

Item no.

Report to: **Development Control and Regulatory Panel**

Date: **1 July 2008**

Report of: **Head of Planning and Building Control Services**

Subject: **Section 106 Agreements – Quarterly Update**

Ward: **All**

1.0 Purpose of the report

- 1.1 To provide a third quarterly update on progress made in collecting and distributing funds through Section 106 agreements.

2.0 Background

- 2.1 Policy 66 of the Local Plan requires housing developers to provide adequate provision for children's play space and outdoor recreation space in relation to new housing developments of 10 or more dwellings. Where this cannot be achieved at the development site, the developer is normally required to enter into a Section 106 Agreement in order to provide offsite facilities and therefore to conform to relevant Planning policy.
- 2.2 Developers have 3 years to commence development after planning permission is granted. This means that expenditure of funds secured through a Section 106 Agreement depends on how quickly development commences at the site.
- 2.3 The Local Parish and Town Councils are usually responsible for provision and maintenance of recreation and play facilities and are informed when planning permission is granted. They are advised of the availability of funding and are asked to submit proposals for approval by the Panel so that the District Council can authorise the release of funds. The Planning Service has put in place monitoring arrangements to ensure early communication with the Parish and Town Councils and regular reminders are provided to ensure that funds received, are immediately made available for release.
- 2.4 Since the last quarterly update, further reminders have been circulated and the majority of Parish and Town Councils have been in contact to advise that they are in the process of preparing proposals for consideration by the Panel. Two schemes have been approved, one at Seaham where the release of £34,500 has been agreed as a contribution towards the enhancement of an existing play facility and the other at South Hetton for £55,000 for the same purpose. Further schemes at Peterlee and Murton are ready for consideration by Members and several other schemes are expected within the coming weeks. A further £206,760 has been received from developers over the same period of time in comparison to £57,000 last quarter. In addition to this new agreements have been signed to the value of £65,500 a similar figure to the previous report.
- 2.5 Whilst more funding has been released this quarter to enhance recreational facilities than two previous updates it is acknowledged that a significantly larger amount of money was received from the developers. Despite the improvement in funding requests the benefits of this have been offset by the

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unusually large amount of payments that has been received. It is not expected that the latter trend will continue given that there are currently no outstanding payments waiting to be received. Following consultations with the Parishes it is anticipated that several requests will be received within the coming weeks which should help the recent positive trend of releasing funding to suitable schemes to continue.

3.0 Implications

3.1 Financial

There are some financial implications to be taken into consideration when deciding how best to manage the funds that are currently available. The Agreements do not normally specify a time frame by which the money has to be expended although the community benefits should be realised as quickly as possible. Reminders are now being forwarded to the Town and Parish Councils on a regular basis.

3.2 Policy

Policies in the District of Easington Local Plan (Policy 66, Provision of outdoor play space in new developments) have been taken into consideration in preparing this report. However, it would be appropriate to update current procedures for commuted sum payments and a further report will be prepared for consideration by the Panel in the near future.

3.3 Communication

The appropriate Town and Parish Councils have been made aware of funds currently available and regular updates are provided.

3.4 Similarly developers are reminded of their financial commitment and payments sought once development has commenced.

4.0 Recommendation

5.1 Panel is requested to note the contents of this report.

Background Papers

The following background papers have been used in the compilation of this report.

Section 106 Register
District of Easington Local Plan



Graeme Reed
Head of Planning and Building Control