

**UPDATE ON S106 DEVELOPER CONTRIBUTIONS****1. RECOMMENDATION**

- 1.1 That the Cabinet notes the contents of the report and approves the allocation of £200,000 transport contribution to deliver a footpath to the northeast of the Linden Homes Development on Crow Lane Ringwood.

**2. INTRODUCTION**

- 2.1 Prior to the introduction of Community Infrastructure Levy charging at New Forest District Council in April 2015 the Council collected contributions to mitigate the impacts of new developments through a tariff style contribution secured through Section 106 Agreements.
- 2.2 In February 2015 Cabinet approved open space and transport projects for the unspent developer contributions. These projects were in the areas where development had occurred. There had been extensive consultation with members, town and parish Councils to agree the projects. Monies were allocated to open space projects to be delivered by town and parish councils. At the time, the District Council could deliver the transport projects under the Agency Agreement that existed with the County Council. A further contribution was collected after the 2015 report which was from the Linden Homes development in Ringwood. The table below shows the spend over the period since the 2015 report excluding habitat mitigation.

	Open Space		Transportation		Open Space Maintenance		Drainage		TOTAL
	£'000		£'000		£'000		£'000		£'000
	(Spent) / +Received	Balance Held	(Spent) / +Received	Balance Held	(Spent) / +Received	Balance Held	(Spent) / +Received	Balance Held	Balance Held
Balance 31/3/15		<b>2,800</b>		<b>1,600</b>		<b>173*</b>		<b>75</b>	<b>4,648</b>
Activity between 2016/2021	(1,531)	<b>1,269</b>	+500	<b>2,100</b>	(5)	<b>168*</b>	0	<b>75</b>	<b>3,612</b>
Activity 2021/22	(169) +30	<b>1,130</b>	0	<b>2,100</b>	(5)	<b>163*</b>	0	<b>75</b>	<b>3,438</b>
Activity 2022/23 to date	(799) +40	<b>372</b>	(6)	<b>2,094</b>	(63) +40	<b>140*</b>	0	<b>75</b>	<b>2,576</b>

\* Monies held from sites that are still to be transferred to a maintainer; transfers are progressing.

- 2.3 Whilst a significant amount of the money has been spent, most notably from Open Space contributions (from £2.8M held in 2014 to £372,000 held as of end Sept 22) there remains some monies that were allocated to specific projects to be delivered by town and parish Council's which are no longer deliverable. This report seeks authority

to allocate monies to alternative projects that town and parishes have identified as new projects.

### **3. CURRENT POSITION**

- 3.1 In July 2020, the Council adopted the Local Plan 2016-2036 Part One: Planning Strategy. The Local Plan proposes over 10,000 new dwellings over the Plan period. A number of strategic housing sites are identified ranging from 100 to 1400 dwellings. The plan recognises the importance of appropriate infrastructure to support new development via policy STR7 and STR8.
- 3.2 Many of these strategic sites currently have planning applications submitted and as part of this process specific infrastructure provisions will be secured via S106 relevant to those developments. However, the Council is still holding an amount of developer contributions from developments already built. It is important that this money is utilised on relevant projects to ensure that the planning outcomes of the original development are met. There has been considerable work over the past 3 years to spend Section 106 contributions. However there remains some unspent money, the majority of which are contributions relating to open space and sustainable transport improvements.

#### **Open Space**

- 3.3 Since 2015 officers have continued to work with parish and town councils to implement the open space projects for which money was collected, to ensure that the monies have been put to their required use. At the start of this financial year the Council held £1.13m in unspent open space contributions, and over the course of this financial year to date £799k has been utilised on projects.
- 3.4 Officers have met again with representatives from both Hythe and Dibden Parish Council and Totton and Eling Town Council, where most of the remaining funds are due to be utilised. The total of the contributions held for use in these areas account for £197k of the held contributions. Totton and Eling Town Council has been asked on several previous occasions over the past 3 years to confirm the projects that it wants to spend its allocated S106 monies on, however no response has been received. Hythe and Dibden Parish Council has refocused attention following the pandemic on this matter. Both Councils are reviewing the current allocations made and have again been asked to confirm to the District Council a revised project list.

