

# S106 Financial Contributions

## Feedback - Meeting with Andrew Inch – Strategic Development Planning Officer – 25 June 18

In attendance:

Claire Teesdale – Senior Planning Officer

Cllr Wallage

Cllr Haddick

CC Cllr B Kellett

Apologies: CC Cllr Hall

### **Rational for the current normal practice of proposing that S106 financial contribution agreements are allocated to electoral divisions.**

Reference made to DCC Cabinet Report from 2009 which determines DCC S106 Protocol. The rational for this practice was verbally quoted as being due to some areas not having parish councils. Post meeting a copy of the reported was requested to help clarify. Copy attached.

Paragraph 11 states,

*“In relation to Agreements that are intended to secure commuted sums the report will clearly state for what purposes the funds should be used (for example leisure use) and also make reference to any geographical constraints on where the money should be spent. This will normally be the same electoral ward area in which the development is proposed to occur, on the grounds that this is the relevant geographical area likely to experience the increased demand for the relevant services/infrastructure the 106 Agreement is designed to address.”*

Neither rational would appear to appropriate in relation to Benridge Bank – confirming our challenge was appropriate.

This approach does in theory allow for potential challenge by planning committee, should it consider that this may not be appropriate. However, in practice we were advised this has never happened – Planning Committee always follow this accepted practice where proposed by officers.

### **Lessons for the Future**

The PC should:

- engage with case officer at an early stage to determine proposed S106 agreements

- lobby our ward councillors to challenge the appropriateness of para 11 before final proposals outlined in the cases officers report to planning committee reports are finalised
- continue to request Planning Committee to reconsider recommendations where para 11 rational considered not appropriate.

### **S106 Working Group – Assessment Criteria for consideration of Applications.**

Applications must be made using the attached application form.

This places a strong emphasis on demonstrating community support – but project preferences of relevant ward councillors likely to be key in funding decisions made by the S106 working group.

Advised to ensure applications highlight location of proposed projects in relation to the location of the development from which the funded has arisen. This implies that projects nearer to the development would be given priority – as long as they had support from ward councillors.

Benridge Bank agreement not yet signed. No planning permission until this is agreed. Funding not likely to be released now until next year. But...encouraged to start preparing bids now so that applications can be submitted as soon as funds become available as applications will be considered on a first come basis.

Funds received by DCC from developers must be spent within 5 years of receipt otherwise they would be refunded to the developer.

Definition of funding pot titles quite vague – deliberately so to allow maximum flexibility to help fund projects where there is a clear community need/support.

Cllr Kellett requested details of S106 monies received in connection with other developments in the area that West Rainton could potentially benefit from. Subsequent to the meeting it was confirmed that there is some unallocated funding available in relation to the Ramside development. These had been ring fenced to Belmont and Sherburn Electoral Divisions.

The PC had not been notified that these funds were accessible.

This contradicts previous advice given by DCC planning officers, whereby all eligible local councils, in addition to the relevant AAP and Ward Councillors, are advised of any potential S106 funding opportunities.

Ramside remaining sums yet to be allocated are:

Environment £5,000 (S106 agreement for £10,000)

Open Space and Play £17,000. NB The latter funds have not yet been received from the developer. (S106 agreement for £34,000). Balance of remaining £17K expected to be released in next few 3 months when further applications will be considered.

Details of projects that have already received funding are given below for information.

<b>Environment</b>	<b>Project</b>	<b>Amount</b>
	Belmont Cemetery Wall	£5000
<b>Open Space &amp; Play</b>	Pittington footpath 17 improvements	£2084
	Pittington footpath 15 improvements	£3500
	Littleton cricket club pavillion	£6,400
	Pittington school dropped kerb and parking area	£3126
	Pittington school sports/leisure equipment and coaching	£1890

Cllr Kellett has confirmed his support for projects to be submitted from West Rainton.

The Parish Council and / or community groups should therefore consider developing potential projects/bids for grant funding from these remaining allocations as a matter of some urgency.

It should however be noted that as this remaining funding is open to both Belmont and Sherburn Electoral Divisions, Belmont Ward Councillors will also be advised of all grant applications and will also be in a position to influence funding decisions.

Potential projects arising from the Parish Plan, are to be considered under the agenda item on the Parish Plan.

Cllr Wallage  
July 2018