

West Suffolk Joint Growth Steering Group

Forest Heath & St Edmundsbury councils

West Suffolk
working together

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| Title of Report: | Section 106 Update | |
| Report No: | JGG/JT/16/003 | |
| Report to and date: | West Suffolk Joint Growth Steering Group | 8 February 2016 |
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| Purpose of report: | To update Members on the contents of the report which provides an overview of s106 in West Suffolk and details the financial contributions paid to Forest Heath District Council and St Edmundsbury Borough Council, where these have been spent and the balance of unspent monies at the end of the financial year. | |
| Recommendation: | It is <u>RECOMMENDED</u> to note the contents of the West Suffolk s106 Developer Contributions Annual Report (2014/2015). | |
| Key Decision: | <i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/> | |
| Consultation: | Not applicable. | |
| Alternative option(s): | Not applicable. | |
| Implications: | | |
| <i>Are there any financial implications? If yes, please give details</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| <i>Are there any staffing implications? If yes, please give details</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |

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| Are there any ICT implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Are there any legal and/or policy implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Are there any equality implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Risk/opportunity assessment: | | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> | |
| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
| Not applicable – report is only for noting | | | |
| Ward(s) affected: | | All | |
| Background papers: | | None | |
| Documents attached: | | Working Paper 1: West Suffolk S106 Developers Contributions Annual Report 2014/15. | |

1. Key issues and reasons for recommendation(s)

1.1 S106 update and 2014/15 s106 Annual Report

1.1.1 To update Members on current recording and monitoring of s106 monies contained within the West Suffolk S106 Developers Contributions Annual Report 2014/15.

1.2 S106 update

1.2.1 The two Councils within West Suffolk, having separate financial accounts, have separate s106 balances. We are aligning the processes of securing, monitoring and spending s106 monies and have produced one joint annual report.

1.2.2 The Development Implementation & Monitoring Officer advises on s106 matters, confirming the legislative requirements, negotiating and drafting the legal agreements and the monitoring of obligations.

1.2.3 The CIL 2010 Regulations restrict the use of s106 obligations. Regulation122 ensures all obligations must be necessary to grant planning permission, fairly related to the proposed development and fair in scale. Regulation123 restricts the pooling of contributions and ensures that monies secured for projects are specific and limited to five separate obligations.

1.2.4 Currently, where justified, we can secure s106 obligations on all new additional residential dwellings, however for a time government did impose a restriction to affordable housing and contributions, to above ten dwellings. Whilst not currently in place, due to a High Court ruling, government has won a right of appeal and we expect it may return soon. This will effectively mean, we will not be able to secure any s106 obligations, on schemes of 10 and below.

1.2.5 Across West Suffolk we have generally been successful in securing our policy requirements, achieving the 30% and 20% affordable housing targets, full County Council requirements and have met the on-site public open space requirements of our SPD.

1.2.6 The West Suffolk S106 Developers Contributions Annual Report 2014/15 is appended to this report, which shows the receipts, expenditures and balances of the two councils. The last year end s106 balance was £882,525 for St.Edmundsbury and £1,911,566 for Forest Heath. £358,101 was received in the last financial year by St.Edmundsbury and £1,120,483 was received by Forest Heath. The local communities had £644,740 spent within the borough of St.Edmundsbury and £580,507 spent within the district of Forest Heath.

1.2.7 We are actively involved in promoting our approach to s106 obligations within Suffolk, through the TCA Growth work stream part of Suffolk's strategic growth framework (as set out in the Suffolk Growth Strategy).