

Northampton Borough Council Overview and Scrutiny



Overview and Scrutiny Committee

Date: 9 June 2014

Briefing Note: Guidelines of Section 106 Agreements

1. Introduction

- 1.1. Following the meeting of Overview and Scrutiny Committee on 10 February 2014 to discuss the Nene Meadows Supplementary Planning Document, the Committee requested that a report be brought to this meeting setting out the guidelines for expending money pursuant to Section 106 agreements, with particular reference to the development at the former Cliftonville Middle School.
- 1.2. The purpose of this report is to give Members an overview and policy background to the administration of monies paid pursuant to S106 agreements with reference to the aforementioned development.

2. Context

- 2.1. Where a proposed development will have an impact on local infrastructure, adopted and emerging local policy provides the mechanism to require on or off site contributions commensurate with the scale of the development to address the identified impact. In line with Regulation 122 of the Community Infrastructure Levy Regulations 2010 contributions can only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Contributions can be secured either through the use of planning conditions or more commonly through planning obligations under Section 106 of the Town and Country Planning Act 1990.
- 2.2. The Council has adopted a Planning Obligations Supplementary Planning Document (SPD), which sets out how developer contributions will be sought. This can be viewed at:
http://www.northampton.gov.uk/info/200205/planning_for_the_future/1746/planning_for_the_future-northampton_local_development_plan

- 2.3. In addition the Council adopted a Playing Field Strategy (2011) to inform its approach to providing a robust and up to date assessment of supply and demand across the Borough. The needs based assessment provided a full background to pitch provision. It also outlined a series of key issues and actions that the Council should adopt in meeting future demands. This included addressing deficiencies across a range of different pitch based sports.
- 2.4. Section 106 obligations are monitored by an officer in the Planning Division. The officer reports to and is advised by a Section 106 Board comprised of officers from a number of disciplines across the Council. This provides the forum that oversees and ensures the correct and timely administration of obligations entered into under Section 106. It reports through to the Director of Regeneration, Enterprise and Planning and the Cabinet Member.

Development at Former Cliftonville Middle School

- 2.5 Development of a residential healthcare facility (08/0075/FULWNN) was approved by WNDC (West Northamptonshire Development Corporation) on 15 October 2008 subject to a unilateral undertaking under S106 of the Town and Country Planning Act 1990 in order to provide mitigation for this development.
- 2.6 As part of this mitigation the undertaking provided an obligation for a sum of £122,342.18 "Sports Pitch Contribution" to be paid to WNDC prior to the commencement of development. Although referenced "Sports Pitch Contribution" the scope of use of this sum was wider in that it was defined for the provision of recreational facilities in Northampton. The payment was received by WNDC on 14 October 2008.
- 2.7 Subsequently, WNDC committed £97,000 of this amount to improving recreational facilities in Becketts Park, which included improvements to the waterside frontage and promenade.
- 2.8 Upon the final transfer of Development Control powers from WNDC back to the Borough Council in March 2012, WNDC also transferred the remaining S106 monies to the Borough Council to administer. This amounted to £25,342.18 in regard to the "Sports Pitch Contribution".

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