

Report to Environment and Economy Overview and Scrutiny Panel

Agenda
Item:
A.4

Meeting Date: 27th February 2014
Portfolio: Economy and Enterprise
Key Decision: No
Within Policy and
Budget Framework YES
Public / Private Public

Title: SECTION 106 AGREEMENTS / PLANNING OBLIGATIONS
Report of: Director of Economic Development
Report Number: ED 12 14

Purpose / Summary:

To brief Members of the Environment & Economy Overview & Scrutiny Panel on S106 Agreements and Planning Obligations.

Recommendations:

That the Report is noted.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. INTRODUCTION

- 1.1** The purpose of this paper is to brief Members on the current legislation relating to Section 106's Agreements and Community Infrastructure Levy (CIL), the Council's current approach and future options. In addition details of the S106 money the Council currently holds or expects to receive are set out in Appendix 2.

2. NATIONAL LEGISLATIVE AND POLICY CONTEXT

Town and Country Planning Act 1990

- 2.1** In accordance with Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12(1) of the Planning Compensation Act 1991) planning obligations may:
- (a) restrict the development or use of the land;**
 - (b) require specified operations or activities to be carried out in, on, under or over the land;**
 - (c) require the land to be used in any specified way; or**
 - (d) require a sum or sums to be paid to the authority either in a single sum or periodically.**
- 2.2** Planning obligations are usually entered into in the context of planning applications to ensure that developers address the additional community and infrastructure needs and mitigate the social, environmental and economic impacts of new development. Unless it is agreed otherwise, planning obligations run with the land in perpetuity and may be enforced against the original party and anyone else that acquires an interest in the land, until such time as they are discharged or otherwise modified.

The Planning Act (2008)

- 2.3** Section 206 of the Planning Act 2008 (The Act) confers the power to charge Community Infrastructure Levy (CIL) on certain bodies known as charging authorities and came into force on 6 April 2010. From that date it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests¹:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and

¹ These are also the policy tests in the NPPF (paragraph 204)

- Fairly and reasonably related in scale and kind to the development.

- 2.4** The Act also ensures that local use of CIL and S106s do not overlap and limits the ability to fund infrastructure by the pooling of S106 by limiting it to 5 individual agreements,
- 2.5** The National Planning Policy Framework introduced in March 2012 changed the emphasis that planning obligations should only be sought where they meet all the tests above and where planning conditions cannot be used.

3. CURRENT POSITION

- 3.1** An Annual Report is prepared detailing all S106 agreements entered into each year and how they are being delivered [from both the developer and Council perspective]. It also gives a breakdown of agreements that are still outstanding in whole or part from previous years.

Current agreements include:

- Affordable Housing – on site or payments in lieu of onsite provision
- Occupancy Restrictions
- Open Space – for both Capital and Maintenance
- Highways and Transport Contributions [includes pedestrian and cycleways plus public transport]
- Education Contributions – for extra provision or transport costs
- Travel Plans
- Land Transfer

- 3.2** However, developers are challenging S106 Agreements in terms of viability. In addition to new agreements there have been requests from developers to re-negotiate S106 Agreements on the basis that the obligations are too onerous and that consequently the development is not viable. A Viability Assessment procedure has been agreed with developers which calculates the developers profit and what money could be used to deliver the Council's priorities. In order to aid negotiations the Council's priorities based on planning legislation and the Local Plan have been drawn up (see Appendix 1)

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The Planning Act (2008)

- 4.1** Section 206 of the Planning Act 2008 (The Act) confers the power to charge

Community Infrastructure Levy (CIL) on certain bodies known as charging authorities and came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (amended by the Community Infrastructure Levy (Amendment) Regulations 2011 and 2014). This provides the enabling powers for Local Authorities to apply CIL to development proposals to support infrastructure delivery in an area. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms.

Current Position

4.2 In order for the Council to consider the implementation of a Community Infrastructure Levy there must be an up to date Development Plan. The Local Plan is therefore being updated and a preferred options second stage consultation is due to take place in March.

4.3 Alongside the plan an Infrastructure Delivery Plan has to be produced which highlights the infrastructure requirements to enable the Local Plan to be delivered.

