

73 SECTION 106 AGREEMENTS: UPDATE

Report DRR10/00087

Members considered an update on Section 106 Agreements.

Development of a joint database had been completed through creation of an Access Database populated by information from both the Uniform system and Oracle accounting system. The detail of every S106 agreement was stored in at least one of three Appendices. Appendix 1 recorded the 'negative/restrictive obligations' including developments restricted by the S106 either by use, limitations on development within the curtilage, or by not implementing a previous permission. Appendix 2 recorded the 'positive non financial' contributions and Appendix 3 recorded 'positive financial' contributions.

Members were provided with details of 17 new agreements since the previous update in November 2009. Appendix 1 of the report showed nine 'negative' S106 legal agreements; Appendix 2 showed five new 'positive non-financial' S106 legal agreements; Appendix 3 showed three new agreements of specific 'positive financial' gain to the Council (one of which was also included at Appendix 1) and Appendix 4 provided details of current balances held by the Council for S106 agreements - split by service area, revenue/capital classification and the time limit for spending monies. Where no time limits existed a five year limitation from the date of the legal agreement was assumed.

In discussion Councillor Robert Evans referred to paragraph 5.3 of the report and the financial position of unspent balances across the service areas. In particular he highlighted the latest balance at 30th June 2010 related to Housing. This comprised some £2.3m and he enquired what the sum was spent on and whether it could be used more flexibly. The Chief Planner agreed to report back after making further enquiries, (Action: BM)

At paragraph 4.7 of the report Councillor Julian Grainger enquired about one of the three statutory basis in the Community Infrastructure Levy (CIL) under which section 106 contributions could now be sought, namely the test related to being "*directly related to the development*". The Chief Planner explained that there were previously five policy tests as outlined in Circular 05/05 which were not legal requirements. However new regulations regarding the Community Infrastructure Levy made it more defined where a section 106 contribution could be sought.

RESOLVED that the report and its appendices be noted.