

Freedom of Information Act / Environmental Information Regulations Request

Reference: ECC-039552-13

Response: 17 December 2013

Please provide the following details for all payments received under Section 106 planning agreements:

- The value of the payment
- The purpose of the payment
- The amount of the payment that has been spent • The amount that has been committed but not spent • The amount that has not been committed or spent • The amount that has been repaid •

The reason for the repayment Please provide these details for the following years:

- 2012-2013
- 2011-2012
- 2010-2011
- 2009-2010
- 2008-2009

Please also provide details of any unspent money that dates back to before 2008-9

If information is to be released use the following and appropriate standard paragraphs:

The information requested is provided in the attached excel spreadsheet, where the information is available. The Council's systems do not hold the data before 2008/09.

A summary of each worksheet is provided below:

Worksheet	Details
s106 summary by financial yr	A high level summary for the Council of the contributions received, expenditure and contributions returned for the financial years requested.
s106 return comments	Provides a breakdown by scheme, and financial years requested the amount of monies returned with an explanation why the monies were not spent.
Committed	A high level summary of s106 balances held by the Council as at the end of September, detailing the level of balances held with the amount committed or uncommitted and a further breakdown of the deadline when the contribution has to be spent. This is the most recent version available for the current financial year.



Worksheet	Details
Value & Purpose of payments	<p>Lists all the contributions for the periods requested, with the original value, interest applied to the contribution and the amount of contribution spent to date.</p> <p>Section 106 agreements attract interest whilst the Council holds, and does not spend the contributions.</p> <p>There is a difference on this worksheet, £37.116m, compared to the balance in the committed worksheet, £37.397m; this is purely a timing difference.</p>

Section 106 contributions made to the Council are to be spent in accordance with the terms of the agreements; the Council is not permitted to spend the monies outside of these agreements.

Section 106 agreements are legally binding contracts, generally time limited, between the signatories generally in this case ECC, the local planning authority and the developer with each s106 agreement is different.

There are a range of circumstances where the Council returns monies to the developer, for example:

- The infrastructure is no longer needed or is no longer affordable from the original contribution and no other funds are available.
- Where the funding is more than adequate to meet the final costs, agreements require the remaining funds to be returned.
- Where unforeseen circumstances mean the works cannot be delivered or could not be delivered within the time frame of the agreement. In appropriate cases officers will seek extensions of time or seek top up funding to deliver schemes.

Uncommitted funding relates to monies for projects not yet formally added to the authority's Capital Programme. Many of the uncommitted funds are earmarked for particular projects, but they will not be formally added to the Authority's Capital Programme until the trigger points in the development occupations for the predicted infrastructure needs have been passed. The current economic downturn has affected build out rates and as a result has impacted on the triggers by which infrastructure is required.

Your Right to Know

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