



## Planning Management Committee 16 August 2017

### Section 106 Agreements - Update Report

#### **Purpose of report**

To provide Members of the Planning Management Committee with an update on current Section 106 agreements where a deadline was imposed for completion.

#### **Attachment(s)**

Appendix 1: Table itemising current Section 106 (S106) agreements

#### **1.0 Background**

- 1.1 At the meeting of the Development Control Committee held on 28 November 2012, it was agreed that a standard item be added to future agendas so that the Head of Planning Services could report on progress with regards to the drafting of S106 agreements in cases where the Committee had previously resolved to grant planning permission, subject to the prior finalisation of such an agreement.
- 1.2 In those situations where the process of drafting the agreement has taken longer than expected, it may be necessary for the Head of Planning Services to request an extension of time, with reasons for the delay, to enable Officers to continue negotiations accordingly. Appendix 1 indicates where this will be necessary.
- 1.3 The need to secure such extensions has arisen because the drafting process for recent S106 agreements has been completed within a few days of the deadline date.

#### **2.0 Summary Table**

- 2.1 The attached table includes details of current S106 agreements on hand, setting out progress to date and whether additional time may be required.

#### **3.0 Equality and Diversity Implications**

- 3.1 There are no equality and diversity implications arising from this report.

#### **4.0 Legal Implications**

- 4.1 S106 agreements must be legally robust as regards to appropriateness and enforceability.

#### **5.0 Risk Management**

- 5.1 The applications relating to these S106 agreements were previously considered by the Planning Management Committee, where any associated risks would have been considered.

#### **6.0 Financial Implications**

- 6.1 There are no direct financial implications arising from this report, however there are restrictions in respect of how and when Section 106 monies can be spent. Whilst these are not specifically detailed within this report, Members should be mindful of this position when reviewing the information appended to this report.

## 7.0 Corporate Outcomes

7.1 The key corporate outcomes relevant to this report are high quality service delivery and strong communities.

## 8.0 Recommendation

8.1 Members are requested to note the contents of this report and approve extensions to time limits where necessary and as detailed in Appendix 1.

<b>Legal</b>	Power: Town and Country Planning Act 1990				
	Other considerations:				
<b>Background Papers:</b> None					
<b>Person Originating Report:</b> Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabradshaw@east-northamptonshire.gov.uk					
<b>Date: 16 August 2017</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

## Current S106 agreements

Application Ref	Site	Deadline date for completion	Current position	Extension requested?	Reason for extension
10/00857/OUT	Irthlingborough West	31/07/17	Phasing plan circulated	Yes until 30/09/17	Draft s106 agreed with ENC but land swap agreement with NCC is still pending.
16/00755/FUL	Oundle Primary School	31/07/17	Instructions issued	No	NCC has failed to progress the S106. <u>The application will therefore be disposed of.</u>
16/01662/FUL	Rushden Lakes Leisure Scheme	08/08/17	Draft agreed	Yes until 31/08/17	Delays with Borough Council of Wellingborough.