Once the Council is in a position to identify the potential development within the plan period and the infrastructure requirements to deliver that development, then work can begin on assessing the viability of implementing the levy and at what level (if appropriate). Any draft charging schedule is subject to viability assessments, public consultation and an examination in public.

4.4 As of November 2013, 146 authorities throughout the country were charging or in the process of introducing CIL. In the North West only Central Lancashire has published their charging schedule but is now subject to a Judicial Review. Trafford, Bolton and West Lancashire are out to consultation on their proposals.

4.5 Examples of Councils which have taken the decision not to pursue the implementation of CIL:

Redcar & Cleveland Borough Council: which was one of 20 "front runner" councils currently cites advice from consultants that it is "not appropriate" to adopt CIL to raise money for critical infrastructure as "it is not currently possible to demonstrate sufficient viability in both the residential and employment development sectors."

Wolverhampton City Council: decided not to pursue CIL in 2012 on the grounds of high implementation costs coupled with "low anticipated revenue"

North Hertfordshire Council: opted not to implement CIL last July. Its cabinet was warned that "there would probably be less money to spend under CIL" than under section 106 (S106) arrangements, and that CIL would not guarantee that particular infrastructure deficiencies would be addressed.

Scarborough Borough Council: will consider a report next month recommending against the introduction of CIL on the grounds of "questionable" viability, potential damage to local housebuilding plans, and reduced affordable housing provision.

4.6 The Position within Cumbria is also mixed.

South Lakeland: are progressing with CIL having just undertaken a CIL Viability Study and updated Draft Infrastructure Delivery Plan both January 2014. It is intended to take a report on the Community Infrastructure Levy to a meeting of Cabinet to seek approval to consult on a Preliminary Draft Charging Schedule.

Allerdale: through the whole plan viability it is not currently possible to demonstrate sufficient viability in both the residential or employment development sectors to enable CIL to be implemented.

Copeland: at their Core Strategy Examination in Public matter 2- Justification – The evidence base, it was stated that whilst they would produce a S106 SPD, they would refrain from introducing CIL at present.

Appendix 1

Summary of Planning Obligations Sought

Commitment	Policy reference		When Due
Affordable Housing (on-site)	H5	<p>Urban Area 30% on-site contribution on all sites of 10 or more dwellings</p> <p>Rural Area 25% of housing on large sites (over 0.8ha or 25 dwellings) 20% of housing on medium sites (over 0.3ha or 10 dwellings) 10% of housing on small sites (over 0.1ha or 3 units) Where intermediate affordable housing is to be provided at a discounted market value, a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.</p>	In phase with the delivery of market dwellings
Affordable Housing (off-site)	H5	Only in exceptional circumstances will the Council consider off-site provision.	
Affordable Housing - Financial Contributions	H5	<p>Only in exceptional circumstances will the Council consider financial contribution in lieu of on-site provision.</p> <p><i>[Exceptional circumstances are most likely to occur in the rural area when the requirements can equate to a fraction of a dwelling then a pro rata financial contribution will be acceptable]</i></p>	Upon completion of individual dwellings.
Affordable Housing – Rural Exception Sites	H6	If planning permission is granted for low cost affordable housing in the rural area where development would normally not be permitted but is related well to the settlement where a need has been identified then the proposal must be supported by a S106 agreement to ensure that the dwellings are retained for the benefit of successive as well as initial occupants.	
Amenity Space/ Recreational Space		New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:	Off-Site Contribution – upon

