



REGULATORY SERVICES COMMITTEE

1 February 2018

REPORT

Subject Heading:

S106 Contributions to be transferred to relevant public spending bodies

SLT Lead:

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Report Author and contact details:

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Policy context:

The National Planning Policy Framework
National Planning Practice Guidance

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

| | |
|-------------------------------|-----|
| Communities making Havering | [X] |
| Places making Havering | [X] |
| Opportunities making Havering | [X] |
| Connections making Havering | [X] |

SUMMARY

A number of planning applications have been approved with associated legal agreements completed under S106 of the Town and Country Planning Act 1990 requiring contributions to be made to the Council for infrastructure impacts associated

with the development. The majority of contributions are used and spent by the Council on specific projects managed and implemented by the Council. However, some contributions need to be transferred to the relevant public body responsible for providing the infrastructure. This report seeks authority to enter into legal agreements with the relevant public bodies to transfer sums received and to ensure that sums are spent in accordance with the terms of the original S106 legal agreements.

RECOMMENDATION

That authority be given for the Director of Legal and Governance to enter into relevant legal agreements with the relevant public body in relation to the transfer of contributions received and what they can be spent on, in relation to the following applications:

| Reference | Address | S106 Contribution Received | Relevant Public Body Responsible for Spending Contribution |
|------------------|--|--|---|
| P1689.11 | Former Dunningford School, Dunningford Close | Health Care Contribution - £41,650 (plus indexation and interest accrued) | NHS CCG |
| P0954.11 | Former Edwin Lambert School, Malvern Road | Health Care Contribution - £12,250 (plus indexation and interest accrued) | NHS CCG |
| P1451.10 | Gooshays Drive | Bus Service Contribution - £210,000 (plus indexation and interest accrued) | TfL |
| P1451.10 | Gooshays Drive | Junction Improvement Contribution - £85,000 (plus indexation and interest accrued) | TfL |
| P0702.08 | Harold Wood Hospital Site | Bus Service Contribution - | |

| | | | |
|----------|------------------------------|---|-----|
| | | up to £513,873 (plus indexation and interest accrued) | TfL |
| P0702.08 | Harold Wood Hospital Site | Traffic Management Contribution - £283,500 (plus indexation and interest accrued) | TfL |

REPORT DETAIL

1. **Background**

- 1.1 A number of planning applications have been approved with associated legal agreements (entered in accordance with Section 106 of the Town and Country Planning Act 1990) requiring contributions to be made to mitigate the impact on local infrastructure. Typically, for all new residential development, contributions are sought in relation to the impact on school places. For larger development proposals, contributions may also be sought for example for improvements to local health infrastructure and for improvements to transport infrastructure.
- 1.2 In some cases the public body responsible for providing the infrastructure would be party to the legal agreement allowing payment to be made to them direct by the developer. However, in the majority of cases the parties to the S106 agreement are the Council and the Developer/Owner of the site. In such cases the contribution will be made direct to the Council.
- 1.3 Once a contribution is received, the Council is responsible for ensuring that the contribution is spent in accordance with the terms of the S106 legal agreement. In some cases that would mean that the sum received should be transferred to the appropriate public body for providing the infrastructure.

2. **Legal Agreement Required**

- 2.1 In order that the appropriate sums can be transferred and to ensure that the sums are spent in accordance with the original S106 legal agreement, it is considered for each contribution received where a different public body to the Council is best placed to spend the contribution and provide the infrastructure, that a legal agreement is required between the Council and the body responsible for providing the infrastructure. The original resolution made by this Committee in the cases outlined does not explicitly authorise the Council to transfer funds to another body and there is no delegated power to do this.

2.2 Staff therefore seek that for the following contributions received, that authority be given to the Director of Legal and Governance to enter into appropriate legal agreement to enable transfer of contributions and ensure that the contributions are spent on relevant infrastructure.

| Reference | Address | S106 Contribution Received | Relevant Public Body Responsible for Spending Contribution |
|------------------|--|--|---|
| P1689.11 | Former Dunningford School, Dunningford Close | Health Care Contribution - £41,650 (plus indexation and interest accrued) | NHS CCG |
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IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements would only be entered into where contributions have been received and will ensure that the sums are used as intended in the original completed S106 agreement.

Legal implications and risks: Legal resources would be required to prepare and complete the agreements which are required to to transfer sums received and to ensure that sums are spent in accordance with the terms of the original S106 legal agreements.

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

Original Committee Report and Minutes
Completed S106 Agreements