

SECTION 106

Legal Agreements under Section 106 of the Town and Country Planning Act secure developer contributions to mitigate the impacts of the development on the local area. The District Council holds funds generated from legal agreements on behalf of the Council and third parties, such as the Healthcare bodies or the National Forest Company. The Council then holds those funds in an interest-bearing account until they are spent by the body responsible for implementing the requirements in the legal agreement which secured them.

The table below summarises the position at 31 March 2023 for the various types of contributions included in agreements.

Type of Contribution	Balance 31 Mar 22 £'000	Received 2022/23 £'000	Spent 2022/23 £'000	Interest Received £'000	Balance 31 Mar 23 £'000
River Mease (available to spend)	(195)	(1)	119	(4)	(81)
River Mease (retained until obligation met)	(15)	(10)	0	0	(25)
Air Quality	(50)	0	0	(1)	(51)
Police	(210)	0	0	(4)	(214)
Recreation/Play Areas/Leisure	(816)	(240)	13	(17)	(1,060)
Affordable Housing	(2,271)	0	0	(45)	(2,316)
Parish Councils	(144)	(442)	223	0	(363)
National Forest	(57)	(65)	0	(1)	(123)
Healthcare	(606)	(22)	246	(7)	(389)
Highways	(2,589)	0	0	(51)	(2,640)
Network Rail	(17)	0	0	(1)	(18)
CCTV	(12)	0	0	0	(12)
Land and open space	(109)	0	15	(2)	(96)
Sence Valley	(10)	0	0	0	(10)
Total	(7,101)	(780)	616	(133)	(7,398)

By way of explanation, the River Mease monies are split in to two pots. Those in the pot to be retained until the obligation is met, is where payment has been made upon the grant of planning permission, but the requirement was for money to be paid at commencement of development. Therefore, until development commences this money cannot be used. If it was and the development did not start, the applicant would be able to reclaim the money.

It is important to note that these figures are not static as contributions can be spent at any time during the year, once a scheme has been prepared. For example, since April, payments have been made out of the Parish Councils total such that there is no longer anything left in this pot to spend.

Future quarterly reports will be developed throughout the year to provide further detailed information to members on the status of monies spent or held through S106 agreements.