

## Report of the Head of Planning, Green Spaces and Culture

### 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 2014 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 required local planning authorities to consider how they could 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. Although Circular 05/05 has now been replaced by the National Planning Policy Framework (March 2012), this is still considered to be good practice.
2. The information contained in this report was reported to Cabinet on 25 September 2014 and updates the information received by Cabinet in June 2014. The attached Appendix 1 provides updated financial information on s106 and s278 agreements in the North Planning Committee area up to 30 June 2014, 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 2014 to the Planning Committee. Figures shown in bold under the column headed 'Total income as at 31/06/14' 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 31/03/14" and "Total Income as at 30/06/14".

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 the National Planning Policy Framework (March 2012). 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 2014. 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' (deleted)  
DCLG National Planning Policy Framework adopted March 2012  
District Auditor's "The Management of Planning Obligations" Action Plan May 1999  
Monitoring Officers Report January 2001  
Planning Obligations Supplementary Planning Document Adopted July 2008.

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 / December 2009 / March 2010 / June 2010 / September 2010 / December 2010 / March 2011 / June 2011 /

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September 2011/ December 2011/March 2012/June 2012/Sept 2012 /December 2012/  
March 2013/ June 2013/ September 2013/ December 2013/ March 2014./ June 2014/  
September 2014.

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