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Date: *25 March 2015*

NOTIFICATION OF PORTFOLIO HOLDER DECISION

On 25 March 2015, Cllr Vickers, the Planning and Transportation Portfolio Holder, made the following decision. Any member of the Council, who is not a Portfolio Holder, who considers that this decision should be reviewed should give notice to the Monitoring Officer (Grainne O'Rourke) (in writing or by e-mail) to be received **ON OR BY WEDNESDAY, 1 APRIL 2015**.

Details of the documents the Portfolio Holder considered are attached:

DECISION:

To authorise the allocation of developer contributions for various schemes within the New Forest District.

REASON(S):

As set out in the report.

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As set out in the report.

CONFLICTS OF INTEREST DECLARED:

None

For Further Information Please Contact:

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ALLOCATION OF DEVELOPERS' CONTRIBUTIONS

1 INTRODUCTION

- 1.1 New Forest District Council, through its planning development control powers, collects contributions (through a Section 106 agreement) to mitigate the impacts of new developments on existing communities in the areas where it is responsible for town planning.
- 1.2 In May 2012 the Council approved a new process for the allocation and spending of developers' contributions for inclusion in the Council's capital programme beginning in 2013/14. Each year a number of projects are agreed and set out in two categories as follows:
- (a) Fully developed projects for inclusion in that years capital programme;
 - (b) Category B contained two types of projects:
 - Projects that need to be developed further to determine costs/scope.
 - Projects where insufficient funding currently exists but should be ready if additional funding is made available;
- 1.3 In February 2015 Cabinet approved a number of projects to include in the 2015/16 capital programme. The Cabinet report authorised the Portfolio Holder for Planning and Transportation to make such amendments as he deems appropriate to the approved project lists and included within the 2015/16 capital programme.
- 1.4 This report seeks to approve a number of items prior to the 6 April 2015 deadline beyond which the Council will be constrained by the pooling rules contained in the Community Infrastructure Levy Regulations (2010).

2 POLICY FRAMEWORK

- 2.1 The projects which are the subject of this report benefit a wide sector of the community and respond positively to Core Strategy policies:
- CS2 Design Quality;
 - CS5 Safe and Healthy Communities;
 - CS7 Open Space Sport and Recreation;
 - CS8 Community services and infrastructure;
 - CS24: Transport considerations

3 PROJECT PROPOSALS

Hythe & Dibden, Fawley Lane MUGA

- 3.1 Cabinet of 4 February 2015 approved the allocation of contributions towards the implementation of a MUGA at Fawley Road Hythe with an allocation of £43,356.72 and a recommendation that any further contributions should be allocated to this project.

- 3.2 Since the Cabinet decision a further open space contribution of £46,732 has been agreed for use in Hythe. Whilst this amount is still extant, it is recommended that this amount is allocated to this project in line with the decision of the Cabinet Paper to bring the total MUGA budget to £90,088.72.

Butts Bridge Hill, Hythe

- 3.3 Cabinet of 4 February 2015 approved to allocate contributions to the implementation of improved pedestrian facilities incorporating crossings on Butts Bridge Hill with an estimated cost of £80,000.
- 3.4 At the time of the report no unallocated contributions were available to use on this project. Since this time a transportation contribution of £23,230 has been agreed for use in Hythe. Whilst this amount is still extant, it is recommended that this amount is allocated to this project in line with the decision of the Cabinet Paper.

Whitsbury Road/Adult Gym Equipment, Fordingbridge

- 3.5 Cabinet of 4 February 2015 approved the allocation of contributions towards the implementation of adult gym equipment at at Whitsbury Road and conservation improvements at the Recreation Ground. An allocation of £27,930.06 was made in this report with a note that any further contributions received after the report date should also be allocated to these projects.
- 3.6 Further contributions of £38,486.75 have since been agreed and should therefore be allocated to this project in line with the decision of the Cabinet Paper.

Milford on Sea A337/B3058 (HO/T/A&B)

- 3.7 Cabinet of 4 February 2015 approved the allocation of £50,717.40 to this project to give a total budget available to the project of £64,077. The report noted that any further contributions received after the report date should also be allocated to this project.
- 3.8 A further contribution of £5,457 has since been agreed and therefore in line with the Cabinet decision it is recommended that is allocated to this project.