	LC4	<p>Outdoor playgrounds 150m² per hectare Informal play space 270m² per hectare In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required. Children's play and recreation areas provided will be required to have a management plan to be in place. In the absence of such a plan then the council may consider the transfer of the land to the City Council and the payment of a commuted sum equivalent to a minimum of 10 year's maintenance costs. On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space.</p>	<p>commencement</p> <p>Maintenance Management Plan – prior commencement of development</p> <p>Maintenance Contribution – upon completion of the site</p>
Education		<p>The County Council will seek contributions towards the provision of education infrastructure from development proposing 15 or more units where there is insufficient education infrastructure (primary and secondary) to meet the pupil yield created by that development. See: Draft Development Contributions to Education Capacity and Other Related Essential Infrastructure http://www.cumbria.gov.uk/eLibrary/Content/Internet/538/755/1599/4080112215.pdf</p>	Decided on a site by site basis
Transport/Traffic Improvements	CP16	<p>Planning Obligations may be required to seek public transport infrastructure improvements which will be delivered in conjunction with public transport providers. Highways improvements will be required where they are essential for the operation of the development and the surrounding road network which may include Traffic Road Orders. N.B. May be</p>	Decided on a site by site basis

		used in conjunction with Section 278 and Section 38 agreements. See: Travel Plans and the Planning Process in Cumbria: Guidance for Developers http://www.cumbria.gov.uk/eLibrary/Content/Internet/544/5505/4064516465.pdf	
Waste Minimisation and the Recycling of Waste	CP14	Waste audits will be assessed in consultation with the Waste Collection authority, and planning obligations on planning permissions and may provide mechanisms to achieve implementation. New Housing Developments will be expected to provide the appropriate household waste and recycling bins plus communal bins as appropriate. Commercial Developments will be expected to provide communal waste and recycling bins as appropriate.	Prior to first occupancy

Please note that these requirements are not exhaustive as there may be site specific requirements. The list will be updated as policies are reviewed through the Local Plan or Supplementary Planning Documents. Legal and Monitoring Fees will also be applicable

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Appendices
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement –

