

Report to:	STRATEGIC PLANNING AND CAPITAL MONITORING PANEL
Date:	5 September 2016
Reporting Officer:	Damien Bourke, Assistant Executive Director (Development, Growth and Investment)
Subject:	SMARTLY POOLED SECTION 106 AGREEMENTS AND DEVELOPER CONTRIBUTIONS
Report Summary:	The report summarises the current position with regard to receipts received from section 106 Agreements and Developer Contributions.
Recommendations:	To note the contents of the report: That following broad approval from SCP in November 2015 to commit appropriate resources within the existing budget to address the high priority actions set out at 3.1 and 3.2 to be further clarified following the outcomes of the audit report and presented to SCP in due course.
Links to community strategy:	Successfully implementing schemes funded through s106 agreements assists in supporting Community Strategy priorities concerning supportive communities, safe environment, 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.
Financial Implications: (Authorised By Section 151 Officer)	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.
Legal Implications: (Authorised By Borough Solicitor)	The Section 106 Obligations need to comply with the requirements of the Community Infrastructure Levy Regulations, which the adopted policy framework seeks to secure.
Governance Arrangements:	Section 106 obligations requested are done so following the policy framework set out to support this approach contained within the Councils adopted Unitary Development Plan.
Risk Management:	Developers will be entitled to claw back any contributions if they are not spent within the agreed timescales as per the agreements. Contributions may not be received on time or at all without adequate monitoring. Any specific conditions included with S106 agreements must also be considered in the use of these resources to reduce developer challenges. The continued implementation of the approach outlined beyond April 2015 is guided by professional judgement and as such is

open to challenge. Keeping abreast of relevant legal cases and modifying the Councils approach accordingly will assist in minimising risk.

Access to Information:

The background papers can be obtained from the author of the report, Paul Moore by:



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1. INTRODUCTION

- 1.1 This report summarises the position at the period 31 March 2016 with regard to receipts for Section 106 agreements and developer contributions and makes comments for each service area. This is followed by a section on new agreements concluded and pending.
- 1.2 Additionally the report provides an update in relation to the internal audit of the processes of collection, management and monitoring of the developer obligations system.

2. S106 UPDATE

- 2.1 The summary position statement at 31 March 2016 for s106 agreements and developer contributions is as follows:

Smart Pooling Section 106 agreements:

Section 106		Community Services	Engineering Services	Services for Children & Young People	Other	Total
		£000	£000	£000	£000	£000
S106 - Applied - Budget Transferred to Service	Balance Transferred Previous Years (2006/07 - 2014/15)	795	1,632	1,250	16	3,693
	Applied Periods 1 - 3					0
	Applied Periods 4 - 7					0
	Applied Periods 8 - 10					0
	Applied Periods 10 - Outturn					0
	Total	795	1,632	1,250	16	3,693
S106 - Schemes devised not yet signed off	Brought Forward from 2014/15	0	0	0	0	0
	Received Periods 1 - 3					0
	Received Periods 4 - 7					0
	Received Periods 8 - 10					0
	Received Periods 10 - Outturn					0
	Transferred to Service Area					0
Total	0	0	0	0	0	
S106 - Not yet earmarked	Brought Forward from 2014/15	(43)	(10)	(124)	0	(177)
	Received Periods 1 - 3					0
	Received Periods 4 - 7		(13)			(13)
	Received Periods 8 - 10					0
	Received Periods 10 - Outturn					0
	Transferred to Service Area					0
Total	(43)	(23)	(124)	0	(190)	
S106 - Not yet reached trigger point		(593)	(370)	(721)	(22)	(1,706)

Developer Contributions (based on SPD prior to CIL changes):

Developer Contributions	Green Space Contribution	Community Education Contribution	Integrated Transport Contribution	Totals (inc other)
	£000	£000	£000	£000
Brought Forward from 2014/15	(206)	(311)	(11)	(528)
Received Periods 1 - 3	(2)	(2)	(1)	(5)
Received Periods 4 - 7	(43)	(34)	(1)	(81)
Received Periods 8 - 10	(15)	(15)	(1)	(32)
Received Periods 10 - Outturn	0	0	0	0
Transferred to Service Area	65	302	0	371
Approved at previous SCP for release at year end	15	1	0	14
Total	(186)	(61)	(14)	(261)

Overall position

- 2.3 The current position for s106 agreements is £190,000 as at 31 March 2016 with developer contributions standing at £261,000.

Services for Children and Young People

- o The balance of unallocated s106 funds stands at £124,000 on 31 March 2016
- o Developer contributions stands at £14,000 on 31 March 2016

Community Services (Operations and greenspace)

- o The balance of unallocated s106 funds stands at £43,000 on 31 March 2016
- o Developer contributions stands at £186,000 on 31 March 2016

Engineering Services

- o The balance of unallocated s106 funds stands at £23,000 on 31 March 2016
- o Developer contributions stands at £14,000 on 31 March 2016

New Section 106 Agreements

- 2.4 A section 106 agreement is to be drafted for an application at Newton Business Park, Hyde reference 16/00054/OUT. The outline planning application is for the demolition of all existing on site structures and the principle of redevelopment of the site for residential dwellings with an indicative Master plan showing up to 64 dwellings of a mix of 2, 3 and 4 bed properties.

- 2.5 A section 106 agreement has been proposed for an application at Britannia Mill Manchester Road Mossley, reference 15/01061/OUT. This outline planning application is for the demolition of the building and erection of approximately 750sqm retail floor space and approximately 62 apartments subject to reserved matters being approved and provides commuted sums to mitigate against impact the proposal may have on off-site Open Space and Education provision. The sums are £631.85 per property for Open Space. There will also be £867.20 per 2 bed property and £1,211.35 per 3 bed property. There will also be a sum of £7,000 for the development to upgrade dropped kerbs and tactile paving in the vicinity of the site

Requests to draw down funding

- 2.6 No requests have been made to drawdown funds from outstanding Developer Contributions or Section 106 monies.

3. MONITORING, SCRUTINY AND AUDIT

- 3.1 As previously reported to SCP, procedures to effectively manage the post April 2015 Section 106 agreement smart pooling system has been the subject of an internal audit. An audit report is in the process of being finalised. Feedback on the outcome of the audit report will therefore be provided at the next SCP.
- 3.2 There was also a proposal at the last meeting to improve the annual scrutiny of Section 106 spend across the borough. It is proposed that the Strategic Capital Panel will receive a 6 monthly scrutiny report detailing the level of spend, projects underway and where Section 106 still needs to be allocated or spent. The first of these reports will cover the 6 months from April 2016 and will be brought to the next meeting of the Strategic Capital Panel.

4. RECOMMENDATIONS

- 4.1 As set out at the front of the report.