Milford on Sea Recreation Ground

- 3.9 Cabinet of 4 February 2015 approved the allocation of £49,133.63 in developer contributions to a MUGA at Barnes Lane Recreation Ground with a note that any further contributions received after the report should also be allocated to this project.
- 3.10 A further contribution of £7,009.80 has since been agreed and it is recommended that this contribution is therefore added to this project in line with the Cabinet decision. In addition to this, Cabinet of 16 January 2013 allocated £70,000 of developer contributions to this project as a 'B' list allocation. Whilst this was allocation was noted in Appendix 2 of the 4 February 2015 cabinet paper it was not formally approved to be included in the capital programme. It is therefore recommended that this £70,000 is now included within the capital programme together with the £49,133.63 approved in February 2015 and the £7,009.80 recommended in this report to give a total project budget of £126,143.43.
- 3.11 Following the allocation meetings in October 2014, Milford on Sea Parish Council has been undertaking feasibility work on the Barnes Lane Recreation Ground MUGA. This work has identified that there is sufficient money available to install the MUGA at Barnes Lane and to install a new one at the Carrington Lane Recreation Ground. It is therefore recommended that the description of the allocation is amended to allow the installation of a MUGA at both Barnes Lane and Carrington Lane.

Long Lane Ringwood

- 3.12 Cabinet of 4 February 2015 agreed an allocation of £469,770.07 towards enhancements at Long Lane with a note that any further contributions agreed after the report should also be allocated to this report. Since the report a further contribution of £4,673 has been agreed and in line with the Cabinet decision it is recommended that this money is allocated to this project.

Transportation Schemes in Ringwood

- 3.13 Cabinet of 4 February 2015 agreed an allocation of £599,470.25 towards various transportation schemes in Ringwood. Since the report a further contribution of £7,490 has been agreed and it is recommended that this is also allocated towards these schemes.

Existing B List Allocations

- 3.14 Cabinet Report A of 16 January 2013 included a number of projects in a 'B' project list pending further design work and additional contributions being received. Whilst these projects were noted in Appendix 2 of the 4 February 2015 Cabinet report, they were not fully approved to be included in the capital programme. Therefore it is recommended that the following 'B' list projects which were included at either 16 January 2013 or 5 February 2014 and noted by Cabinet on 4 February 2015 are now approved and included within the capital programme.

- Pennington Common, Lymington – allocation of £66,758.00 (with additional allocation of £18,217.99 made on 4 February 2015 to give a total budget of £84,975.99).
- Fawcetts Field, New Milton – allocation of £39,314.97 (with an additional allocation of £178,952.32 made on 4 February 2015 to give a total budget of £218,267.29).
- Garage Youth Centre, Totton – allocation of £20,000
- Hanger Farm, Totton – allocation of £15,000
- Ashington Park, New Milton – allocation of £12,500

Indexation and Penalty Interest

- 3.15 Most S106 agreements have a requirement for the developer to pay Indexation on the agreed contributions. Indexation is calculated from the month preceding the decision date to the month preceding when the contribution becomes due.
- 3.16 Most S106 agreements also contain a mechanism for the Council to charge penalty interest when a contribution is not paid on or before the due date in the agreement. This is normally charged at 4% above the Bank of England base rate.
- 3.17 As a number of extant contributions were allocated in the 4 February 2015 Cabinet report these figures may rise due to indexation (and, potentially, penalty interest) when they are actually received. It is recommended that when an extant contribution is received any indexation and/or penalty interest is also allocated to the project budget.
- 3.18 Any increase in project budgets due to indexation/interest will be reported on via financial monitoring reports.
- 3.19 Since the Cabinet Paper of 4 February 2015 the following amounts have been received
- *10/96134* original contribution of £3,745. With indexation £4,051.84 was actually received. This contribution was allocated to LP/T/42.
 - *11/97261* original contribution of £36,386.46. With indexation £39,327.21 was actually received. This contribution was allocation to LP/T/42.

