



SECTION 106 ANNUAL REPORT

1st April 2017 – 31st March 2018

1. Purpose of Report

- 1.1 The purpose of this report is to provide an update on financial contributions and obligations made in respect of and requested by the Council via Section 106 agreements since 1st April 2010.
- 1.2 The report will focus on the following areas:
- Status of all s.106 agreements since 1st April 2010;
 - Sums held in reserves and expenditure as at 31st March 2018;
 - Contributions received in the last financial year (2017/18);
 - Sums committed to future projects.

2. Background

- 2.1 Section 106 (S106) Agreements are private legal agreements between Local Authorities and developers made pursuant to that section of the Town and Country Planning Act 1990 as modified by s.12(1) of the Planning and Compensation Act 1991. They are intended to make acceptable development which would otherwise be unacceptable in planning terms.

3. Status of All Agreements since 1st April 2010

- 3.1 Since the 1st April 2010 the Council has entered into 109 s.106 agreements.
- 3.2 Of these, 70 have imposed financial obligations, with a total value of **£20,866,180.01**.
- 3.3 For the purposes of this exercise:
- ‘*Current Agreements*’ are those agreements currently on the monitoring list. They may have been partially satisfied but contributions remain outstanding.
 - ‘*Lapsed/Superseded Agreements*’ are those that relate to developments that have never taken place or that have been superseded by subsequent planning applications (in such a way that the scheme the agreement relates to can no longer be implemented).
 - ‘*Satisfied Agreements*’ are those where all of the obligations in the legal agreement have been fulfilled and there are no outstanding sums.

At time of writing, 22 of these agreements totalling **£2,428,156.11** have been fully satisfied and another 14 with a total value of **£5,484,123.69** have either lapsed or been superseded.

	No.	Total Value
Current Agreements	28	£12,699,735.68
Lapsed/Superseded Agreements	16	£5,573,056.22
Satisfied Agreements	26	£2,623,388.11
Total:	70	£20,866,180.01

3.4 All planning decisions contain conditions which limit the amount of time a development must commence within. If the development does not commence within this time the permission expires and any legal agreement made in conjunction with it is no longer enforceable. Additionally, if a subsequent permission is granted and commences in such a way that the original permission can no longer be implemented the agreement is superseded.

3.5 3 of the current agreements have been partially satisfied with contributions totalling **£1,045,404.65** having already been received in respect of them:

	No.	Total Expected	Total Received
Current Agreements	28	£12,699,735.68	£1,045,404.65
Lapsed/Superseded Agreements	16	£0.00	£0.00
Satisfied Agreements	26	£2,623,388.11	£2,623,388.11
Total:	70	£15,323,123.79	£3,668,792.76

4. Sums Held in Reserves and Expenditure

4.1 The closing balance at 31st March 2018 was **£2,053,301.76**.

4.2 Education contributions totalling **£298,649.50** transferred to Derbyshire County Council within the financial year 2017/18 are accounted for in this closing balance.

4.3 Total expenditure for the financial year from 1st April 2017 to 31st March was **£241,210.59**, all of which was from Affordable Housing monies.

5. Contributions Received in the Last Financial Year (2017/18)

5.2 From 1st April 2017 to the 31st March 2018 invoices were issued totalling **£1,003,099.25**:

Site	Obligation	Amount
Old Coach Road, Tansley	Affordable Housing	£61,575.00
Hasker Farm Cottage	Affordable Housing	£23,006.00
Highfield House, Hulland Ward	Affordable Housing	£67,294.50
War Farm, Yeldersley	Affordable Housing	£62,197.00
Hillside Farm, Ashbourne	Affordable Housing, Education	£564,588.58
Cromford Road, Wirksworth	Affordable Housing, Public Open Space	£94,438.50
Moorcroft. Matlock	Affordable Housing	£129,999.67
		£1,003,099.25

5.3 The total sum received during that period was **£812,032.75**.

5.4 Invoices totalling **£191,066.50** remain unpaid:

Site	Obligation	Amount
Old Coach Road, Tansley	Affordable Housing	£61,575.00
Highfield House, Hulland Ward	Affordable Housing	£67,294.50
War Farm, Yeldersley	Affordable Housing	£62,197.00

		£191,066.50
--	--	--------------------

6. Sums Committed to Future Projects

Financial Year	Expenditure Type	Committed in Capital Programme
2018/19	Affordable Housing	£1,078,506.00
2019/20	Affordable Housing	£135,000.00
Total:		£1,213,506.00

6.4 This leaves as total unallocated, non-committed sum in reserve a total of **£839,795.76.**