

Committee: Planning

Agenda Item

Date: 29th July 2015

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Title: Section 106 obligations: financial contributions held by the District Council

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Item for information

Summary

1. This report, which is for the Committee's information, sets out the current position regarding financial contributions paid by developers to the Council under planning obligations. A table is appended to this report. The last report to the Committee on this subject was 25th June 2014.

Recommendations

2. That the Committee notes this report

Financial Implications

3. None associated with this report. Contributions will have to be repaid if they are either not spent or are not allocated for spending by any pay back deadline written into an obligation. There are no impending pay back deadlines.

Background Papers

4. None

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	See table
Workforce/Workplace	Officer time in monitoring Section 106 obligations and preparing this report

Situation

6. Planning obligations are monitored by officers to ensure compliance by developers. A major part of the monitoring process is ensuring that financial contributions are paid when they are due and (where a “pay back clause” exists) that they are spent before they have to be repaid.
7. The appendix to this report contains a table which sets out the amounts of money that the District Council currently holds under each obligation. Mostly, financial contributions are due on implementation and have to be paid back ten years later. The table also includes pay back deadlines where relevant.
8. As the County Council is not always a signatory, the District Council can be responsible for collecting education and transport contributions on the County’s behalf. This money is then passed on to the County Council following confirmation of the general area of spending. This confirmation is required because the District Council as signatory retains responsibility for ensuring that the money is spent as per the obligation.
9. Since the last report, the Council has collected about £2.731million in contributions from developers. The following table summarises these contributions (all numbers are rounded)

<i>Contribution type</i>	<i>Amount</i>	<i>% of total</i>
Education / school transport	£1.849m	67.70
Affordable housing	£0.615m	22.52
Community / sport	£0.158m	5.79
Transport / highways	£0.059m	2.16
Landscaping / maintenance	£0.050m	1.83
Total	£2.731m	100.00

10. In March of this year, the previous Government issued new online Planning Practice Guidance which states that contributions for affordable housing should not be sought from developments of 10 units or less. There are over 20 existing obligations relating to small scale developments (<10units) where affordable housing contributions are required, but where the development has not yet been implemented. The effect of the guidance is that the Council will not now be able to collect these contributions, which would have totalled about £1.57million assuming all the developments were implemented. As a rough guide, this money would have funded the construction of about 12 affordable houses.

11. The Council has taken part in a survey by the Local Government Association on the impact of the new guidance thresholds. The LGA is currently analysing the responses that it received, and will shortly be publishing a report alongside a press release.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
That contributions are not collected when they are due, or have to be paid back because they have not been spent by the deadline	1. There is a little risk due to active monitoring of planning obligations	3. Some contributions can be sizeable. If they are not paid in the first place (or have to be repaid), there will be a missed opportunity to provide necessary infrastructure	Continue to monitor planning agreements, including meetings with colleagues (District and County Council) when necessary

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.

S106 OBLIGATIONS: CONTRIBUTIONS HELD BY UDC

<u>Obligation ref(s) Agreement(s) date</u>	<u>Applicant</u>	<u>Site</u>	<u>Amount currently held (Money forwarded or spent since the last report is shown in brackets)</u>	<u>For</u>	<u>Date when to be paid back if unspent or uncommitted</u>	<u>Comments</u>
STANSTED AREA HOUSING PARTNERSHIP						
UTT/1000/01/OP (16.05.03)	Stansted Airport Ltd	Stansted Airport (expansion to 25mppa)	(£1,631,340.03) <i>All money now spent</i>	Provision of affordable housing in Uttlesford, Braintree, East Herts and Harlow areas		
LOCAL PLAN – MAJOR SITE ALLOCATIONS						
FORESTHALL PARK, STANSTED MOUNTFITCHET						
UTT/0443/98/OP (26.02.04) UTT/0432/11/FUL (16.01.12) UTT/1032/11/FUL (09.02.12) UTT/1960/11/FUL (27.07.12) UTT/1123/01/OP (26.02.04) UTT/0076/10/FUL (24.05.11)	Taylor Wimpey/ Persimmon Croudace		£691,915.48 <i>(Approx £711k has so far been spent on local schemes approved by the Cabinet. £200k of the remaining money is yet to be allocated)</i>	Leisure, recreational and / or community facilities	14.02.23 (earliest date)	Includes initial payments and pro-rata payments for the extra houses built on the additional school land and on other land not originally within the developer's control

			£18,675	15-year maintenance sum for POS	N/A	Initial payment relating only to the LEAP and 1 st LAP on the Taylor Wimpey land
			£186,647 (£102k spent so far)	Off-site health facilities TO BE FORWARDED TO NHS	04.12.23	NHS is using the funding for the Lower Street mixed-use development
OAKWOOD PARK, FLITCH GREEN						
UTT/0058/08/DFO (20.03.08)	Enodis		£10,368.97	Maintenance payment for community hall	N/A	Ex-gratia payment for the maintenance of an additional area of open space
			£5,000			
UTT/14/0005/OP (12.09.14)	Enodis		£3,000	Community facilities inspection fee	N/A	Covers the Council's inspection costs of the community facilities and nature reserves
			£50,156	Highways contribution TO BE FORWARDED TO ECC	11.12.29	To fund highway works in the vicinity of the development