4 FINANCIAL IMPLICATIONS

- 4.1 By identifying the new projects in the (a) list it will enable the monies to be spent in the financial year 2015/16 and assist in delivering the implementation programme. If the approval of these projects was delayed until the start of the next financial year it could significantly delay the projects and have implications on the tender price.
- 4.2 In order to safeguard the Council's investment in these works, the release of this money is on the understanding that it will be ring fenced and applied solely towards the proposed projects as set out in section 3 above.
- 4.3 Before any money is released to a Town/Parish Council, the District Council will need to be satisfied that the project is viable and that it represents good value for money.
- 4.4 Should the Council become aware that the monies released are used for works other than what has been approved; the Council will look to reclaim the contribution made from the Parish/Town Council.

5 CONSULTATION INPUT

- 5.1 The proposals have been put forward by the Parish Councils at the October 2014 allocation review meetings. All District Councillors were invited to these meetings and consulted on the wider proposals. The recommendations made in this report are in line with the Cabinet decision of 4 February 2015.

6 ENVIRONMENTAL IMPLICATIONS

- 6.1 Delivery of this community scheme will bring a range of environmental benefits, including community safety, aesthetic, biodiversity and sustainability.
- 6.1 Delivery of this open spaces schemes will bring a range of environmental benefits through enhancement of the quality of the open space and the facilities, including community safety, aesthetic, biodiversity and sustainability.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 No project-specific implications.

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 Good community engagement as part of the design and feasibility process will help ensure that schemes respond to the needs of the whole community rather than narrow sectors.

9 ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 9.1 Not approving these allocations at this time would slow down the implementation of the developer contributions programme and the expenditure of funds held for the specific purpose of delivering open space benefits within the parish for which the money has been collected

10 RECOMMENDATIONS

- 10.1 It is RECOMMENDED that £46,732 is allocated to a MUGA at Fawley Road, Hythe
- 10.2 It is RECOMMENDED that £23,230 is allocated to Butts Bridge Hill, Hythe

- 10.3 It is RECOMMENDED that £38,486.75 is allocated to Whitsbury Road/Adult gym equipment, Fordingbridge
- 10.4 It is RECOMMENDED that £5,457 is allocated to Milford On Sea A337/B3058 (HO/T/A&B)
- 10.5 It is RECOMMENDED that the allocations suggested in para 3.10 relating to the Recreation Ground in Milford on Sea are made.
- 10.6 It is RECOMMENDED that the description of the Barnes Lane Recreation Ground MUGA is amended to also include a MUGA at Carrington Lane Recreation Ground.
- 10.7 It is RECOMMENDED that an allocation of £4,673 is made towards Long Lane, Ringwood.
- 10.8 It is RECOMMENDED that an allocation of £7,490 is made towards various transportation schemes in Ringwood.
- 10.9 It is RECOMMENDED that the previously approved 'B' list projects listed in paragraph 3.14 are now included in the capital 2015/16 capital programme.
- 10.10 It is RECOMMENDED that any indexation and/or penalty interest received on a contribution is added to the project budget for which the initial extant contribution was allocated.

11 PORTFOLIO HOLDER DECISION

I have agreed to the recommendations of this report.

Signed: F P VICKERS

Date: 25 March 2015

<p>For further information contact:</p> <p>Dean Brunton Planning Policy Officer Policy and Plans Team Tel: 023 8028 5588 E mail: dean.brunton@nfdc.gov.uk</p>	<p>Background Papers:</p> <p>4 February 2015 Cabinet Paper "Allocation of developer contributions" http://forestnet2/committeedocs/cab/CDR09490.pdf</p> <p>5 February 2014 Cabinet Paper "Allocation of developer contributions" http://forestnet2/committeedocs/cab/CDR08830.pdf</p> <p>16 January 2013 Cabinet Paper "Allocation of Developer Contributions" http://forestnet2/committeedocs/cab/CDR08046.pdf</p> <p>2 May 2012 Cabinet Paper "The Use of Developer Contributions" http://forestnet2/committeedocs/cab/CDR07539.pdf</p>
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Date notice of this Decision given – 25 March 2015
 Last date for call-in – 1 April 2015