

Report of the Corporate Director of Planning and Community Services

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S.106/278 PLANNING AGREEMENTS QUARTERLY FINANCIAL MONITORING REPORT

SUMMARY

This report provides financial information on s106 and s278 agreements in the North Planning Committee area up to 30 June 2009, where the Council has received and holds funds.

RECOMMENDATION

That Members note the contents of this report.

INFORMATION

1. Circular 05/05 and the accompanying best practice guidance requires local planning authorities to consider how they can inform members and the public of progress in the allocation, provision and implementation of obligations whether they are provided by the developer in kind or through a financial contribution.
2. The information contained in this report was reported to Cabinet on 24 September 2009 and updates the information received by Cabinet in June 2009. The attached Appendix 1 provides updated financial information on s106 and s278 agreements in the North Planning Committee area up to 30 June 2009, where the Council has received and holds funds.
3. Appendix 1 shows the movement of income and expenditure taking place during the financial year. The agreements are listed under Cabinet portfolio headings. Text that is highlighted in bold indicates key changes since the previous report of July 2009 to the Planning Committee. Figures shown in bold under the column headed 'Total income as at 30/06/09' indicate new income received. Agreements asterisked under the column headed 'case ref' are those where the Council holds funds but is unable to spend for a number of reasons. These include cases where the funds are held as a returnable security deposit for works to be undertaken by the developer and those where the expenditure is dependant on other bodies such as transport operators. In cases where schemes have been completed and residual balances refunded, the refund amount is either the amount listed in the "Balance of Funds" column or where the amount listed in this column is zero the difference between the amounts listed in the columns titled "Total Income as at 31/03/09" and "Total Income as at 30/06/09".

4. Members should note that in the Appendix, the 'balances of funds' held include funds that may already be committed for projects such as affordable housing and school expansion projects. Expenditure must be in accordance with the legal parameters of the individual agreements and must also serve a planning purpose and operate in accordance with legislation and Government guidance in the form of Circular 05/2005. The Council has adopted Supplementary Planning Guidance for Planning Obligations that provides the framework in which the Council will operate.
5. Members should also note that the listed "balances of funds", i.e. the difference between income received and expenditure, is not a surplus. As explained in a previous report, a majority of the funds is linked to projects that are already underway or programmed but have not been drawn down against the relevant s106 (or s.278) cost centre. The column labelled "balance spendable not allocated" shows the residual balance of funds after taking into account funds that the Council is unable to spend and those that it has committed to projects.

Financial implications

6. This report provides information on the financial status on s106 and s278 agreements up to 30 June 2009. The recommendation to note has no financial implications.

CORPORATE CONSULTATIONS CARRIED OUT

Legal

It is a requirement of the District Audit report into planning obligations and the Monitoring Officers report that regular financial statements are prepared.

EXTERNAL CONSULTATIONS CARRIED OUT

There are no external consultations required on the contents of this report.

BACKGROUND DOCUMENTS

ODPM Circular 05/2005 'Planning Obligations'

District Auditor's "The Management of Planning Obligations" Action Plan May 1999

Monitoring Officers Report January 2001

Cabinet Report December 2002 / March 2003 / October 2003 / January 2004 / June

2004 / September 2004 / November 2004 / March 2005 / July 2005 / October 2005 /

December 2005 / March 2006 / July 2006 / Sept 2006 / November 2006 / March

2007 / July 2007 / September 2007 / December 2007 / March 2008 / June 2008 /

September 2008 / December 2008 / March 2009 / June 2009 / September 2009

Planning Obligations Supplementary Planning Document Adopted July 2008

FINANCIAL UPDATE ON SECTION 106 AND 278 AGREEMENTS AT 30 JUNE 2009 (NORTH AREA)

