

Report to: STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

Date: 3 September 2018

Reporting Officer: David Moore, Director of Growth

Subject: SECTION 106 AGREEMENTS AND DEVELOPER CONTRIBUTIONS

Report summary: The report summarises the current position with regard to receipts received from section 106 (s106) Agreements and Developer Contributions, new s106 Agreements made and any requests to draw down funding.

The report provides an update to the previous SCP report in 9 July 2018.

Recommendations: To note the contents of this report.

Links to community strategy: Successfully implementing schemes funded through s106 Agreements support a number of Community Strategy priorities including supportive communities, a safe environment, a prosperous society, learning community and attractive borough.

Policy implications: Works completed through obligations contribute to mitigating the impact of developments in three policy areas contained within the Councils adopted Unitary Development Plan, namely policy H5 Open Space Provision, H6 Education and Community Facilities and T13 Transport Investment.

Financial implications: It is important that regular monitoring is undertaken to ensure that monies are paid to the Council when due; as per the individual S106 agreements. The S106 contributions and Developer Contributions must be spent within the agreed timescales and on the purposes specified within the individual agreements. A summary position of the S106 contributions and developer contributions is included in the report. The amount of Developer Contributions available has been reduced by £7k due to dissolution of a developer that is no longer in operation.

Legal implications: S106 Agreements need to comply with the requirement of s106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations. These matters are considered in the reports to Speakers Panel on the individual applications.

Risk Management: Developers will be entitled to claw back any contributions if they are not spent within timescales as per the agreements made.

Contributions may not be received on time or at all without adequate monitoring. Any specific conditions included with agreements must also be considered to minimise the risk of developer challenges.

In accordance with Audit recommendations additional resources are being secured which will include specific requirements to monitor and track Section 106 payments and

expenditure.

Access to information:

The background papers can be obtained from the author of the report, Martyn Leigh by



Telephone: 0161 342 3456



e-mail: martyn.leigh@tameside.gov.uk

1. INTRODUCTION

- 1.1 This report summarises the financial position at 31 July 2018 with regard to receipts for Section 106 (s106) Agreements and Developer Contributions and makes comments for each service area. This is followed by a section on new agreements made and requests to draw down funding.

2. AGREEMENTS UPDATE

- 2.1 The summary position statement at 31 July 2018 for s106 Agreements and Developer Contributions is as follows:

Section 106 Agreement Funds:

Section 106		Community Services	Engineering Services	Services for Children & Young People	Other	Total
		£000	£000	£000	£000	£000
S106 - Applied - Budget Transferred to Service Area	Balance Transferred Previous Years (2006/07 - 2017/18)	817	1,632	1,250	16	3,715
	Total	817	1,632	1,250	16	3,715
S106 - Not yet earmarked	Brought Forward from 2017/18	(279)	(174)	(598)	(1)	(1,052)
	Received Periods 1 - 3	(47)		(54)		(101)
	Received Periods 4 - 6					0
	Received Periods 7 - 9					0
	Received Periods 10 - 12					0
	Transferred to Service Area					0
	Total	(326)	(174)	(652)	(1)	(1,153)
S106 - Not yet reached trigger point		(416)	(114)	(546)	(52)	(1,128)

2.2 The current position for s106 Agreements is £1,153,000 in credit as at 31 July 2018.

Services for Children and Young People

- The balance of unallocated s106 funds stands at £652,000

2.3 **Community Services (Operations and greenspace)**

- The balance of unallocated s106 funds stands at £326,000.

2.4 **Engineering Services**

- The balance of unallocated s106 funds stands at £174,000.

Developer Contributions (Secured prior to Infrastructure Levy Regulations):

Developer Contributions	Green Space Contribution	Community Education Contribution	Integrated Transport Contribution	4% Administration Charge	Totals
	£000	£000	£000	£000	£000
Brought Forward from 2017/18	(146)	(69)	(15)	(1)	(229)
Received Periods 1 - 3	0	0	0	0	0
Received Periods 4 - 7	3	2	2	0	7
Received Periods 8 - 10	0	0	0	0	0
Received Periods 10 - Outturn	0	0	0	0	0
Transferred to Service Area	0	0	0	0	0
Approved at previous SCP for release at year end	112	0	0	0	112
Total	(30)	(67)	(13)	(1)	(110)

2.5 The current position for Developer Contributions as at 31 July 2018 was £229,000 in credit, less £7,000 as a write off (11/00826/FUL), less approved allocations of £112,000, leaving a balance of £110,000.

2.6 **Services for Children and Young People.**

- The balance of available contributions stands at £67,000.

2.7 **Community Services (Operations and greenspace)**

- The balance of available contributions stands at £30,000.

2.8 **Integrated Transport**

- The balance of available contributions stands at £13,000.

New Section 106 Agreements

2.9 17/01033/FUL – Ridge Hill Lane, Stalybridge

This was a full planning application for the construction of 11no. dwellings and associated works. It was considered by the Speakers Panel (Planning) meeting in May 2018 and was approved with conditions, as recommended, subject to a Section 106 agreement to secure:

1. Green Space Contribution - £5,426.22 for improvements to play equipment in Stamford Park;
2. Highways Contribution - £8,617.69 for cycleway improvements between Stalybridge and Ashton-under-Lyne identified in the Tameside Cycling Strategy Options Report (2015).

The Section 106 Agreement is dated 19 July 2018 and the decision notice was issued on 24 July 2018.

Requests to draw down funding

- 2.10 No new requests to draw down funding have been made since the previous report to the Panel.

3. RECOMMENDATION

- 3.1 As set out on the front of this report.