Economic Development –

Governance –

Local Environment –

Resources -

X1130 - Commuted Sums [including S.106's] 2013/14													
Date of Receipt / Trigger point	Expected	Op/Bal & Receipts Detail code: 8191	Spend Detail code: 3899	Retained Balance	Ledger Code: X1130/****/ Classification Code	Received from	Development/ Address	S106/Uni lateral Agreeeme nt/Other/ SIL	Agreement Date	Expected Scheme End Date	Spend Expected 2013/14	Scheme Code	Details
TOTAL B/Fwd				£1,386,623.31									Balance sheet 31st March 2013
22/08/2005		£3,000.00	£1,000.00	£2,000.00	11005	Persimmon Homes	The Beeches, Wigton Rd	S106		31/03/2015	1,000.00	OSM	Maintenance of The Beeches, Wigton Road, play area.
08/09/2005		£4,200.00	£600.00	£3,600.00	11006	Crowther Homes	Holme Head Bay, Carlisle	S106	08/09/2005	31/03/2020	600.00	OSM	Public Open Space at Holme Head Bay Carlisle
08/09/2005		£4,740.00	£1,630.00	£3,110.00	11007	Crowther Homes	Scotby Rd, Carlisle	S106	08/09/2005	31/03/2016	1,630.00	OSM	Public Open Space at Scotby Road Carlisle [10 years maintenance]
29/07/2005	£54,310.00	£4,200.00	£600.00	£3,600.00	11008	Persimmon Homes	Windsor Way	VA		31/03/2020	600.00	OSP	Windsor Way Play Area - further £54,310 as contribution towards maintenance, to fund from existing budgets when exhausted CS18/10 & RD15/10
24/01/2006		£16,170.00	£2,310.00	£13,860.00	11009	Barratt Homes	Walkmill, Warwick Rd	S106	21/09/2005	31/03/2020	2,310.00	OSM	Maintenance of Open Space at Walkmill, South of Warwick Road
12/05/2010		£7,000.00	£1,000.00	£6,000.00	11010	Barratt Homes	Wakefield Rd, Lowry Hill	S106	05/07/2006	31/03/2020	1,000.00	OSP	Wakefield Road Lowry Hill - to provide maintenance of above facilities within 1 month of completion of development
07/12/2007		£3,900.00	£1,000.00	£2,900.00	11011	Storys	Turnstone Park	S106	08/11/2005	28/02/2017	1,000.00	OSP	Turnstone Park Play Area
18/04/2008		£1,338.00	£268.00	£1,070.00	11012	Storys	Jock's Hill Brampton	Other		31/03/2018	268.00	OSM	Land at Jocks Hill, Brampton
20/06/2008		£10,000.00	£2,000.00	£8,000.00	11014	Persimmon Homes	Greenfield Lane, Brampton	S106		31/03/2018	2,000.00	OSM	Public Open Space at Greenfield Lane, Brampton (SRB/LP595)
01/05/2009		£14,693.30	£4,535.00	£10,158.30	11016	Storys	Burgh Rd	S106		31/03/2013	4,535.00	OSM	Burgh Road, provision and maintenance of offsite pitches and open space [10 years from 09/10]
28/01/2010		£77,750.00	£0.00	£77,750.00	11017	Barratt Homes	London Rd, ex Cavaghan&Gray	S106		28/01/2020	77,750.00	OSP	London Rd recreational facilities or improvement at Petteril Bank CC & Keenan Park play area [10 yrs from 09/10] GL Code 90253 for capital spend
22/09/2010		£3,890.00	£555.00	£3,335.00	11018	Knightsbridge Developments	Harraby Methodist Church	S106	15/05/2009	31/03/2020	555.00	OSP	Harraby Methodist Church, Cumwhinton Rd Children's Play & Recreation Areas in vicinity [10yrs maintenance]
22/07/2009		£12,600.00	£1,800.00	£10,800.00	11019	Barratt Homes	Tribune Drive, Houghton	S106		31/03/2020	1,800.00	OSM	Tribune Drive, Houghton - £4,025 for remedial work & £16,000 for 10 years maintenance of public open space
07/09/2010		£17,500.00	£2,500.00	£15,000.00	11021	Two Castles	Brookside	S106		31/03/2020	2,500.00	OSM	Low Meadow, Brookside £25K for upkeep of Heysham Park with no time limit & £12K to CCC for bus shelters & raised curbs on
16/07/2010		£28,755.00	£14,378.00	£14,377.00	11022	Storys	Garlands	S106	12/07/2010	31/03/2015	14,378.00	OSM	Garlands estate [now Parkland Village] Maintenance of open spaces and tree re-planting - over 5 years
