

COMMITTEE: CENTRAL AREA **REF NO:** CAC/17/25
DATE: 7 MARCH 2018
SUBJECT: SECTION 106 ALLOCATIONS IN THE
CENTRAL AREA
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HEAD OF SERVICE: MARTYN FULCHER

Short description of report content and the decision requested:

This report details of outstanding Section 106 legal agreement contributions, which are available to be spent within each of the Area Committee areas.

The Central Area Committee is requested to note the Section 106 details shown at Appendix A.

List of Appendices included in this report:

Appendix A – Section 106 monies by Area Committee

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This report was prepared after consultation with:

Internal consultees:-

Legal Services via LGSS; Finance; Head of Development.

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Corporate Plan – Priority 2; 3; 5; and 7.

Ipswich Local Plan – Policy CS12.

National Planning Policy Framework para. 204

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

None

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

None

1. Introduction

- 1.1 Under the terms of Section 106 of the Town and Country Planning Act 1990, some planning applications require the applicant to enter into a legal agreement with Ipswich Borough Council, in order to secure planning obligations towards the delivery of, or enhancement of, essential infrastructure or facilities.
- 1.2 In accordance with the National Planning Policy framework paragraph 204 these planning obligations should only be sought where they:-
- Are necessary to make the development acceptable in planning terms;
 - Are directly related to the development; and
 - Are fairly and reasonably related in scale and kind to the development.
- 1.3 For example, these can be sums paid towards providing health services, school places, library facilities, sustainable travel and new roads, affordable housing, maintenance of public open space; and play equipment.
- 1.4 The legal agreements are usually conditional and secure the funds directly to the delivery of the specific infrastructure or facilities within set timeframes in order that the new residents have access to services or infrastructure needed, and so existing Ipswich residents are not adversely affected by the development.

2. Background

- 2.1 A report was presented to Strategic Overview and Scrutiny Committee on 23rd November 2017, which assessed the effectiveness of developer contributions and their use.
- 2.2 At that meeting, the Strategic Overview and Scrutiny Committee requested that officers take a report to each Area Committee detailing any available funds that may be spent within the respective Areas, which were not subject of legal restrictions or already spent / committed.
- 2.3 This paper now provides the information requested by Strategic Overview and Scrutiny Committee.

3. Relevant Policies and Area Action considerations

- 3.1 Building a Better Ipswich underlying principles:
- Priority 2: A Sustainable Environment;
 - Priority 3: An Enjoyable Place to Live, Work and Study;
 - Priority 5: Quality Homes for All;
 - Priority 7: An Efficient and Effective Council.

3.2 Ipswich Core Strategy and Policies Development Plan Document policies CS12 (Affordable Housing); and CS17 (Delivering Infrastructure).

3.3 National Planning Policy Framework paragraph 204.

4. Financial Considerations

4.1 Appendix A illustrates which s.106 funds are available for future spending on infrastructure, for each Area Committee area of the Borough.

4.2 Where the s.106 money is available but not committed, potential projects have been identified.

4.3 There is £10,000 in Section 106 funds identified for allocation within the Central Area.

5. Legal Considerations

5.1 As indicated at paragraph 1.3 of this report, most Section 106 agreements detail exactly what the payments can be paid towards, and within what timeframe this must be undertaken.

5.2 In most of the cases detailed at Appendix A, the received monies have been partially spent; however, as shown in the 'Spend date' column, in some instances there is no legal requirement to spend the funds within any set timeframe.

5.3 It is not common for funds subject of a legal agreement to be returned to developers, as the obligations have been deemed necessary to make the development acceptable. Most of the Section 106 agreements that are received by the local planning authority relate to the delivery of specific infrastructure or facilities. In the main, these deliver essential school improvements, library improvements, highways improvements and public open space.

5.4 In all of the cases detailed at Appendix A, the legal agreements adopted a more flexible approach as to how the monies can be spent, which has resulted in this potential to decide how best to use these funds.

6. Conclusions

6.1 Appendix A of this report details which monies are available across the borough for allocation, in accordance with the terms of the Section 106 planning obligation against which the monies were received.

6.2 Suggestions are sought from each Area Committee as to how these monies are to be spent.

6.3 In relation to the Central Area, there is one agreement with monies to be allocated to public art near The Mill development.

7. Recommendations

7.1 That the Central Area Committee notes the Section 106 information detailed at Appendix A.

Reason: To keep the Area Committee informed of outstanding Section 106 amounts as per the request of the Strategic Overview and Scrutiny Committee.

APPENDIX A - Section 106 monies by Area Committee

Central Area Committee

Development	S.106 Figure	Infrastructure	Funds Committed Yes/No	Committed project	Spend date
The Mill, Key Street	£10,000	Public Art in the vicinity of the development	No	Still requires project identification	29/09/2024

SE Area Committee

Development	S.106 Figure	Infrastructure	Funds Committed Yes/No	Committed project	Spend date
	None Available				

NE Area Committee

Development	S.106 Figure	Infrastructure	Funds Committed Yes/No	Committed project	Spend date
Former Jesus & Mary School, Woodbridge Road	£3,960.25	Formation of new nature habitat outside of the site or to improve any existing habitat in the locality.	Yes	Still requires project identification (Potentially towards Wildlife Homes project – to improve wildlife features in the locality of the ecological network)	None

NW Area Committee

Development	S.106 Figure	Infrastructure	Funds Committed Yes/No	Committed project	Spend date
Anglia Retail Park, Bury Road	£3,393.10	Improve attractiveness of the Central Shopping Area or areas immediately adjacent to Whitton Conservation Area	No	Still requires project identification	None
Anglia Retail Park, Bury Road	£4,080.15	Improve attractiveness of the Central Shopping Area or areas immediately adjacent to Whitton Conservation Area	No	Still requires project identification	None

SW Area Committee

Development	S.106 Figure	Infrastructure	Funds Committed Yes/No	Committed project	Spend date
	None Available		N/A		