APPENDIX 1

CASE REF.	WARD	SCHEME / PLANNING REFERENCE	TOTAL INCOME AS AT 30/ 6/09	TOTAL INCOME AS AT 31/ 3/09	TOTAL EXPENDITURE AS AT 30/ 6/09	TOTAL EXPENDITURE AS AT 31/ 3/09	2009 / 2010 EXPENDITURE To 30/ 6/09	BALANCE OF FUNDS AS AT 30/ 6/09	BALANCE SPENDABLE NOT ALLOCATED AS AT 30/ 6/09	COMMENTS (as at mid August 2009)
		SECTION 278								
		PORTFOLIO: PLANNING AND TRANSPORTATION								
PT278/46/135*32	Northwood	10A Sandy Lodge Way Northwood 546711/APP/2002/54	7,458.07	7,458.07	2,458.00	2,458.00	0.00	5,000.07	0.00	Improvement of visibility for junction of Sandy Lodge Way & Woodridge Way. ECU fees have been claimed and £5,000 security remains. Works substantially complete 12 month maintenance period, ended 16 September 2006. Final certificate has been prepared. Security held to part offset outstanding education contribution which is being sought via legal proceedings.
PT278/63/175A*49	South Ruislip	BFPO, R.A.F Northolt 189/APP/2006/2091	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.00	£5k received as the security deposit for the due and proper implementation of junction works at the White House Gate entrance to the development. Signals complete and in operation. Currently within 12 month maintenance period. Date of final completion to be confirmed.
PT278/64/173	Eastcote & East Ruislip	R.A.F. Eastcote 10189/APP/2004/1781	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00	Engineers fees paid prior to the execution of an agreement to secure access works associated with this application. Waiting restriction in Lime Grove undertaken. Elm Ave/Lime Grove junction improvement pending. Elm Ave Pedestrian crossing technical approval pending.
PT278/72	West Ruislip	R.A.F West Ruislip Design check on S278 Designs 38402/APP/2007/1072	12,500.00	2,500.00	0.00	0.00	0.00	12,500.00	0.00	Fees received for design checks. Pelican crossing and signals on Long Lane. S278 agreement and technical approval pending. Further fees received.
PT278/73	South Ruislip	R.A.F Northolt., South Ruislip/Main Gate 189/APP/2007/1321	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00	Fees received for design checks. Junction improvements at West End Road/ Bridgewater Road. S278 agreement and technical approval pending.
PT278/75	Harefield	The Harefield Academy, Harefield 1109/APP/2006/825	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00	Fees received for design checks. Alteration to Academy entrance and proposed zebra crossing. S278 agreement and technical approval pending.
		SECTION 278 SUB - TOTAL	29,958.07	19,958.07	2,458.00	2,458.00	0.00	27,500.07	0.00	
		SECTION 106								
		PORTFOLIO: PLANNING AND TRANSPORTATION								
PT1/1/45	Harefield	Springwell Lane - Cycle Way / 6679/AZ/98/0897	3,283.20	3,283.20	2,121.57	2,121.57	0.00	1,161.63	0.00	Towards traffic calming in Springwell Lane. Funds earmarked/ committed towards traffic calming to benefit a cycle way. Delegated authority granted to advertise for 20m/hr speed zone. Works complete. Officers chasing confirmation of final s106 expenditure amount. Interest accrued. Unexpended funds at January 2011 to be returned to the owner.

FINANCIAL UPDATE ON SECTION 106 AND 278 AGREEMENTS AT 30 JUNE 2009 (NORTH AREA)

APPENDIX 1

CASE REF.	WARD	SCHEME / PLANNING REFERENCE	TOTAL INCOME AS AT 30/ 6/09	TOTAL INCOME AS AT 31/ 3/09	TOTAL EXPENDITURE AS AT 30/ 6/09	TOTAL EXPENDITURE AS AT 31/ 3/09	2009 / 2010 EXPENDITURE To 30/ 6/09	BALANCE OF FUNDS AS AT 30/ 6/09	BALANCE SPENDABLE NOT ALLOCATED AS AT 30/ 6/09	COMMENTS (as at mid August 2009)
PT125/66 *24	South Ruislip	J Sainsbury, 11 Long Drive, Ruislip 33667/197/0684	37,425.09	37,425.09	0.00	0.00	0.00	37,425.09	0.00	Highway improvements adjacent to the site. Legal advice stated that because of time that has elapsed, it would not be reasonable to proceed without Sainsbury's agreement. Officers investigating the potential to utilise these funds for traffic congestion mitigation at that junction to complement current works that have been commissioned for that location. A portion of land owned by Sainsbury's would need to be dedicated as public highway for the scheme to be feasible. Traffic congestion mitigation scheme is fully funded. Officers investigating whether improvements could be tied into 114 bus route project. Excess funds are to be refunded to the developer following the date of the Final Account.
PT157/27C (see: EYL/35 & E/18) *34	South Ruislip	Carmichael Close, Ruislip - Highway Works / 55898/APP/2000/2736	1,371.00	14,476.62	1,371.00	1,371.00	0.00	0.00	0.00	For highway improvements including a temporary waiting scheme. Designs received from HEC - currently looking at feasibility. Unexpended funds after 5 years of the sale/rening of the last housing unit (30 July 2008) to be repaid to the developer. No progress due to uncertainties associated with proposed development at RAF Northolt. RAF Northolt application approved which if implemented will include these highways works enabling these funds to be returned. Interest accrued. Expenditure is on HEC designs. TIL have requested revisions. Revised detailed design for the new signalised junction agreed. Officers to seek an alternative scheme to be the basis for a gift funding request if appropriate. Request declined, funds including interest returned.
PT176/119	Northwood	Land at 64 Ducks Hill Road Northwood/ 26900L/99/1077	35,253.56	35,253.56	537.00	537.00	0.00	34,716.56	0.00	To provide a speed camera, anti-skid surface and associated road markings in Ducks Hill Road. Speed camera cannot be installed in this location, as the accident rate in this location is below the threshold established by TIL. Deed of variation not required. Site included in vehicle activated sign (VAS) forward programme. Officers looking into feasibility of 'Driver Feedback Sign'. Implementation due Spring 2007. subject to feasibility. Quotes being sought with the view to possible purchase of signs. Interest accrued. No time constraints. Utilities works completed Nov 08. Anti-skid can be implemented following 3 months after completion of utilities works. Scheme programmed for implementation April/May 09.
PT191/142A	Northwood	3 Reginald Road, Northwood 58866/APP/2005/1087	1,049.35	1,049.35	0.00	0.00	0.00	1,049.35	0.00	For the introduction and maintenance of white lines on the highway adjacent to the development. Funds not spent within 7 years of receipt of PO1 Form to be refunded. Scheme completed and final invoices received. Expenditure charged to non-s106 code. Officers investigating whether spend can be recharged.
		PLANNING & TRANSPORTATION SUB - TOTAL	78,382.20	91,487.82	4,029.57	4,029.57	0.00	74,352.63	0.00	
		PLANNING & TRANSPORTATION TOTAL	108,340.27	6,445,006.61	6,487.57	1,949,957.99	0.00	101,852.70	0.00	
		PORTFOLIO: CULTURE, SPORT AND LEISURE								

