

PLANNING OBLIGATIONS - QUARTERLY FINANCIAL MONITORING

Cabinet Member(s)	Councillor Eddie Lavery
Cabinet Portfolio(s)	Environment, Housing and Regeneration
Officer Contact(s)	Nicola Wyatt, Planning, Environment, Education & Community Services
Papers with report	<u>Appendix 1 - circulated separately in A3 size</u>

HEADLINES

Summary	This report provides financial information on s106 and s278 agreements up to 31st December 2020 against respective portfolio areas.
Putting our Residents First	This report supports the following Council objective of: Our Built Environment; Our Heritage and Civic Pride; Financial Management 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.
Financial Cost	As at 31 December 2020 the Council holds £15,626k relating to s106 and s278 agreements. Of this £3,782k is allocated/ earmarked for projects and £3,844k 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 £7,893k that is currently spendable and not yet allocated towards specific projects and £107k interest on interest bearing schemes. In Quarter 3, the Council has received additional income of £388k and spent £251k.
Relevant Policy Overview Committee	Residents', Education and Environmental Services
Relevant Ward(s)	All

RECOMMENDATIONS

That the Cabinet notes the updated financial information attached at Appendix 1.

Reasons for recommendation

Planning best practice guidance encourages 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. 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 the 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.

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 2020 as well as up to 31 December 2020. Text that is highlighted in bold indicates key changes since the Cabinet report of 10 December 2020. Figures indicated in bold under the column headed 'Total income as at 31/12/20' indicate new income received and shaded cells indicate where funds are held in an interest-bearing account. The table shows expenditure between 1 October and 31 December 2020 of £251k (compared to £237k during the previous quarter) and income of £388k (compared to £341k during the previous quarter) within the same period.
2. The balance of s278/106 funds that the Council held on 31 December 2020 is £15,626k. 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 2020 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 dependent 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 2020 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.

- In summary, of the 'total balance of funds' that the Council held at 31 December 2020 (£15,626k) £3,844k relates to funds that the Council is unable to spend and £3,782k is allocated/earmarked for projects, leaving a residual balance of funds that the Council holds of £7,893k that is currently spendable and not yet earmarked/allocated towards specific projects and £107k that relates to interest on the interest-bearing schemes.

Financial Implications

4. As at 31st December 2020, the s106/278 balance is £15,626k. This is inclusive of £3,844k 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 £3,782k has been earmarked to specific projects. The residual balance of £7,893k represents amounts yet to be allocated for any specific use although projects are being put in place to utilise this balance and £107k relates to interest on the interest-bearing schemes. As and when a specific interest-bearing Section 106 balance is required to be returned to a developer the amount of cumulative interest since the balance was received is transferred to the scheme from the total balance of accumulated interest on interest bearing schemes and then repaid to the developer.

The table below summarises existing S278 and S106 balances by service areas:

Table 1 – S106 / 278 contributions by service area

Service Area	Bal b/f 01/10/20 £000	Income £000	Total £000	Spend £000	Bal c/f 31/12/20 £000	Earmarked Balances £000	Balance Spendable not allocated £000
S278 – Public Safety & Transport	1,915	10	1,925	0	1,925	1,925	0
S106							
Public Safety & Transport	5,261	356	5,617	-130	5,487	2,633	2,853
Families, Education & Wellbeing	2,538	3	2,541	0	2,541	1,291	1,249
Environment, Housing & Regeneration	2,203	19	2,222	-121	2,101	554	1,547
Health & Social Care	1,221	0	1,221	0	1,221	1,221	0
Property & Infrastructure	2,244	0	2,244	0	2,244	0	2,244
Interest on interest bearing schemes	107	0	107	0	107	107	0
Sub-Total (S278/106)	15,489	388	15,877	-251	15,626	7,731	7,893
Less: Sums held on behalf of partners	3,807	37	3,844	0	3,844	3,844	0
Total LBH Balances	11,682	351	12,033	-251	11,782	3,887	7,893

5. In quarter 3 additional income received in s106/278 monies was £388k, whilst expenditure totalling £251k was financed by the contributions.

6. The unallocated balance of £7,893k represents amounts yet to be formally allocated for specific projects, and this has increased by £202k from the previous quarter due to contributions received that have not yet been allocated to specific schemes. Proposals are in various stages of development to utilise the unallocated balances. These are generally required to be spent towards the following areas and within the specific terms identified in the individual agreements:

Table 2 - S106 unallocated balances breakdown

Category	£'000
Affordable Housing	2,244
Air Quality	408
Carbon Reduction	678
Community Facility	10
Economic Development	488
Libraries	68
Nature Conservation	612
Public Realm / Town Centres	1,664
Schools	14
TFL / Highways	626
Training Schemes	1,035
Travel Plans	47
Total	7,893

7. From the above formally unallocated balances, those relating to affordable housing can potentially be utilised towards housing developments within the General Fund or HRA capital programmes. Other balances are expected to be used towards the TFL LIP programme, town centre initiatives and energy efficiency works.

8. 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.

9. Contributions which are not spent within the designated time frame may need to be returned to the developer. As at the end of December 2020 it has been identified that £81k needs to be spent within twelve months, i.e. 31st December 2021.

10. There is a balance totalling £26k for which the time limit has expired and was not able to be spent within the terms of the agreement. This may, therefore, need to be returned.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report, noting that schemes have not yet been identified to utilise £7,893k Section 106 / 278 Contributions received from developers to support investment in local infrastructure. As outlined in the financial implications above, proposals are in various stages of development to utilise these balances and officers will continue to review the applicability of these unallocated balances to ensure that where appropriate these are deployed to support existing or planned expenditure.

Legal

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 and interest accrued 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.

Infrastructure / Asset Management

There are no property implications arising from the recommendation in the report.

BACKGROUND PAPERS

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 and revised 2014
Planning Obligations Quarterly Financial Monitoring Report to Cabinet December 2020)