

Title of Paper	S106 Contributions Report 1 April 2016 to 30 September 2018
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Purpose of Paper and Executive Summary

This report is presented to the planning committee informing members on the amount of Section 106 developer contributions received during the period 1 April 2016 to 30 September 2018, and sets out where the contributions will be spent according to the S106 agreements. This report is submitted to assist the Planning Committee in monitoring the contributions. Future reports will be provided on a 6 monthly basis.

EDC Business Plan and KPIs	Not applicable
Recommendation	FOR INFORMATION The Planning Committee is invited to NOTE the information
Annexes	Annex A – Income Data for S106 Contributions
Delegation	Not applicable

S106 CONTRIBUTIONS REPORT

1. Background

- 1.1 Section 106 of the Town & Country Planning Act 1990 provides that anyone with an interest in land may enter into a planning obligation, which is enforceable by a local planning authority. An obligation may be created by agreement or by the party with an interest in the land making a unilateral undertaking.
- 1.2 Obligations may:
- Restrict the development or use of land
 - Require operations to be carried out in, on, under or over the land
 - Require the land to be used in any specified way; or
 - Require payments to be made to the local planning authority, either in a single sum or periodically
- 1.4 A planning obligation may only constitute reason for granting planning permission if it is:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development.
 - Fairly and reasonable related in scale and kind to the development.
- 1.5 The Development Monitoring Officer's responsibilities that pertain to the S106 role include:
- Monitoring agreements and their trigger dates to ensure that obligations are adhered to
 - Working with developers and internal services/partners to ensure a coordinated approach
 - Monitoring conditions and build out delivery

2. Advice and analysis

- 2.1 This report is submitted for information and enables the Planning Committee to monitor the work regarding S106 contributions.
- 2.2 Although an agreement is signed, it is not a guarantee that the obligations will be delivered; on occasions the approved development is not implemented, and therefore no obligations would be delivered.

3. Risk Assessment

- 3.1 The Development Monitoring Officer's responsibilities include monitoring developments to ensure that all obligations, including financial contributions, are met. Failure to pay contributions results in benefits to the community being lost. These benefits include meeting the needs of the new residents regarding educational facilities, open space and play equipment plus additional factors.
- 3.2 Contributions received must also be closely monitored to ensure that contributions are spent within the timescale specified by the agreement.

Failure to meet payment deadlines will result in the contribution being returned to the developer/owner with interest at a specified rate (e.g. 2% over base rate).

4. Financial and legal implications

- 4.1 Many of the obligations are financial contributions to services which will support the new development to provide the infrastructure required, for example education, open space, transport, etc.
- 4.2 Service planning can be problematic for say education, where a contribution is expected and school expansion plans are produced, but if the development does not go ahead it can have repercussions to provision in an area where several expected developments would, between them, fund a new school.

5. Recommendations

- 5.1 This report is submitted for information to the Planning Committee in monitoring the Section 106 funding received during the period 01 April 2016 to 30 September 2018 as set out in Appendix A and therefore there are no recommendations for the committee to consider.

Annex A: Monthly Data

Type of S106 Income received between 01 April 2016 and 30 September 2018

Annex A: Income Data

Type of S106 Income received between 01 April 2016 and 30 September 2018

Date Invoice Issued	Amount Paid	Description	Development Site	Trigger / Data Period	Spend
26/07/2018	£61,671.82	Off Site Affordable Housing	Eastern Quarry	1.10.16 to 31.3.17	
06/08/2018	£184,426.65	Off Site Affordable Housing	Eastern Quarry	1.4.17 to 30.9.17	
06/08/2018	£172,409.16	Off Site Affordable Housing	Eastern Quarry	1.10.17 to 31.3.18	
02/08/2018	£856,697.51	Off Site Transport Contributions	Eastern Quarry	1 st April 2015 to 31 st August 2017	
19/02/2018	£14,587.98	Air Quality Monitoring Contribution	Eastern Quarry	Triggered at 300 Occupations	
19/02/2018	£12,000.00	Planning Resource Contribution	Eastern Quarry	Every 4 years following submission of the Area Masterplan – last payment due 11.12.2016	Applied
02/08/2018	£50,000.00	Highways Contribution	Northfleet East	Triggered by Commencement – 24.07.18	
02/08/2018	£4,560.00	Traffic Regulation Order contribution	Northfleet East	“ “	
02/08/2018	£149,357.68	Fastrack Contribution	Northfleet East	“ “	
02/08/2018	£6,000.00	Air Quality Monitoring Contribution	Northfleet East	“ “	
23/11/2017	28,171.08	SPA mitigation tariff	Springhead Park Phase 2B	23.11.17	Passed to Bird Wise Group
N/A	840.00	SPA mitigation tariff	Ebbsfleet Green Phase 3	23.11.17	

20/07/2018	1,425.00	SPA mitigation tariff	Castle Hill Parcels I&L	20.07.18	
Total	£1,542,146.88				