12/10/2010		£57,805.00	£0.00	£57,805.00	11023	Riverside [Barras Close Land]	Levens Drive /Newlaithes Ave	S106	21/08/2009	26/03/2013	19,268.33	OSP	Levens Drive/Newlaithes Ave - Provision of public space, formal sports & children's play facilities to be spent within 3 yrs or sums to be repaid with interest of +1% above HSBC BR
12/08/2011		£31,345.00	£0.00	£31,345.00	11023	Riverside [Barras Close Land]	Levens Drive /Newlaithes Ave	S106	21/08/2009	26/03/2020	3,134.50	OSP	Levens Drive/Newlaithes Ave - Maintenance of public space, formal sports & children's play facilities to be spent within 10 yrs or repaid with interest of +1% above HSBC BR
30/09/2010		£29,750.00	£0.00	£29,750.00	11024	Carlisle College	Strand Rd	S106	10/09/2010	31/03/2012	29,750.00	Transport	Strand Rd Cycle Network contribution & to improve pedestrian facilities in immediate vicinity [Capital spend 2012/13]
15/02/2011		£3,196.00	£355.00	£2,841.00	11026	Two Castles	Gelt Rise, Brampton	S106	15/11/2010	31/03/2020	355.00	OSM	Gelt Rise Brampton [Affordable Housing] - £3,551 10yrs maintenance
15/02/2011		£12,800.00	£0.00	£12,800.00	11026	Two Castles	Gelt Rise, Brampton	S106	15/11/2010	31/03/2020	0.00	OSP	Gelt Rise Brampton [Affordable Housing] - £12,800 play area provision
18/02/2011		£346,841.00	£0.00	£346,841.00	11027	Addleshaw & Goddard	Willowholme/Cald ewgate	S106	18/02/2011	31/03/2016		RingFenc	Willowholme - Sainsbury's site: Caldew Cycleway to be held in separate interest bearing a/c & repaid with interest if unspent by? GL code 90805 for capital spend
18/02/2011		£370,000.00	£0.00	£370,000.00	11027	Addleshaw & Goddard	Willowholme/Cald ewgate	S106	18/02/2011	31/03/2016		RingFenc	Willowholme - Sainsbury's site: Public Realm contributions to be held in separate interest bearing a/c & repaid with interest if unspent by? GL code 90809 for capital spend
09/03/2011		£15,000.00	£0.00	£15,000.00	11028	Knightsbridge Developments	WI Hall, Brier Lonning	S106	09/02/2011	31/03/2012	0.00	Housing	Affordable Housing contribution relating to former WI Hall land, Brier Lonning, Hayton Planning Permission 10/0970 commencement date 12/01/11
10/03/2011		£82,264.00	£10,283.00	£71,981.00	11029	Barratt Homes	Garlands	S106		31/03/2021	10,283.00	OSM	Garlands estate Carleton Grange etc. £102,837 10yrs Maintenance of open spaces & £10,330 one-off payment for remedial
10/03/2011		£8,000.00	£1,000.00	£7,000.00	11029	Barratt Homes	Carleton Grange, Garlands	S106		31/03/2021	1,000.00	OSP	Garlands estate Carleton Grange etc. 10yrs £10,000 play area maintenance
12/08/2011		£10,861.17	£3,620.39	£7,240.78	11030	Riverside Group Ltd	Seatoller Close	S106		07/06/2016	3,620.39	OSM	Seatoller Close - 23 Affordable Homes Development began 07/06/2011 - enhancement of off-site open space provision in Morton Ward to be spent within 5 years of commencement & any unspent monies repaid at HSBC BR +1%
20/01/2012		£35,032.00	£8,758.00	£26,274.00	11032	Riverside	Etterby Rd	S106	31/03/2011	24/06/2016	8,758.00	OSM	Etterby Road - contribution towards provision of maintenance and enhancement of public open space in the District - spend within 5 years - trigger point 24/06/2011 interest due for late payment
17/01/2012		£5,158.59	£573.00	£4,585.59	11033	Persimmon Homes	Watts Yard, London Rd	S106	08/12/2009	16/01/2022	573.00	OSP	Watts Yard, London Road - Off site public open space maintenance of play equipment for 10 years [£5,731.59] to be pd after sale of 60th dwelling - to be spent within 10 years of payment date, i.e. by 16/01/2022
17/01/2012		£27,160.00	£0.00	£27,160.00	11033	Persimmon Homes	Watts Yard, London Rd	S106	08/12/2009	16/01/2022	0.00	OSP	Watts Yard, London Road - Off site public open space cum for provision of play equipment for Melbourne Park [£27,160] to be pd after sale of 60th dwelling - to be spent within 10 years of payment date, i.e. by 16/01/2022
