

# **PLANNING OBLIGATIONS -**

## **QUARTERLY FINANCIAL MONITORING REPORT**

<b>Cabinet Member</b>	Councillor Keith Burrows
<b>Cabinet Portfolio</b>	Planning, Transportation and Recycling
<b>Officer Contact</b>	Nicola Wyatt, Residents Services
<b>Papers with report</b>	Appendix 1 - attached

### **1. HEADLINE INFORMATION**

<b>Summary</b>	This report provides financial information on s106 and s278 agreements up to 31st December 2014 against respective Cabinet Member portfolio areas.
<b>Contribution to our plans and strategies</b>	<b>Putting our Residents First: Our Built Environment; Financial Management; Our People</b>  Planning obligations are an established delivery mechanism for mitigating the effect of development, making it acceptable in planning terms and achieving the aims of the Community Strategy and other strategic documents that make up the Local Development Framework.
<b>Financial Cost</b>	The Council currently holds £13,242,075 relating to s106 and s278 agreements. Of this £4,345,554 is allocated/earmarked for projects and £3,607,637 relates to funds that the Council holds but is currently unable to spend directly, leaving a residual balance of funds that the Council holds of £5,288,884 that is currently spendable and not yet allocated/earmarked towards specific projects. In Quarter 3, the Council has received additional income of £484,218 and spent £322,112.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	All

### **2. RECOMMENDATION**

**That Cabinet notes the updated financial information attached in Appendix 1.**

## **Reasons for recommendation**

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 Although Circular 05/05 has now been replaced by the National Planning Policy Framework (March 2012), this is still considered to be good practice. This report details the financial planning obligations held by the Council and what progress has and is being made in allocating and spending those funds.

## **Alternative options considered / risk management**

The alternative is to not report to Cabinet. However, it is an obvious example of good practice to monitor income and expenditure against specific planning agreements and ensure that expenditure takes place in accordance with the parameters of those agreements.

## **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

1. Appendix 1 provides a schedule of all agreements on which the Council holds funds. The agreements are listed under Cabinet portfolio headings. The appendix shows the movement of income and expenditure taking place during the financial year; including information at 30 September 2014 (which was the subject of the report in December 2014) as well as up to 31 December 2014. Text that is highlighted in bold indicates key changes since the Cabinet report of 18 December 2014. Figures indicated in bold under the column headed 'Total income as at 31/12/14' indicate new income received. (Shaded cells indicate where funds are held in an interest bearing account) The table shows expenditure between 1 October and 31 December 2014 of £322,112 (compared to £139,280 during the previous quarter) and income of £484,218 (compared to £1,070,566 during the previous quarter) within the same period.

2. The balance of s278/106 funds that the Council held at 31 December 2014 is £13,242,075. It should be noted that the 'balance of funds' listed, i.e. the difference between income received and expenditure, is not a surplus. Included in the balance at 31 December 2014 are those s278/106 funds that the Council holds but is unable to spend for a number of reasons, such as 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. 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 allocated to projects. The 'balance of funds' at 31 December 2014 also includes funds that relate to projects that are already underway or programmed, but where costs have not been drawn down against the relevant s106 (or s.278) cost centre.

3. In summary, of the 'total balance of funds' that the Council held at 31 December 2014 (£13,242,075) £3,607,637 relates to funds that the Council is unable to spend and £4,345,554 is allocated/earmarked for projects, leaving a residual balance of funds that the Council holds of

£5,288,884 that is currently spendable and not yet earmarked/allocated towards specific projects.

## Financial Implications

4. As at 31st December 2014 the s106/278 balance is £13,242k. This is inclusive of £3,607k which the Council holds on behalf of its partners who are responsible for project delivery e.g. NHS Property Services (formerly PCT) and TFL. A further £4,346k has been earmarked to specific projects. The residual balance of £5,289k represents amounts yet to be allocated for any specific use although projects are being put in place to utilise this balance. Table 1 provides additional detail of the s106/278 contributions in accordance to service area. In quarter 3 additional income received in s106/278 monies was £484k whilst expenditure totalling £322k was financed by the contributions.

**Table 1 – s106/278 contributions by service area**

Service Area	Balance b/f (30/09/14)	Income Received	Total	Spend	Balance c/f (31/12/14)	Earmarked Allocated Balances	Unallocated Balances
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<b>S278</b>							
Planning & Transportation	1,256	25	1,281	(23)	1,258	1,258	0
<b>S106</b>							
Planning & Transportation	3,196	20	3,216	(130)	3,086	1,966	1,120
Community, Commerce & Regeneration (CCR)	595	0	595	(1)	594	366	229
Community, Commerce & Regeneration (PPR)	1,804	0	1,804	(30)	1,774	1,141	633
<b>Sub-Total - CCR</b>	<b>2,399</b>	<b>0</b>	<b>2,399</b>	<b>(31)</b>	<b>2,368</b>	<b>1,507</b>	<b>861</b>
Education & Children Services	3,207	103	3,310	(0)	3,310	1,095	2,215
Environment	1,071	20	1,091	(138)	953	508	445
Housing, Social Services & Health	1,951	316	2,267	(0)	2,267	1,620	647
<b>Sub-Total (S278/106)</b>	<b>13,080</b>	<b>484</b>	<b>13,564</b>	<b>(322)</b>	<b>13,242</b>	<b>7,953</b>	<b>5,289</b>
Less: Sums held on behalf of partners	3,590	17	3,607	(0)	3,607	3,607	0
<b>Total LBH Balances</b>	<b>9,490</b>	<b>467</b>	<b>9,957</b>	<b>(322)</b>	<b>9,635</b>	<b>4,346</b>	<b>5,289</b>

It is expected that the majority of the remaining unallocated Education & Children's Services balances of £2,215k will be utilised to support Phases 2 and 3 of the Primary School Expansions programme, thereby reducing the unallocated total balance to £3,074k. Officers will continue to review the applicability of unallocated balances within existing and proposed capital and revenue budgets in order to minimise the impact on the Council's internal resources.

Contributions which are not spent within the designated time frame may need to be returned to the developer. As at quarter three it has been identified that £439k needs to be spent within twelve months, i.e. 31 December 2015, to prevent the risk of repayment, although £41k of this has been identified for use and is in the process of being formally allocated. In addition there are balances totalling £109k which are not able to be spent within the terms of the existing agreements before the time limits and may therefore need to be returned.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and notes that substantial Section 106 / Section 278 balances remain available to support investment in local infrastructure, with £4,932k of the £9,635k available for Council-managed schemes expected to be applied to projects during 2014/15 and 2015/16. Within these available balances, £439k will become repayable to developers if not utilised before 31 December 2015, no sums have been repaid to developers over the previous three months.

### **Legal**

8. There are no specific legal implications arising from the recommendation which asks the Cabinet to note the current status on the receipt and expenditure of S106 monies. The monies referred to in this report are held by the Council for the purposes specified in each of the relevant legal agreements. Such monies should only be spent in accordance with the terms of those agreements. Where monies are not spent within the time limits prescribed in those agreements, such monies should be returned to the payee. Where officers are unsure whether monies held pursuant to particular agreements can be used for particular purposes, Legal Services should be consulted for advice on a case by case basis

### **Corporate Property and Construction**

9. There are no Corporate Property and Construction implications arising from the recommendation in the report.

## **6. BACKGROUND PAPERS**

- ODPM Circular 05/2005 'Planning Obligations' replaced by NPPF (March 2012)
- District Auditor's "The Management of Planning Obligations" Action Plan May 1999
- Monitoring Officers Report January 2001
- Previous Cabinet reports