

Report to: **STRATEGIC PLANNING AND CAPITAL MONITORING PANEL**

Date: 13 March 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 (s106) Agreements, new s106 agreements made and requests to draw down funding.

Recommendations:

1. To note the contents of this report;
2. The following projects have been signed off by the Executive Member for Clean and Green (Appendix 1) and it is recommended that they be authorised by the Strategic Planning and Capital Monitoring Panel and recommend the Executive Cabinet give authority to release funds from the following available resources:

Section 106

£13,705.39 for the provision of new fencing at Egmont Street Playing Fields to enhance the appearance and quality of the site.

Developer Contributions

£60,000 for funding infrastructure improvements across a number of sites including improvements to path networks across Council owned greenspace.

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.

Legal implications: Section 106 Obligations need to comply with the requirements of the Community Infrastructure Levy Regulations, which the adopted policy framework seeks to secure.

(Authorised by Section 151 Officer)

(Authorised By The Borough Solicitor)

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 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.

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 20 February 2017 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 20 February 2017 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 Area	Balance Transferred Previous Years (2006/07 - 2015/16)	795	1,632	1,250	16	3,693
	Total	795	1,632	1,250	16	3,693
S106 - Schemes devised not yet signed off	Brought Forward from 2015/16	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 2015/16	(43)	(23)	(123)	0	(189)
	Received Periods 1 - 3	(14)	(8)	(17)		(39)
	Received Periods 4 - 7	(79)		(44)		(123)
	Received Periods 8 - 10	(97)		(57)		(154)
	Received Periods 10 - Outturn					0
	Transferred to					0

	Service Area					
	Total	(233)	(31)	(241)	0	(505)
S106 - Not yet reached trigger point		(694)	(386)	(854)	(23)	(1,957)

Developer Contributions (based on SPD prior to Community Infrastructure Levy changes):

Developer Contributions	Green Space Contribution	Community Education Contribution	Integrated Transport Contribution	Totals (inc other)
	£000	£000	£000	£000
Brought Forward from 2015/16	(201)	(61)	(14)	(276)
Received Periods 1 - 3	0	0	0	0
Received Periods 4 - 7	0	0	0	0
Received Periods 8 - 10	(16)	(18)	(8)	(43)
Received Periods 10 - Outturn	0	0	0	0
Transferred to Service Area	0	0	0	0
Approved at previous SCP for release at year end	85	0	0	85
Total	(132)	(79)	(22)	(234)

Overall position

2.2 The current position for s106 agreements is £505,000 as at 20 February 2017 with developer contributions standing at £234,000.

2.3 Services for Children and Young People

- The balance of unallocated s106 funds stands at £241,000 on 20 February 2017
- Developer contributions stands at £79,000 on 20 February 2017

2.4 Community Services (Operations and greenspace)

- The balance of unallocated s106 funds stands at £233,000 on 20 February 2017
- Developer contributions stands at £132,000 on 20 February 2017

2.5 Engineering Services

- The balance of unallocated s106 funds stands at £31,000 on 20 February 2017
- Developer contributions stands at £22,000 on 20 February 2017

New Section 106 Agreements

2.6 A section 106 agreement has been made (27 January 2017) for an application at Clarendon College Sixth Form Centre, Clarendon Road, Hyde, planning reference 15/00986/OUT. The outline planning application, seeks consent for the redevelopment of the site, including demolition of existing buildings for approximately 96 new dwellings and associated works. A Playing Field contribution of £70,144.08 plus VAT has been agreed and will be used for the upgrading and maintenance of playing fields at Victoria Street (1no. pitch) and Garden Street (2no. pitches).

- 2.7 A section 106 agreement has been made (3 February 2017) for an application at the site of the Former Conservative Social Club, Vernon Street, Ashton-under-Lyne, planning reference 15/00063/FUL. The full planning application seeks consent for the erection of 24 number two bedroom apartments in one 3 storey block with further accommodation in the roof space, means of access, refuse storage, landscaping and parking provision. A green space contribution of £20,632.37 has been agreed and will be used for improvements to King George's Park, Cedar Park and Smallshaw Fields to include new bins and benches, new play equipment and more sustainable planting. In addition a highways contribution of £16,482.24 has been agreed and will be used for improvements to cycle and pedestrian links between Ashton and Queens Road/Palace Road.

Requests to draw down funding

- 2.8 Operations and Greenspace have requested the drawdown of a combined £13,705.39 of section 106 funds in relation to planning applications 15/00425/FUL (£5,000) and 12/01025/FUL (£8,705.39) relating to approvals at Hart Mill, Lees Road, Mossley. The monies will be used to fund new fencing at Egmont Street Playing Fields which will enhance the appearance and quality of the site.
- 2.9 Operations and Greenspace have requested the drawdown of £60,000 of developer contributions for funding infrastructure improvements across a number of sites including improvements to the path network across Council owned greenspace to increase access and visitor experience.

3. RECOMMENDATION

- 3.1 To note the contents of this report.
- 3.2 The following projects have been signed off by the Executive Member for Clean and Green (Appendix 1) and it is recommended that they be authorised by the Strategic Planning and Capital Monitoring Panel and recommend the Executive Cabinet give authority to release funds from the following available resources:

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