



PLANNING COMMITTEE: 30th June 2015

DIRECTORATE: Regeneration, Enterprise and Planning

DIRECTOR: Steven Boyes

REPORT TITLE: Variation of s106 agreements pursuant to planning permissions N/2004/0930 Harvey Reeves Road and N/2004/0931 Southern Development Link Road

1. RECOMMENDATION

1.1 That the Committee **agree** to delegate authority to the Director of Regeneration, Enterprise and Planning to vary the Section 106 agreements to amend and expand the location of the off-site habitat mitigation area and allow the remaining CCTV funds to be utilised on either the implementation and/or subsequent maintenance of the off-site habitat mitigation.

2. BACKGROUND

2.1 As part of planning applications N/2004/0930 and N/2004/0931, for the development of the Harvey Reeves Road and Southern Development Link Road respectively, the developer entered into two legal agreements in order to mitigate the adverse impacts of the development.

2.2 Both the Section 106 agreements were completed on 15th March 2005 between Northampton Borough Council, the Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough, the developer the Homes and Communities Agency (HCA) and Northampton Rugby Football Club.

2.3 Under the terms of the first agreement pursuant to the Harvey Reeves Road planning application (N/2004/0930) the developer (Commission for the New Towns now the Homes and Communities Agency) paid £380,000 for the provision of CCTV on the land and £255,000 toward subsequent maintenance.

- 2.4 The agreement also made provision for development of an off-site ecological mitigation area, the boundaries of which were detailed in the agreement. A payment of £320,000 was also made to enable implementation of this scheme.
- 2.5 Under the provisions of the second Section 106 Agreement dated 15th March 2005, pursuant to the Southern Development Link Road planning application (N/2004/0931), following the commencement of works the Homes and Communities Agency paid £120,000 for the provision of CCTV along the route of the SDLR and £60,000 toward subsequent CCTV maintenance.
- 2.6 In the event that the cost of any of the CCTV works are less than the CCTV contribution or the contributions are not required for the purpose identified, then the Council are required to repay the unexpended balance back to the HCA. The CCTV capital works have been completed at a reduced cost and a surplus remains. The CCTV maintenance contributions have also been expended in full.
- 2.7 The implementation of the off-site habitat mitigation scheme has been delayed as, following early studies, it was realised the site proposed was not an entirely suitable site for the type of habitat required.
- 2.8 Consequently, an options appraisal was commissioned and completed by Halcrow in July 2013 in consultation with s106 agreement signatory partners. Four site options were considered including the original site. The report concluded that the preferred alternative site would create the greatest impact on improving biodiversity and have the most cost effective source of water. Since July 2013 the implementation of a scheme at this alternative site has been pursued and resulted in the submission of the planning application N/2015/0389 at Duston Mill Lane (the Item to be considered in Agenda Item 10), however the cost of implementation and future maintenance has increased.

3. PROPOSED VARIATION

- 3.1 Discussion have taken place with the Homes and Communities Agency in order to find a solution and implement the off-site habitat mitigation scheme.
- 3.2 The proposal is to vary both s106 agreements to amend and expand the location of the off-site mitigation area and allow the remaining CCTV funds to be utilised on either the implementation and/or subsequent maintenance of the off-site habitat mitigation. The amended scheme will, it is anticipated, achieve the mitigation as planned into the original scheme, albeit with an amended design, at a more appropriate location.