01/06/2012		£8,979.25	£0.00	£8,979.25	11034	Two Castles	St Elisabeth's Harraby	S106	27/06/2012	31/05/2017	1,795.85	OS	Open Space contribution for Affordable Housing development (19 units) within Harraby ward to be spent by 5 years after date of receipt - 31st May 2017. If unspent returned with interest +1% above HSBC BR
17/08/2012									17/08/2022 &				Watts Yard, London Road - River Petteril Cycle Route Access Improvements [£79,580] 50% on 80th then on 98th - Invoice issued (Dr 5000001210) received 31/08/2012. 2nd invoice issued payment received 05/06/13 to be spent within 10 years of payment
05/06/2013	£0.00	£79,580.00	£0.00	£79,580.00	11035	Persimmon Homes	Watts Yard, London Rd	S106	08/12/2009	04/06/2023	39,790.00	Transport	The Shelling & Meadow View, School Rd Cumwhinton - Transport Contribution (£14,082) within 28 days of 1st tenancy - invoice to be sent to CCC - indemnity ? Invoice withheld until agreement reached on Grant Payment paid to Two Castles 09/09/2013
24/07/2013		£14,082.00	£14,082.00	£0.00	11036	Two Castles	The Shelling & Meadow View	S106	27/03/2012		14,082.00	Transport	Heysham Park & Adjacent vicinity of development - Maintenance of Off-site open space
21/08/2012		£12,823.00		£12,823.00	11037	Lovells	Raffles	UIA			12,823.00	OSM	Caldew Cycleway Contribution: if not spent within 5 years of Payment Date return with interest HSBC BR + 1%
04/09/2012		£16,000.00		£16,000.00	11038	Border Construction	Caldewgate	S106	26/03/2012	03/09/2017	0.00	Ringfence	Offsite Public Open Space Contribution: unspent return after 5 years interest of HSBC BR +1% - proposed for Norfolk St area?
04/09/2012		£50,000.00		£50,000.00	11038	Border Construction	Caldewgate	S106	26/03/2012	03/09/2017	0.00	OS	Open Space Contribution towards maintenance and enhancement of off-site provision in the District. Debtor 5000009132 Invoice for £9,973.71 to be paid prior to occupation of 7th unit sent 16/05/13 - proposal to spend on football mini pitches for 6-8 yrs olds
28/05/2013	£0.00	£9,973.71		£9,973.71	11039	Maris Properties	Briar Bank [Spice Enterprise]	S106	30/07/2012			OS	Crindledyke - Highways Improvement contribution (1) due before 20th RU occupied
26/07/2013		£25,000.00		£25,000.00	11040	Storys	Crindledyke	S106	05/04/2012			Highways	Crindledyke - Highways Improvement contribution (2) due before 20th RU occupied
26/07/2013		£10,000.00		£10,000.00	11040	Storys	Crindledyke	S106	05/04/2012			Highways	Crindledyke - Transport Improvements contribution (2) due before any occupation
26/07/2013		£281,000.00		£281,000.00	11040	Storys	Crindledyke	S106	05/04/2012			Transport	Crindledyke - Travel Plan Administration Fee due on or before 1st RU occupied
26/07/2013		£11,125.00		£11,125.00	11040	Storys	Crindledyke	S106	05/04/2012			Transport	Crindledyke - Transport Improvements contribution (1)
1/5 before 28 days Not to occupy >60	£250,000.00	£0.00		£0.00	11040	Storys	Crindledyke	S106	05/04/2012			Transport	Crindledyke - New school Contribution/Bond
22/07/2013		£24,800.00		£24,800.00	11041	Developments [Cumbria] Ltd	Currock Cycle Link	S106	25/01/2010	21/07/2018		Transport	Currock cycle link - Maryport Cottages rail bridge to Currock & Upperby areas - to be returned if unspent within 5 years - if not paid by trigger incur penalty of HSBC bank rate +1%.
25/03/2010	£0.00	£3,570.75		£3,570.75	11042	Persimmon Homes	Pennine View	S106	29/10/2009			OSM	Pennine View - 10 years maintenance of two parcels of open space Parkland Village/Carleton Grange
04/12/2013		£93,440.08		£93,440.08	11043	Persimmon Homes	Durranhill	S106	20/10/2011			OS	Improvement of current off-site Open Space & Play Provision - Index linked from date of agreement spend within 10 yrs of