PRIORS GREEN, TAKELEY / LT CANFIELD						
UTT/0518/02/OP (29.09.06)	Countryside		£88,173	Community facilities enhancement and equipment sums	01.04.18	Relates to 40 houses built as part of the Takeley / Lt Canfield Local Policy 3 area
UTT/0555/06/DFO	David Wilson Homes		£7,925 <i>(£700 has so far been spent)</i>	Buffer strip adoption sum	N/A	
(Island sites)						
UTT/0775/03/OP (30.04.08)	Pretious	West View Cottage, Takeley	£2,107.75	Community facilities enhancement and equipment sums	20.12.21	Pro-rata payment for extra houses on land not within the major developer's control
UTT/0338/08/FUL (07.11.08)	Thomas Construction	8 Hamilton Rd, Lt Canfield	£5,911.87 <i>(Approx £7.3k has so far been spent)</i>	Community facilities enhancement and equipment sums	01.04.18	Pro-rata payment as above
UTT/1736/09/FUL (12.04.11)	Cambrils Ltd	Morgan House, Takeley	£8,475	Community facilities enhancement and equipment sums	14.05.25	Pro-rata payment as above
UTT/1443/10/OP (13.04.11)	Goody	South of Willow Cottage, Lt Canfield	£2,109.61	Community facilities enhancement and equipment sums	23.06.24	Pro-rata payment as above

UTT/1398/11/FUL (03.05.12)	Go Homes	Land at Penarth, Warwick Road, Lt Canfield	£14,179	Community facilities enhancement and equipment sums	02.10.24	Pro-rata payment as above
UTT/0240/12/OP (11.06.12) UTT/14/1819/FUL (29.10.14)	Dales Development Ltd	Land at Stansted Motel & 2 Hamilton Road, Lt Canfield	(£32,820) (£6,995)	Primary education contribution FORWARDED TO ECC School transport contribution FORWARDED TO ECC	10.02.25 10.02.25	
UTT/12/5305/FUL (10.01.13)	Stephens	R/O 4 Hamilton Road, Lt Canfield	£5,162	Community facilities enhancement and equipment sums	01.02.23	Pro-rata payment as above
UTT/13/0692/FUL (27.08.13)	Shire Hall Homes	Land north of 4 Hamilton Road	£18,718 £42,906 £2,893	Community facilities enhancement and equipment sums Education contribution TO BE FORWARDED TO ECC Transportation contribution TO BE	06.06.24 10 th anniversary of first occupation 06.06.24	Pro-rata payment as above To fund additional local primary and secondary school places To fund local highway improvements

				FORWARDED TO ECC		
UTT/13/1953/FUL (11.09.13)	P G Bones Ltd	Between 3 & 5 Hamilton Road	£13,354 (£34,101.17) (£2,486)	Community facilities enhancement and equipment sums Education contribution FORWARDED TO ECC Transportation contribution FORWARDED TO ECC	22.04.25 10 th anniversary of first occupation	Pro-rata payment as above To fund additional local primary and secondary school places To fund local highway improvements
UTT/13/3105/FUL (24.06.14)	Stock and Hitchcock	Land west of Warwick Road	£18,740 (£46,388.63) £3,493	Community facilities enhancement and equipment sums Education contribution FORWARDED TO ECC Transportation contribution TO BE FORWARDED TO ECC	24.11.24 10 TH anniversary of first occupation 24.11.24	Pro-rata payment as above To fund additional local primary and secondary school places tbc

WOODLANDS PARK, GREAT DUNMOW						
UTT/0449/02/OP and UTT/0450/02/OP (10.06.03)	Wickford		£91,262.94 <i>(Approx £12.7k has so far been spent)</i>	20-year maintenance sums for POS	N/A	Payment is taking place in tranches. This money is tranches 3, 4 and 5
UTT/2507/11/OP and UTT/13/3439/FUL (02.08.12 and 14.05.14)	Wickford	Sector 4	£165,000 <i>(£60k has so far been spent)</i>	Helena Romanes School contribution	23.01.23	To fund land purchase / playing field improvements and bus turning / parking improvements
			£10,000	Youth services contribution	21.05.24	Payment in lieu of providing a youth shelter on the site
			£348,798.97	Primary education contribution FORWARDED TO ECC	12.05.25	
UTT/13/0847/OP	Wickford	Brick Kiln Farm	£389,664.51	Education contribution FORWARDED TO ECC	03.06.25	To fund additional local primary and secondary school places.