FINANCIAL UPDATE ON SECTION 106 AND 278 AGREEMENTS AT 30 JUNE 2009 (NORTH AREA)

APPENDIX 1

CASE REF.	WARD	SCHEME / PLANNING REFERENCE	TOTAL INCOME	TOTAL EXPENDITURE	TOTAL EXPENDITURE	2009 / 2010 EXPENDITURE	BALANCE OF FUNDS	BALANCE SPENDABLE NOT ALLOCATED	COMMENTS (as at mid August 2009)
			AS AT 30/ 6/09	AS AT 30/ 6/09	AS AT 31/ 3/09	To 30/ 6/09	AS AT 30/ 6/09	AS AT 30/ 6/09	
CSLJ5/184A	West Ruislip	31-46, Pembroke Road, Ruislip 59816/APP/2006/2896	49,601.53	0.00	0.00	0.00	49,601.53	0.00	Funds have been allocated to the dining centre for Northwood and Ruislip elderly persons association. Funds not spent by 1/07/2015 to be returned.
CSLJ6/189A	Ruislip	30 Kings End, Ruislip. 46299/APP/2006/2165	7,674.48	0.00	0.00	0.00	7,674.48	7,674.48	Towards the provision of community facilities in the immediate vicinity of the land. No time limits
CSLJ7/195A	Ruislip	Highgrove House, Eastcote Road, Ruislip. 10622/APP/2006/2494	9,578.00	0.00	0.00	0.00	9,578.00	9,578.00	Funds received towards the improvement of community facilities in the vicinity of the site. No time constraints on the expenditure of funds.
CSLJ9/199A	Ruislip	41, Kingsend, Ruislip. 2792/APP/2006/3451	9,338.43	0.00	0.00	0.00	9,338.43	9,338.43	Funds received towards the provision of community facilities in the Borough. No time constraints.
CSL1/10/200B	Manor	Former Ruislip Manor Library, Victoria Road, Ruislip. 14539/APP/2008/2102	5,200.00	0.00	0.00	0.00	5,200.00	0.00	Funds received towards improvements to nearby by community facilities. Earmarked for Library Expansion Programme.
		CULTURE, SPORT AND LEISURE SUB - TOTAL	81,392.44	0.00	0.00	0.00	81,392.44	26,590.91	
PORTFOLIO: EDUCATION AND CHILDREN'S SERVICES									
EYL19/44	Harefield	The Springs, Springwell Lane, Rickmansworth / 6679/AZ/98/0897	32,595.93	0.00	0.00	0.00	32,595.93	0.00	Towards the provision of primary school places in Harefield. Earmarked for a nursery scheme at Harefield Infants School. Interest accrued. Unexpended funds by January 2011 to be repaid to the developer.
EYL39/65A	Harefield	Land at North Works, Summerhouse Lane, Harefield 201A/J/98/2472	121,675.43	102,605.08	102,605.08	0.00	19,070.35	0.00	Primary School places in Harefield (103K). Funds spent on the Hillington Rising Fives Programme at Harefield Infant and Junior School. 5K spent towards CCTV at Harefield Primary with additional match funding of £10,000 from the £250,000 capital funds (see Cabinet Lead Member report March 2004). No time constraints. Balance allocated to proposed refurbishment of Harefield Nursery.
EYL66/144	Northwood	68 Ducks Hill Road 11900/APP/2005/1087	183,044.65	99,819.57	99,819.57	0.00	83,225.08	0.00	Towards the costs of providing primary and secondary school places in the Borough. No time constraints. £16,400 spent on Ruislip High School. £75,852.85 spent towards Ruislip High School costs. Earmarked for Primary School expansions in north Ruislip/Northwood areas. Further £1,423 spent towards Ruislip High School. £5,000 spent towards Sacred Heart Primary School modernisation.
EYL87/143B	Harefield	Dairy Farm, Breakspear Rd, Harefield 27314/APP/2005/644	74,935.52	74,935.52	74,935.52	0.00	0.00	0.00	For the provision of educational places in the Borough. Funds not spent by 25 August 2014 are to be repaid. Earmarked for primary School expansions in north Ruislip/Northwood areas. Funds spent towards Sacred Heart Primary School modernisation.
EYL102/196	Harefield	19, Vermon Drive, Harefield. 57498/APP/2008/3031	739.00	0.00	0.00	0.00	739.00	739.00	Funds received towards the provision of nursery school places in the Borough. No time limits.
EYL103/197A	Ruislip Manor	Windmill Public House, Pembroke Road, Ruislip. 11924/APP/2632	68,689.00	0.00	0.00	0.00	68,689.00	68,689.00	Funds received towards the provision of education facilities within the locality. Funds to be spent within 5 years of receipt (Feb 2014).

