

Report of: Head of City Development

To: Executive Board – 28th January 2008
Council – 18th February 2008

Item No:

Title of Report : Proposed Expenditure of Financial Contributions made to the Council under Planning Agreements

Summary and Recommendations

Purpose of report:

The purpose of this report is to add to the Capital Programme developer funded schemes.

Key decision: Yes

Portfolio Holder/ Leader of the Council: Councillor J Goddard

Scrutiny Responsibility: Environment and Finance & Performance Management

Ward(s) affected: All.

Report Approved by

Legal & Democratic Services – Jeremy Thomas

Finance & Asset Management – Chris Kaye

Planning Services Business Manager – Michael Crofton-Briggs

Planning Portfolio Holder – John Goddard

Policy Framework:

Oxford City Councils vision:

- Improving the environment where we live and work
- Improving transport and mobility
- Providing more affordable housing
- Providing more and improved affordable leisure activities.

Oxford Local Plan 2001-2016

Recommendation(s):

Executive Board is asked to recommend to Council to:

- a) agree to the inclusion of new schemes to be added to the Capital Programme and additional contributions to schemes already in the Capital Programme set out in Appendix 1

- b) release developer contributions totalling £1,524,261.03 to the County Council as Highway Authority as the mini highway agency agreement will terminate in November 2008 (Appendix 2)

Introduction

1. The purpose of this report is to seek approval to:
 - add new schemes to the Capital Programme funded by developer contributions;
 - add additional contributions to existing schemes in the Capital Programme.

A full monitoring report on all developer funding was presented to each Area Committee area in August 2007 and is repeated annually (subject to any changes in the procedure for securing developer contributions through planning obligations).

Constraints on using Developer Contributions

2. Developer contributions are sought to mitigate the impact of the development and overcome what would otherwise be a potential reason to refuse a planning application. The contributions are received under the terms of legally binding planning agreements that restrict the purpose for which the contributions can be used unless otherwise expressly agreed with the developer. The expenditure of the contributions can only be used on schemes that cover the purpose for which the contribution was received.

Schemes implemented or due to be implemented in the 2007/2008

3. At the start of the 2007/08 financial year, the City held £6,171,007 in developer funding and has received £10,701 of developer funding so far this year. Approximately £2,450,000 has been spent, is due to be spent, or will be passed to the County Council for expenditure as Highway Authority, by the end of this financial year and twelve schemes are due for completion. The main schemes completed or due for completion include;
 - Holland Place – affordable housing;
 - Redbrige P&R – accommodation building;
 - Thames Towpath improvements - Osney Lock to Whitehouse Road;
 - Marston Road Scout Hut - improvements;
 - Underhill Circus – environmental improvements
 - Aristotle Lane – Improvements to recreation ground/children's play area

Schemes to be implemented in 2008/2009

4. Approximately £1 million will be spent on schemes for implementation in 2008/09. The main schemes for implementation are as follows:
 - Tesco to Blackbird Leys Cycle Route
 - Bridge over Fiddlers Stream
 - Marston Cycle Link – Ring Road to Stockleys Road
 - Barton Cycle Link
 - Affordable Housing – Garage Sites
 - Cowley Marsh Children’s Play Area

Capital Programme

5. **Appendix 1** sets out the proposed changes to the Capital Programme for some schemes funded by developer contributions. These are new contributions received or are previously unallocated contributions. These changes are either:
 - New schemes to be added to the Capital Programme – the new schemes being proposed reflect the reason the development contribution was taken;
 - Additional contributions received which can be added to schemes already in the Capital Programme.
6. If these changes are agreed, Area Committee consultation will take place on individual schemes to be implemented by the City Council where appropriate once initial design work has been undertaken.

Schemes to be implemented by the County as Highway Authority

7. These are schemes where the City Council currently holds the developer funding but the County Council, as Highway Authority will implement the schemes. **Appendix 2** identifies the schemes for implementation by the County Council, and includes all of the highway contributions to be paid to the County Council due to the expiry of the Highway Agency. This Highway Agency was set up so as the City could continue to carry out highway works on schemes benefiting from developer funding agreed before the termination of the previous Highway Agency agreement. It commenced on 5th November 2001 and was originally due to expire after 6 years, but this extended to 7 years and expires on 5th Nov 2008.
8. **Appendix 2** is divided into 2 parts. The first part lists developer contributions for schemes 1-23 that are payable to the County Council. The second part lists schemes 24-29 that are schemes approved under a previous project appraisal and paid to the County in previous years but the implementation of the schemes by the County has slipped. This list of schemes has been formulated following the autumn round of meetings with the County. The Appendix briefly sets out the scheme details, objectives and the contributions involved. The overall objective is to secure the implementation of highway schemes for which the City

Council has secured financial contributions from developers to mitigate traffic and highway problems from contributing developments. Approval is sought to release the contributions totalling £1,524,261.03 for highway measures to the County Council. The City still holds £143,089.46 for the remaining highway schemes that the City will implement this year, plus £849,465.49 for Park & Ride schemes. Under the protocol for Section 106 agreements regular meetings between officers will continue to be held to ensure that the schemes proposed accord with the terms of the legal agreement under which the contribution was received.

9. These schemes will form the County Council's part of the agreed list of schemes required under the Highway Agency agreement with the County Council that needs to be signed by 31st March 2008.
10. **Appendix 3** contains the list of highway related City schemes for implementation in 08/09 that will form the City Council's part of the agreed list totalling £143,089.46.

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Background papers:

Legal agreements for the developer contributions listed, copies of which are held

