

**To: City Executive Board & Council**

**Date:** City Executive Board – 28<sup>th</sup> January 2009  
Council – 16<sup>th</sup> February 2009

**Item No:**

**Report of:** Head of City Development

**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 new developer funded (S106) schemes to the Capital Programme. These payments have been received during this financial year (08/09) and towards the end of the last financial year (07/08).

**Key decision?** Yes

**Executive lead member:** Councillor Colin Cook

**Report Approved by:**

**Executive Director, City Regeneration:** Melbourne Barrett

**Head of City Development:** Michael Crofton Briggs

**Spatial & Economic Development Manager:** Mark Jaggard

**Finance:** Chris Kaye

**Legal:** Jeremy Thomas

**Policy Framework:**

Oxford City Council's Vision:

- Creating a high quality environment for residents and visitors
- Improving access to affordable housing
- Improving the health of our citizens

Oxford Local Plan 2001-2016

**Recommendation(s):** The City Executive Board is asked to recommend to Council to:

agree to the inclusion of new developer funded schemes to be added to the Capital Programme and additional contributions to developer funded schemes already in the Capital Programme as set out in Appendix 1

## Introduction

1. These S106 contributions have been collected during this financial year (08/09) and towards the end of last financial year (07/08). They need to be added to the Capital Programme in order that expenditure of the contributions can take place. 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 already in the Capital Programme.

A full monitoring report on all developer funding was presented to each Area Committee area in August 2008 and is repeated annually.

## Constraints on using Developer Contributions

2. Developer contributions are collected 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.

## Contributions currently held

3. At the start of the 2008/09 financial year, the City held £3,746,583 in developer funding and has received £609,268 of new developer funding contributions so far this year. This is broken down as follows for City Services and City Regeneration:

	City Works – Parks Services – mainly play areas	City Leisure – indoor sport facilities	Community Housing & Development – affordable housing and community facilities	City Development – West End, public works of art and remainder of cycle schemes	<b>Total</b>
Approximate expenditure 08/09	£346,315	£78,996	£610,848	£945,203	£1,981,362
Approximate expenditure 09/10	£268,251	£45,419	£1,136,520	£174,645	£1,624,835
Expenditure in future years	£341,593	-	£178,924	£229,137	£749,654
<b>Total</b>	<b>£956,159</b>	<b>£124,415</b>	<b>£1,926,292</b>	<b>£1,348,985</b>	<b>£4,355,851</b>

### **Schemes implemented or due to be implemented in 2008/2009**

4. Approximately £1.9m has been spent, is due to be spent, or will be passed to the County Council for Park and Ride facilities, and ten schemes are due for completion. The main schemes completed or due for completion include;
  - Wytham Street – traffic safety measures (20mph zone);
  - Gardiner Street to Nuffield Orthopaedic Centre – cycle route;
  - Cowley Marsh Play Area - improvements;
  - Milham Ford - park land and recreational facilities;
  - Temple Cowley Pool – improvements to gym.
  - Tesco to Blackbird Leys - cycle route

### **Schemes to be implemented in 2009/2010**

5. Approximately £1.6 million of developer funding will be spent on schemes for implementation in 2009/10. The main schemes for implementation are as follows:
  - Bridge over Fiddlers Stream
  - Barton Cycle Link
  - Affordable Housing – garage Sites
  - Littlemore Baptist Church – affordable housing
  - Jericho Area – improved recreational facilities
  - Rose Hill – improved community facilities

### **Capital Programme**

6. **Appendix 1** gives the details of new Section 106 contributions received so far during this financial year (08/09) and towards the end of last financial year (07/08). It sets out the proposed changes to the Capital Programme for schemes funded by developer contributions. These changes are either:
  - new developer funded 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 developer funded schemes already in the Capital Programme.
7. Expenditure of these contributions cannot commence until Council have approved the changes to the Capital Programme. 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 and consultation has been undertaken.

## **Legal Implications**

8. Any legal implications are covered within the individual Section 106 Agreements. Constraints on spending developer funded contributions is covered under paragraph 2.

## **Risk Analysis**

9. There are no risk issues.

## **Climate Change Implications**

10. Community and leisure facilities – where works to community and leisure buildings are planned then the lowest carbon options practicable for heating and lighting should be employed, and any opportunities taken to improve insulation levels and energy efficiency. It may be that Environmental Development can help with sources of funding, and advice around measures including the potential for renewable technologies.
11. Looking more widely at Climate Change issues - any work upgrading cycle and pedestrian routes encourages people to drive less, and therefore has potential to reduce carbon emissions across the city, which would benefit the National Indicator 186 (carbon emissions per capita) data for Oxford.

## **Financial Implications**

12. This report is to add new contributions received through Section 106 agreements to the Capital Programme, represented by new schemes or added to existing schemes.

## **Recommendation(s)**

13. The City Executive Board is asked to recommend to Council to agree to the inclusion of new developer funded schemes to be added to the Capital Programme and additional Section 106 contributions to schemes already in the Capital Programme as set out in Appendix 1.

## **Name and contact details of authors<sup>[x1]</sup>:**

Lorraine Freeman 252178 lfreeman@oxford.gov.uk

**Background papers:** Legal agreements for the developer contributions listed, copies of which are held