Date of Receipt / Trigger point	Expected	Op/Bal & Receipts Detail code: 8191	Spend Detail code: 3899	Retained Balance	Ledger Code: X1130/****/ Classification Code	Received from	Development/ Address	S106/Uni lateral Agreeme nt/Other/ SIL	Agreement Date	Expected Scheme End Date	Spend Expected 2013/14	Scheme Code	Details
04/12/2013		£50,669.37		£50,669.37	11043	Persimmon Homes	Durranhill	S106	20/10/2011			OS	Maintenance of above Open Space & Play Provision - Index linked from date of agreement spend within 10 yrs of payment
04/12/2013		£13,500.00		£13,500.00	11044	Persimmon Homes	Durranhill	S106	20/10/2011			Highways	Provision of new footpath to south of Durranhill Rd from site to Rosehill IE or [at Council's discretion] upgrade existing footpath to
7.5% Value of 10 Units aggregate		£0.00		£0.00		Learning & Leisure Group	Greensyke, Cumdivock	S106	08/05/2009			Miscellaneous	Greensyke, Cumdivock - Affordable Housing Contribution payable on occupation of each dwelling calculated on value at time payment is due - to spend within 5 years of each instalment
<20days 1st Occu	£12,285.00	£0.00		£0.00		Greensyke Property Ltd	Greensyke, Cumdivock	S106	05/10/2011			Transport	Greensyke, Cumdivock - Contribution to be paid to Rural Wheels service 20 working days after 1st occupation of 4th relevant units
	£26,000.00	£0.00		£0.00		Oakmere Homes (N	Netherby Rd, Longtown	S106	20/02/2013			OS	Netherby Road, Longtown Maintenance of play area - no timescale for spend. Sum payable on completion of play area or upon occupation of last Full Market Value unit, whichever is sooner
	£5,000.00	£0.00		£0.00		Citadel Estates	The George, Warwick Bridge	S106	28/09/2009			OSP	The George Warwick Bridge - Downagate play area - £5,000 towards provision & maintenance of play equipment for 8 to 12 years olds paid upon occupation of 10th unit.
on completion of play area	£10,000.00	£0.00		£0.00		Harrison Homes	Highgrove Dairy, Harraby Green	S106				OSP	Highgrove Dairy Harraby Green - Play area maintenance [10 years] payable on completion of area to be built at back of development
prior to 1st dwelling occupation	£11,627.00	£0.00		£0.00		Lancaster RC Diocesan Trustees	Waverley Gardens	S106	13/12/2012			OS	Waverley Gardens - provision of public open space in Carlisle prior to 1st occupation to be spent within 5 years or any unspent balance repaid plus "accrued interest" as above
1/3 prior to 1st, 1/3 to 12th, bal to 24th	£223,373.00	£0.00		£0.00		Lancaster RC Diocesan Trustees	Waverley Gardens	S106	13/12/2012			Housing	Waverley Gardens Affordable Housing contribution [index linked to CPI] - 1/3rd payable prior to 1st occupation, 1/3 before 12th, balance before 24th, to be spent within 5 years or any unspent balance repaid plus "accrued interest" as above
	£84,076.00	£0.00		£0.00		Senator Homes	Westmorland St [ex Penguin factory]	S106	13/06/2012			OS	Westmorland St [former Penguin factory] on-site play & open space facilities due before occupation of no more than 25 dwellings on site [planning changes to be submitted] of which up to 17% to be affordable units to be spent within 5 years of receipt
	£4,928.00	£0.00		£0.00		Church Commissioners for England	Land at Morton	S106	15/11/2010			OS	Land at Morton: Maintenance of Primary Leisure Area Land £4,928 per hectare - see separate schedule for details of payments due to CCC for Highways/Transport facilities
1st Occupation Date	£31,000.00	£0.00		£0.00		Dean Thompson Montgomery	Talkin Tarn	S106	13/06/2011			Housing	Talkin Tarn - not less than 8 affordable housing units to be built at Tarn End Hotel site, Talkin
Market Value upon sale of 3rd		£0.00		£0.00		Catherine Gander Watson	Brampton Playhouse	S106				Housing	Brampton Playhouse [Affordable Housing] - 30% contribution of open market dwellings due upon sale of 3rd dwelling & spent within 10 years
by 14 days	£46,000.00	£0.00		£0.00		Denton Business Park Ltd	Denton St ex workshops	S106				Transport	Denton Street ex workshops - £46,000 Cycle Way contribution payable within 14 days of commencement - spend within 3 years