#### **Sustainable Transportation Contributions**

- 3.5 In January 2022, a paper was presented to Environmental and Sustainability Overview and Scrutiny Panel which summarised the results of an audit carried out in 2021 on the transportation allocations made by Cabinet in 2015.
- 3.6 The report concluded that only a small number of projects could still progress. The consultancy arm of Hampshire County Council was appointed to undertake a detailed feasibility study, with the intention being that these projects are implemented during 2023/24 by Hampshire County Council (HCC) as highway authority. It is likely that these works will cost around £500k but officers are currently awaiting full cost details.
- 3.7 Work is currently underway on two LCWIP's covering the whole of the District (one for the Waterside and one for the rest of the District). These Plans will identify walking and cycling projects throughout the District in accordance with Local Transport Note 1/20. Once complete, officers will use the LCWIP's to identify schemes to deliver using the residual monies, for which the remaining £1.6m transportation developer contributions held by the Council could be used to fund. This will be the subject to a further report.

## **4. PROPOSED REALLOCATION OF S106 MONIES**

### **Ringwood Transportation Monies**

- 4.1 In 2020 an allocation of £50k was made to deliver a footpath to the northeast of the Linden Homes Development on Crow Lane Ringwood. These funds were transferred to HCC to deliver the footpath but they are still holding this money.
- 4.2 The scheme was due to be delivered in 2020/21, however HCC have now reviewed the scheme and identified that the original £50k was a considerable underestimate. The works proposed are more complex than initially thought, together with a sharp increase in pricing from contractors. HCC have advised that the scheme will now cost £150k.
- 4.3 Due to the formal gateway process that HCC will need to go through (which will include public consultation on the scheme) it is likely that the works will not start on site until 2024/25.
- 4.4 As there are still some unknowns in relation to the scheme, it is proposed that up to £200k is allocated to this scheme (a further £150k on top of the funds already held by HCC) to ensure there is sufficient budget to deliver the scheme. This money is currently held by the Council as part of the transportation contribution paid as part of the Linden development. After this development, a significant amount of money will remain to deliver further sustainable transport improvements around Ringwood. Officers are in discussion with the Town Council and HCC and are looking at NFDC land around the bus and taxi hub within the town centre for potential improvements.

### **Lymington Open Space Monies**

- 4.5 The Council are currently holding £3,504.90 in unspent open space monies for use in Lymington. A meeting was held with the Town Council in late summer 2022. Following this meeting the Town Council approached officers requesting that this money is allocated to a project at Bath Road to install a bottle refilling station.
- 4.6 The Town Council currently have grant funds but not enough to complete the projects. If these unspent monies were allocated to the project then this would close the funding gap and allow the project to be delivered and use the remaining contribution allocated to Lymington.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 For the proposed allocations, the Council are currently holding all the identified funds to deliver these projects and therefore there would be no direct cost to the Council.
- 5.2 Should the projects not be approved, officers will need to identify further projects to ensure that the contributions held are delivered on suitable schemes.

## **6. CRIME & DISORDER AND, EQUALITY & DIVERSITY IMPLICATIONS**

- 6.1 There are none.

## **7. ENVIRONMENTAL IMPLICATIONS**

- 7.1 The identified proposals bring direct environmental, health and wellbeing and climate change benefits through the provision of new public open space, improving and enabling greater use of existing open space and the creation of new of sustainable walking routes.

## **8. DATA PROTECTION IMPLICATIONS**

8.1 None.

## **9. PORTFOLIO HOLDER COMMENTS**

9.1 I recognise the significant amount of work that has gone into allocating s106 funds and I encourage those town and parish councils that have not identified schemes for their area to do so. This will enable the district council to transfer monies to them to deliver projects that will benefit their communities.

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### **Background Papers:**

[Cabinet Paper 4 February 2015 –  
Allocation of Developer Contributions](#)

[Planning and Infrastructure Portfolio  
Holder Decision 9 September 2020 –  
Allocation of developer contributions –  
Ringwood and New Milton](#)

[Cabinet Paper – 5 May 2021 – Adoption of  
the Mitigation for recreational impacts on  
New Forest European Sites:  
Supplementary Planning Document](#)

[Environment and Sustainability Overview  
and Scrutiny Panel 13 January 2022 –  
Review of transportation projects funded  
via developer contributions](#)