

Committee: Cabinet

Agenda Item

Date: 2 August 2012

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Title: S106 community facilities funding Priors Green, Takeley/Little Canfield

Portfolio Holder: Cllr Barker and Cllr Chambers

Key decision: No

Summary

1. The Council has approved the residential development of land at Priors Green Takeley/Little Canfield. As part of these approvals S106 legal obligations were entered into by the developers. This has provided, amongst other things, financial contributions which are intended to be used for 'enhancing community facilities in the vicinity'. There are also specific funds for equipment in Priors Green Community Centre which total some £15,379.75.
2. The District Council holds some £203,239.08 funds from the developers and needs to ensure that they are spent in accordance with the legal agreement.

Recommendation

3. That the money held (£203,239.08) be divided 2/3rds (£135,357.22) to Takeley Parish Council and 1/3rd (£67,881.86) to Little Canfield Parish Council to be used for enhancing community facilities in the vicinity.
4. That UDC request project proposals from Takeley Parish Council and Little Canfield Parish Council for approval by the Assistant Director Planning and Building Control in conjunction with the Assistant Chief Executive – Finance, Cllr Barker and Cllr Chambers as the relevant Portfolio Holders and Cllr Cheetham and Cllr Jones as the two ward Councillors and in consultation with the developers as necessary.
5. That the money held (£15,379.75) for Priors Green Community Centre be passed to Takeley Parish Council along with the ownership of the Community Centre.
6. That further community contributions collected from the Priors Green development be treated in the same way as set out in paragraphs 3 and 4 above.

Financial Implications

7. The funding requested will be drawn from ring fenced funds available for this purpose. There are no other financial implications arising from this report.

Background Papers

8. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Applications:

UTT/0786/00/OP
 UTT/0816/00/OP
 UTT/0518/02/OP
 UTT/0775/03/OP (UTT/1290/09/DFO)
 UTT/1002/03/OP (UTT/1467/08/DFO)
 UTT/1084/03/OP (UTT/2070/06/DFO)
 UTT/1315/03/OP (UTT/0423/08/DFO)
 UTT/1421/04/OP (UTT/0884/11/DFO)
 UTT/0338/08/FUL
 UTT/0169/09/FUL
 UTT/1174/09/FUL
 UTT/1736/09/FUL
 UTT/1226/10/FUL
 UTT/1262/10/REN (renewed UTT/0511/03/OP)
 UTT/1370/10/FUL
 UTT/1443/10/OP
 UTT/1398/11/FUL
 S106 agreements relating to the above applications.

Impact

9.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Improvements to Takeley and The Canfields
Workforce/Workplace	None

Situation

10. The Council holds substantial funds currently totalling £203,239.08 and £15,379.75 which are provided by the developers to mitigate the impact of the new development by enhancing community facilities in the vicinity and equipping the Priors Green Community Centre.
11. The distribution of these funds has been considered carefully. It is proposed that the £203,239.08 be divided 2/3rds to Takeley Parish Council and 1/3rd to Little Canfield Parish Council to be used for enhancing community facilities in the vicinity. This would allow for the provision of facilities for their residents. The split is based on the percentage of land in each Parish and the final

number of houses to be constructed in the Parishes. This split will be used to distribute further money collected from the Priors Green developments.

12. Submissions of projects should be requested from the Parish Councils so that UDC can ensure the money is being spent on appropriate projects and to ensure parity with other distribution of S106 funding i.e. Forest Hall Park, Stansted.
13. The £15,379.75 held for equipment for Priors Green Community Centre should be passed to Takeley Parish Council who are already taking over the ownership of the Community Centre.
14. Cabinet should also be aware of the current state of the Takeley Parish Council and Little Canfield Parish Council New Homes Bonus allocations. While this is not relevant to the decision on and spending of S106 money it helps to provide an overall picture. It is understood that the two Parishes are waiting for the outcome of the S106 distribution so that they can make coherent decisions knowing how much money is available in total.

	NHB allocation	Projects approved	Amount spent as at 17 July
Takeley	£68,014	£68,014	£nil
Little Canfield	£59,424	£59,424	£689

Conclusion

15. The division of the contributions is considered to be appropriate and will enable the Parish Councils to delivery necessary facilities for their communities. The proposed distribution method will also enable UDC to ensure that the terms of the S106 legal agreement are met.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
Design and further investigation work on projects may reveal scheme is not feasible/viable.	2 Sites are constrained by limited area or distance to services; depends on multi agency support and approval.	3 Scope may need to be reviewed.	Detailed submissions will be requested.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.