by 14 days	£48,584.00	£0.00		£0.00		Denton Business Park Ltd	Denton St ex workshops	S106				Sports	Denton Street ex workshops - £48,584 contribution due within 14 days towards enhanced sports provision/maintenance - no timescale for spend
by 14 days	£3,538.00	£0.00		£0.00		contractors Ltd	Prince of Wales	S106				OS	Prince of Wales Public House - within 14days of commencement pay £3,538 towards improvement of outdoor facilities within
		£0.00		£0.00		Persimmon Homes	Wigton Rd	S106	17/04/2012			OS	Garden Village, Wigton Road Carlisle: Affordable Housing and Public Open Space Scheme
<28 days of 1st Occu	£3,000.00	£0.00		£0.00		Citadel Estates	Skelton House, Wetheral	S106	24/05/2012			OS	Skelton House, Wetheral: Provision, maintenance/upgrade; children's play area & equipment,& public allotment, spend within 1yr of receipt.
within 28days of amount agreed		£0.00		£0.00		Persimmon Homes	Peter Lane, Morton	S106	09/10/2012			OS	Open Space contribution for Affordable Housing development to be spent within 5 years after date of receipt. Provide evidence of spend &/or repay unexpended amounts plus interest.
Practical Completion Date	3% of Market Value			£0.00		PJ & CR Gray	Iona, Gelt Rd Brampton	S106	19/04/2012			Housing	Affordable Housing Contribution [equates to 0.4 of a dwelling] the commuted sum of 3% of Market Value payable on Practical Completion Date of each of 4 dwellings on site - unused to be repaid at HSBC base rate + 1%
On material start	£94,500.00			£0.00		United Utilities	Nelson Street	S106	19/11/2008			OS	Ex UU Depot - To create a Public Open Space & Children's facilities [outline planning permission only at this stage]
Within 1 mth of completion	£10,000.00			£0.00		United Utilities	Nelson Street	S106	19/11/2008			OS	Ex UU Depot - Maintenance of above for 10yrs - 5 year O/L planning application submitted
Occupation of 1st on Practical	3% of Market Value			£0.00		H J Ridley	Walton		27/02/2013			Housing	Affordable Housing contribution to repay unexpended by 5 years after date of receipt Barclays Bank base rate
Completion of	3% of Market Value			£0.00		Storys	Farm, Burgh by Sands	S106	15/01/2014			Housing	Affordable Housing contribution 3% of Market Value price of development on 3rd unit's occupation. Council to provide evidence of spend or repay within 10 years of receipt plus interest at Barclays Bank BR
				£0.00									
				£0.00									
Totals	£4,418,221.00	£1,949,492.22	£72,847.39	£1,876,644.83							257,159.07		Balance sheet 31st March 2013
Movement In Year				£490,021.52									
Balance in Ledger				£1,876,644.83		Date checked:				MMcC			06/01/2014 [to period 10]
Difference to ledger - if any						Updated By:					Expected Spends: 2013/14		Balance b/fwd
For Quarterly Reports etc:		Op Bal/Receipts	Spent	Expected	Scheme Code								
Children's Play Areas & Facilities.		£239,008.59	£4,728.00	£69,310.00	OSP						£104,880.83		
Provision & Maintenance of public open spaces.		£260,743.22	£54,037.39	£0.00	OSM						£66,860.39		
In respect of incomplete sites or yet to be developed		£213,062.41	£0.00	£237,669.00	OS						£1,795.85		
Total of balances held/expected		£712,814.22	£58,765.39	£306,979.00									
Affordable Housing Contributions		£15,000.00	£0.00	£254,373.00	Housing						£0.00		
Schools etc		£0.00	£0.00	£3,500,000.00	Education						£0.00		
Cycleway & Public Realm (held in interest bearing a/c)		£732,841.00	£0.00	£0.00	RingFenced						£0.00		
Transport & Pedestrianisation (to CCC)		£440,337.00	£14,082.00	£308,285.00	Transport						£83,622.00		
Parking facilities (CCC)		£0.00	£0.00	£0.00	Parking						£0.00		
Highways etc. [funds to/from CCC]:		£48,500.00	£0.00	£0.00	Highways						£0.00		
Sports provision		£0.00	£0.00	£48,584.00	Sports						£0.00		
Total for reports		£1,949,492.22	£72,847.39	£4,418,221.00							£0.00		
Monitoring Fees, Legal, Admin Costs etc.		£0.00	£0.00	£0.00	Miscellaneous						£257,159.07		
Planning applications/agreements have expired		£0.00	£0.00	£0.00	Expired								
Totals		£1,949,492.22	£72,847.39	£4,418,221.00						Custodian only:	£1,207,596.00		£6,294,865.83
			£0.00	£0.00	£0.00	check difference							