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			AS AT 30/ 6/09	AS AT 30/ 6/09	AS AT 31/ 3/09	To 30/ 6/09	AS AT 30/ 6/09	AS AT 30/ 6/09	
EYL/105/199B	Ruislip	41, Kingsend, Ruislip. 2792/APP/2006/3451	37,459.20	0.00	0.00	0.00	37,459.20	37,459.00	Funds received towards the cost of providing education places within the Borough. No time limits on spend.
EYL/106/200A	Manor	Former Ruislip Manor Library, Victoria Road, Ruislip. 14539/APP/2008/2102	3,519.00	0.00	0.00	0.00	3,519.00	3,519.00	Funds received towards improvements to nearby educational facilities arising from the needs of the development. No time limit on spend.
EYL/108/202	Ickenham	179, Swakeleys Road, Ickenham. 52293/APP/2006/2360	8,037.00	0.00	0.00	0.00	8,037.00	8,037.00	Funds received towards the provision of additional or improved education facilities within a 3 mile radius of the site. No time limit on spend.
		EDUCATION, YOUTH AND LEISURE SUB - TOTAL	530,694.73	277,360.17	481,679.53	0.00	253,334.56	118,443.00	
PORTFOLIO: FINANCE AND CORPORATE SERVICES									
		FINANCE & CORPORATE SERVICES SUB - TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	
PORTFOLIO: IMPROVEMENT, PARTNERSHIPS AND COMMUNITY SAFETY									
		PERFORMANCE, PARTNERSHIPS & REGENERATION SUB - TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	
PORTFOLIO: ENVIRONMENT									
E/46/176B	Northwood	Former True Lovers' Knot Public House, Rickmansworth Road, Northwood 27717/APP/2007/1440	21,195.00	0.00	21,195.00	0.00	21,195.00	0.00	Funds received towards the costs of providing environmental improvements at "The Gravel Pits" within the vicinity of the Development or other green space within the Borough. No time constraints. Area officer is drawing up a programme of works to be implemented at this site.
E/47/177B	Manor	41-55, Windmill Hill, Ruislip planning ref.48283/APP/2006/2353	38,258.39	0.00	38,258.39	0.00	38,258.39	0.00	Funds received towards open green space and recreational open space within a 3 mile radius of the land. This sum includes approximately £8k for bins and benches and £30k for children's play space. Funds not spent within 5 years of receipt (24 December 2012) are to be refunded. Officers currently drawing up a programme of works for Warrender Park.
E/48/181A	West Ruislip	Bury Wharf, Bury Street Ruislip. Planning ref. 19033/APP/2007/3269	2,030.70	1,315.31	2,030.70	0.00	715.39	0.00	Funds received for an interpretation sign to be located in the nearby plot of land known as Murphy's field, more particularly described as Public Open Space to the south of the development site immediately adjoining Ducks Hill Road. Interest accrued must be applied to the above purpose. Funds not spent prior to 8 February 2013 are to be refunded. Project complete, awaiting invoices. Spend against revenue account, costs to be journalised to show for March quarter. Journal completed.

