

Committee: Cabinet

Agenda Item

Date: 24 October 2013

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Title: S106 Community Pot Stansted

Portfolio Holder: Cllr Barker

Key decision: No

Summary

1. The Council has approved the residential development of land at Rochford Nurseries/Forest Hall Road Stansted. As part of this approval a number of S106 legal agreements were entered into by the developers. These have provided, amongst other things, financial contributions which are intended to be used for "such leisure recreational and/or community facilities in the District of Uttlesford as arise out of or are reasonably related to the needs of persons occupying or to occupy the dwellings within the Development".
2. The District Council holds these funds from the developers, with further payments expected, and needs to ensure that they are spent in accordance with the legal agreement. Previous Cabinet reports have allocated £1,049,259. This report has been prepared in response to a further request from the Parish Council.

Recommendation

3. That an additional £100,000, to make a total of £600,000, to be allocated to the library/community hub in Crafton Green, Stansted, subject to agreement with the developer(s) as required.
4. Payments will be dependent on the receipt of developer contributions and will be phased if necessary.

Financial Implications

5. 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

6. 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.

None

Impact

- 7.

Communication/Consultation	The projects have been developed following community consultation.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Improvements to Stansted South and Stansted North wards.
Workforce/Workplace	None

Situation

8. The Council holds substantial funds currently totalling some £501,101.72, out of which £452,840.03 is already committed, (leaving £48,261.69 available with a further total of around £213,000 excluding indexing due) which are provided by the developers to mitigate the impact of the new development and to provide the necessary leisure, recreation and community facilities within the local area to support the development. The rest of the money held and expected is due to be spent on Stansted.
9. The projects have been considered against a range of criteria devised by officers to enable a fair assessment to be made and to ensure that the funds are used to the best advantage of the community. The criteria are:
 - Demonstrable link to Forest Hall Park residents
 - Not provided for by other S106 contributions (i.e. highways, education)
 - Delivering a community benefit
 - Charity/not for profit
 - Capital rather than revenue funding
 - Provide a balanced investment for the overall fund
 - Contribution sought proportionate to use made/likely to be made by Rochford Development residents
 - Other funds held by organisation applying should be called upon first
 - Evidence of other funding sources being investigated
 - Evidence of community consultation/ engagement carried out

Total amount due from developers	Amounts paid to the Council to date by developers	Funding of community schemes approved by Cabinet	Further allocation of funds as recommended in this report
		£655,000 13/10/11	
		£394,259 8/12/11	
£1,400,000 Estimated as it includes interest	£1,107,556.69	£1,059,259 Total	£100,000

10. The Council has received a request from Stansted Parish Council to increase the amount allocated to the library/community hub project for the Crafton Green site in Stansted.

11. The project cost is £700,000 of which £500,000 has been allocated from the S.106 community fund. £100,000 will be provided by the Parish Council. There is therefore a shortfall of £100,000. The request is that this is provided from the community funds held.

Conclusion

13. The proposal is considered to be acceptable and will help to provide a high class facility for all the residents of Stansted.

14. It should also be noted that the Council is not in receipt of all the funds from developers for this development. Therefore any payments will need to be phased to correspond with receipt of payments to the District Council.

Risk Analysis

15.

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.	Project has now been submitted for planning permission and initial feasibility work has required the submission.
Developer contributions are not received in full	2 Payments are required by an obligation enforceable in the courts	3 Scope of project may need to be reviewed	

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.