Two of the following have been the subject of earlier requests under the Act, and the Council has stated that it does not hold the documents. I am not asking for them again. I am asking what follows from their absence. Please confirm:-

- a. the Council having stated that it does not hold the viability assessment submitted in respect of application 105505/FO/2014/C1 at No. 1 Cambridge Street, or any review of it, whether that remains the position, and if so on what viability evidence the decision that no affordable housing contribution was required on that application was taken, and by whom;
- b. whether the Council holds any benchmarking or interrogation of the public realm figures in the Crown Street viability material, this not having been asked before; and
- c. the Council having stated that it does not hold the shadow appraisal referred to in its officer correspondence of 22 June 2018 on Crown Street, whether that appraisal was in fact produced, and if it was, by whom, what it showed, and when and why it ceased to be held.

6. Obtaining the material from the applicant

On 29 September 2023 the Council was asked in writing why it had not simply asked the applicant for the remainder of its own viability assessment, the Council having already obtained part of it from the applicant, and was asked to obtain the underlying spreadsheet as well. That question has never been answered.

Please state whether the applicant has at any time been asked to provide the remainder of that material, and if not, why not.

7. The requests to meet

A meeting with the officers who carried out the review which the Council has said was undertaken without any record being made was requested on 29 September 2023, on 24 October 2023, on 2 November 2023 and again on 18 December 2023. The requests identified who would attend and offered to fix a date. The request of 18 December 2023 was reduced to a single question capable of a yes or no answer.

Those four requests went to the City Solicitor, copied to the Chief Executive, the City Treasurer, the Deputy Director of Planning and the Director of Estates, and from 24 October 2023 to the case officer. The Council's responses of 7 and 17 November 2023 were that the requested information is not held, and that the Council would not correspond further on the Owen Street viability assessment. That does not answer a request to meet, which does not depend on any document existing.

No answer to the request has ever been given. Please confirm the Council's position.

8. Crown Street Phase 1 and the operation of the review mechanism

Across the schemes in this area I have been able to identify only one occasion on which a review or clawback mechanism was engaged, at Crown Street Phase 1, application 119806/FO/2018. The mechanism was contained in the Unilateral Undertaking dated 30 January 2019.

The outcome was that no further contribution became payable. By letter of 17 January 2024, published at portal reference 2443581, the Council confirmed to the applicant that the three covenants had been fully discharged, on the basis of the information the applicant had submitted.

Nothing setting out the calculation, the inputs, the figures relied on or the reasoning has been published.

Please set out:-

- a. what information the Council relied on in reaching that conclusion;
- b. who assessed it, and whether it was independently reviewed;
- c. why the outcome was not published; and
- d. how the Benchmark Sale Price and the Excess Sale Price were arrived at in 2019, by whom, and on what evidence.

9. The review mechanism on the current applications

The draft section 106 agreements published in April 2026 set the level below which no viability payment arises, the Permitted Profit Level, at 20% of gross development value in the case of open market sales, and take only half of any surplus above it.

The Council's own reviewer reported in August 2024 a developer's return on Plot D of 9.39% of gross development value, rising to 17.49% on its most favourable sensitivity of a 5% increase in values and a 5% reduction in costs, and on Plots C and E a residual land value of minus £13,586,427 against a benchmark land value of £7,987,500.

On none of the cases the reviewer tested does the return reach 20% so it is unclear how MCC ever expects any payments to ever be triggered under the clawback mechanism as drafted.

Here it is important to note that Paragraph 10-009 of the Planning Practice Guidance states that review mechanisms are **not** a tool to protect a return to the developer.

Please therefore set out the basis on which the Council is satisfied that the review mechanism proposed on these applications is capable of operating, and on what evidence base the return at which it engages was set.

10. The finance rate stated in the published assessments

The financial viability assessments published on the register for Trinity Islands and for Plot F each state, in their tables of assumptions, a finance rate of 6.00%. The appraisal within the Trinity Islands document carries a finance cost of £34,000,000, expressed as external funding on 70% of costs. No calculation reconciling the stated rate with the stated cost appears in either document, and neither document has been corrected on the register.

Please confirm which finance rate was in fact applied in the appraisals the Council relied upon for those applications, whether the Council or its reviewers were provided with the calculation, and whether the Council holds any correction to the rate stated in either published assessment.

11. Response

The affordable housing contribution foregone across the schemes determined on the basis described above may, on preliminary analysis, run to a very substantial sum - likely into the hundreds of millions of pounds - which the people and the City of Manchester may have missed out on. I do not put a figure on it. I ask the Council to state its own, ideally based upon its own figures in the various clawback mechanism and extrapolated across all the Renaker applications

I would be grateful for a response within 20 working days.

I repeat that I ask this letter to be placed on both application files and to be before the decision maker before any decision notice issues. If the Council is not prepared to do that, please say so and state why.

This letter is written without prejudice to the objections submitted on 4 August 2023, 21 June 2024, 1 August 2025, 27 February 2026 and 22 April 2026, all of which stand.

Yours sincerely

[REDACTED]

Cc D Roscoe Esq – Manchester City Council

[REDACTED]

[REDACTED]

[REDACTED]

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