CASE REF.	WARD	SCHEME / PLANNING REFERENCE	TOTAL INCOME	TOTAL INCOME	TOTAL EXPENDITURE	TOTAL EXPENDITURE	2009 / 2010 EXPENDITURE	BALANCE OF FUNDS	BALANCE SPENDABLE NOT ALLOCATED	COMMENTS (as at mid August 2009)
			AS AT 30/ 6/09	AS AT 31/ 3/09	AS AT 30/ 6/09	AS AT 31/ 3/09	To 30/ 6/09	AS AT 30/ 6/09	AS AT 30/ 6/09	
E/50/180B	Northwood Hills	16, Watford Rd and 36, Brookend Drive, Northwood planning ref. 62535/APP/2007/2726	20,253.00	20,253.00	0.00	0.00	0.00	20,253.00	0.00	Funds received towards the costs of providing local open space facilities at Firthwood Park within the vicinity of the development or other green spaces within the borough of Hillingdon. No time limits. Officers looking at programme of improvements for Firthwood Park.
E/56/200C	Manor	Former Ruislip Manor Library, Victoria Road, Ruislip. 14539/APP/2008/2102	5,652.00	0.00	0.00	0.00	0.00	5,652.00	5,652.00	Funds received towards improvements to nearby open space facilities. No time limits for spend.
		ENVIRONMENT SUB - TOTAL	87,389.09	81,737.09	1,315.31	1,315.31	0.00	86,073.78	5,652.00	
PORTFOLIO: SOCIAL SERVICES, HEALTH AND HOUSING										
H/9/184C	West Ruislip	31-46, Pembroke Rd, Ruislip 59816/APP/2006/2896	21,675.10	21,675.10	0.00	0.00	0.00	21,675.10	0.00	Funds received towards primary health care facilities within a 3 mile radius of the development. Funds not spent by 01/07/2015 must be returned to the developer.
H/11/195B	Ruislip	Highgrove House, Eascoe Road, Ruislip. 10822/APP/2006/2494	3,156.00	3,156.00	0.00	0.00	0.00	3,156.00	0.00	Funds received towards the provision of local health care facilities in the vicinity of the site. No time limits.
H/12/197B	Ruislip	Windrill Public House, Pembroke Road, Ruislip. 11924/APP/2006/2632	11,440.00	11,440.00	0.00	0.00	0.00	11,440.00	0.00	Funds received for the provision of health care facilities in the Uxbridge area. Funds to be spent within 5 years of receipt (Feb 2014).
		HOUSING SUB-TOTAL	36,271.10	36,271.10	0.00	0.00	0.00	36,271.10	0.00	
		SECTION 106 SUB - TOTAL	814,129.56	758,029.55	282,705.05	282,705.05	0.00	531,424.51	150,685.91	
		GRAND TOTAL ALL SCHEMES	644,087.63	777,987.62	285,163.05	285,163.05	0.00	558,924.58	150,685.91	
NOTES										
The balance of funds remaining must be spent on works as set out in each individual agreement.										
Bold and strike-through text indicates key changes since the Cabinet report for the previous quarter's figures.										
Bold figures indicate changes in income and expenditure										
Income figures for schemes within shaded cells indicate where funds are held in interest bearing accounts.										
* Denotes funds the Council is unable to spend currently (totals £83,696.19):										
"24: PT/25 £37,425.09 reasonable period' for expenditure without owner's agreement has lapsed										
"32: PT/28/46 £5,000.00 is to be held as a returnable security deposit for the highway works (to be later refunded).										
"34: PT/57 £0.00 currently unspendable due to uncertainties associated with RAF Northolt development, which may conflict with works to which these funds are to be applied.										
"49: PT/278/63 £5,000.00 is to be held as a returnable security deposit for the highway works (to be later refunded).										
"55: H/9/184C £21,675.10 funds have been received to provide health care facilities in the borough therefore are for the Hillingdon PCT to spend.										
"57: H/11/195B £3,156.00 funds have been received to provide health care services in the borough therefore are for the Hillingdon PCT to spend.										
"58: H/12/197B £11,440.00 funds have been received to provide health care services in the borough therefore are for the Hillingdon PCT to spend.										
£83,696.19										