4. CONCLUSION

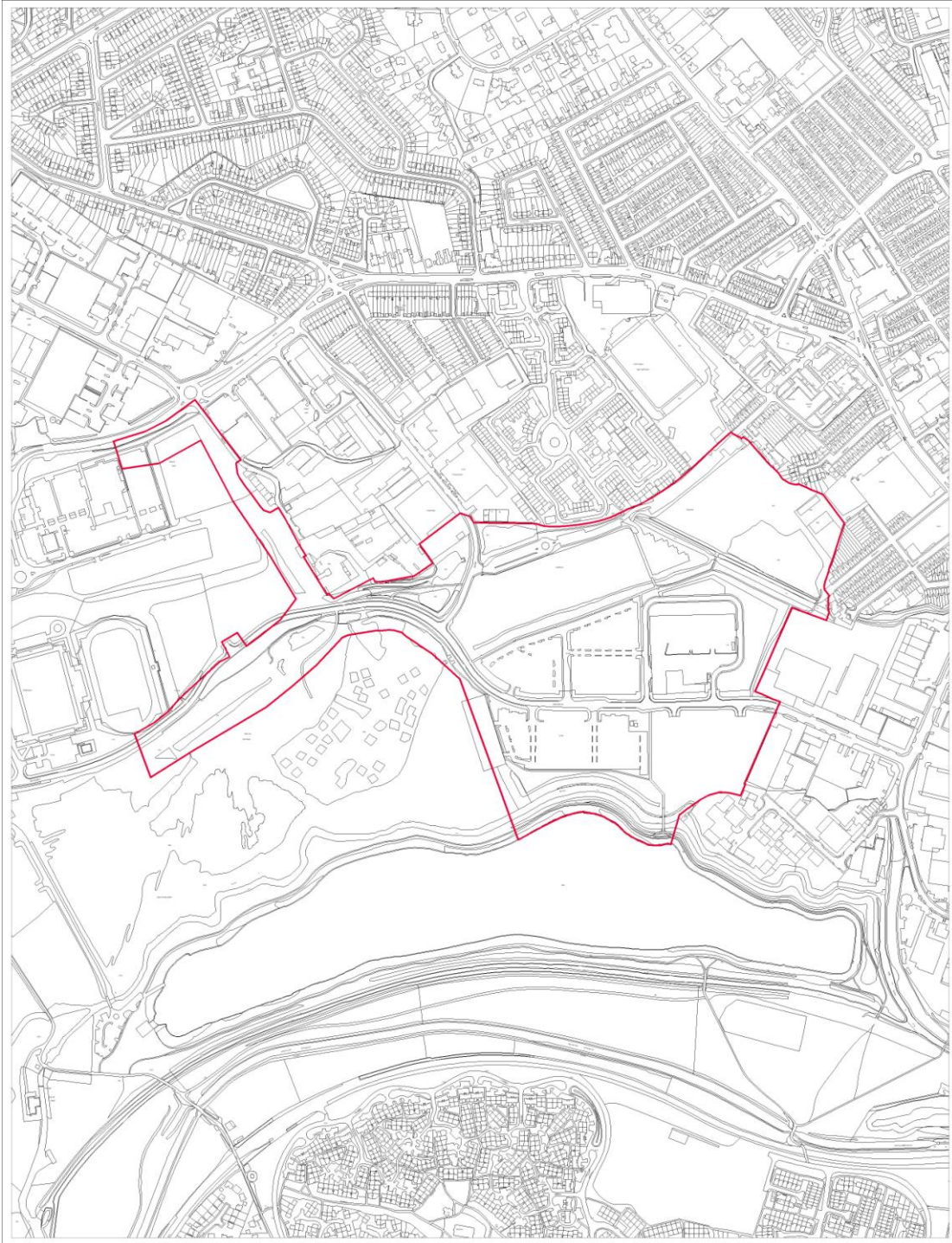
- 4.1 The revised scheme will achieve the mitigation proposed by the initial agreement and in fact proposes to achieve a higher level of mitigation. Members are requested to agree the variations as detailed above to facilitate the variation of the site boundary and alternative use of CCTV contributions.

5. LEGAL IMPLICATIONS

- 5.1 As set out in the report.

6. SUMMARY AND LINKS TO CORPORATE PLAN

- 6.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: **Site Location Plan**
Date: **18th June 2015**
Scale: **1:7000**
Dept: **Planning**
Project: **Planning Committee**

Title

Harvey Reeves Rd and Southern Development Link Rd

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