OTHER SITES						
AYTHORPE RODING						
UTT/13/0571/FUL (19.08.13)	Skignesco – Granada Development Co Ltd	Keers Green Nurseries	£120,000	Affordable housing contribution	08.07.34	Contribution is spent flowing authorisation by the Cabinet
UTT/14/0779/FUL (05.11.14)	Crest Nicolson	Windmill Works	£37,255.45	Secondary education contribution FORWARDED TO ECC	14.05.25	
			£8,608.49	School transport contribution FORWARDED TO ECC	14.05.25	
CLAVERING						
UTT/2149/11/OP (15.10.12)	Finzel	Jubilee Works, Stickling Green	(£58,698.58)	Education contribution FORWARDED TO ECC	24.11.24	To fund additional local primary school places
UTT/2251/11/FUL (02.04.12)	Noble and Tee	R/O Oxley Close	(£46,596)	Education contribution FORWARDED TO ECC	N/A	To fund additional local primary school places
ELSENHAM						
UTT/1500/09/OP UTT/2166/11/DFO (07.08.12)	Persimmon	The Orchard, Station Road	£42,322	Disabled adaptation contribution	14.06.23	To fund internal adaptation of three of the houses, if required

GREAT CHESTERFORD						
UTT/12/5513/OP (10.07.13)	Fox and Benyon	South of Stanley Road, West of B184, Walden Road	(£228,881.05)	Education contribution FORWARDED TO ECC	04.02.24	To fund additional local early years and childcare and secondary school places
GREAT DUNMOW						
N/A	N/A	Dunmow Eastern Sector	£18,149.95	Historic, residual amount	N/A	To be spent on playspace at Willow Road, following authorisation by Cabinet on 07.03.12
HENHAM						
UTT/14/0065/FUL (15.05.14)	Abbey Developments Ltd	Lodge Cottage, Chickney Road	(£51,366)	Education contribution FORWARDED TO ECC	14.08.24	To fund additional primary school places
LITTLE CANFIELD						
UTT/13/1779/FUL (03.10.13)	Knight Developments Ltd	Land at Northview and 3 The Warren	(£278,331.78)	Education contribution FORWARDED TO ECC	30.03.25	To fund additional local primary and secondary school places
UTT/14/0122/FUL (15.09.14)	Bush and Walker	Land at Ersamine, Dunmow Road	(£49,089.77)	Primary education contribution FORWARDED TO ECC	18.05.25	
MANUDEN						
UTT/0692/12/FUL (12.02.13)	West Whittle Properties Ltd and Manuden	Land at The Street	£26,864 <i>(Approx £1.74m has so far been</i>	Construction of Manuden Community and	N/A	Money held by the District Council to pay

	PC		<i>paid to the contractor</i>	Sports Centre		the contractor
SAFFRON WALDEN						
UTT/0790/03/REN (10.11.04)	Countryside and British and Foreign School Society	Land at Bell College	(£64,690) £15,044	First commuted sum FORWARDED TO SWTC Sports development funding	N/A N/A	For maintenance of sports facilities transferred to SWTC
UTT/0400/09/OP UTT/0407/09/OP (24.07.12) and (19.11.12)	Baron Braybrooke and Persimmon	Little Walden Road and Ashdon Road	£98,366	Disabled adaptation contribution	30.10.23	To fund internal adaptation of houses, if required
UTT/0828/09/FUL (24.12.09)	Ashwell Homes	Bell Language School	(£5,679)	Provision and maintenance of open space FORWARDED TO SWTC	09.01.24	
UTT/0188/10/FUL (31.03.11) UTT/2154/11/FUL (09.02.12)	Hill Residential and Friends School	Friends School	£1,198.80 £28,007	Air quality monitoring contribution Affordable housing contribution	N/A N/A	Contribution is spent flowing authorisation by the Cabinet
UTT/1252/12/OP (14.11.12)	LPA Group plc	Tudor Works, Debden Road	£100,000	Affordable housing contribution	N/A	Contribution is spent flowing authorisation by the Cabinet
UTT/12/5226/FUL	Churchill	Former Lodge	£395,000	Affordable	N/A	Contribution is

(17.12.12)	Retirement Living Ltd	Farm, Thaxted Rd / Radwinter Rd		housing contribution		spent flowing authorisation by the Cabinet
UTT/13/0669/FUL (21.06.13)	Ford Wells Construction Management Ltd	Goddards Yard, Thaxted Road	(£38,550)	Education contribution FORWARDED TO ECC	20.06.24	To fund additional local secondary school places
STANSTED MOUNTFITCHET						
UTT/1522/12/FUL (07.01.13)	Hilton Properties Ltd	2 Lower Street	(£22,819)	Primary school contribution FORWARDED TO ECC	31.03.25	
TAKELEY						
UTT/1335/12/FUL (23.09.13)	Countryside	Land at Brewers End	(£127,875)	Education contribution FORWARDED TO ECC	20.01.25	To fund additional local primary school places
THAXTED						
UTT/1562/11/OP ,(09.12.11)	Croudace	Land at Wedow Road	£53,090 (£10,618)	Flood works Walnut Tree Meadow improvements	28.03.24 28.03.24	To fund local mitigation works Funded landscaping and footpath improvements