

Eden District Council

Council

22 September 2022

Affordable Housing Schemes

Portfolio:	Housing and Health
Report from:	Interim Director of Resources
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To seek funding from the s106 Affordable Housing Fund contributions to support the delivery of 47 affordable housing units within Eden.

2 Recommendations

- 2.1 Council are recommended to approve the following funding to enable the delivery of affordable energy efficient homes:
- £250,000 - Home Group, Westmorland Road, Appleby;
 - £180,000 – Home Group, Hunter Lane, Penrith;
 - £100,000 – Genesis, Pennine View, Calthwaite
- 2.2 That funding is subject to completion of a funding agreement with delegation to the Assistant Director of Legal and Democratic Services to draft and approve terms.

3 Introduction

- 3.1 At the Cabinet meeting of 24 May 2022 (ref DCE25/22) the Cabinet agreed the following projects:
- £190,000 - Home Group, Westmorland Road, Appleby.
£180,000 – Home Group, Hunter Lane, Penrith
£100,000 – Genesis, Pennine View, Calthwaite
- 3.2 Council are asked to note the increase in the Westmorland Road project from £190,000 to £250,000 due to an extra 6 affordable properties being accommodated on the site, which is explained below.
- 3.3 Eden DC Corporate Strategic Priorities 2021 to 2022 highlight the following:
- Housing Strategy - we will develop an action plan to deliver our new housing strategy, setting out our vision for affordable decent homes for our local people, and to help us retain our young people and families.
- Zero Carbon Strategy - deliver the Zero Carbon Eden District Council Strategy and Action Plan 2020-2023, making progress on reducing the Council and wider districts carbon footprint to net-zero by 2030. This will be achieved by improving energy use and biodiversity in the Eden District Council estate and promoting community projects in the district, for example community energy schemes.

- 3.4 The Housing Strategy 2021-2026 (adopted at Council on 23 September 2021; minute reference CI/36/09/21) identifies the key priorities as:
- Improving access to housing for all
 - Development of good quality new housing
 - Improving the condition of our existing housing stock
- 3.5 The Eden Local Plan seeks to ensure that future housing and employment growth is sustainable and that local community needs are met. As a result, the Council expects all new housing developments to fund or contribute to the necessary physical and social infrastructure improvements and subsequent maintenance, in accordance with Policy HS1: Affordable Housing, and Policy DEV4: Infrastructure and Implementation.
- 3.6 The Policy & Procedure to spend commuted sums designated for Affordable Housing was approved by the Council on the 23 September 2021 (Appendix A). Under this policy, the Council can fund:
- Additional affordable housing to be provided by a Registered Provider;
 - Additional affordable housing to be provided by a private developer;
 - Funding affordable housing that is designed to provide environmental sustainability
- 3.7 All the projects in this report meet the requirements of the aforementioned policy, providing much needed affordable housing in the Eden District with high green credentials delivering reduced energy consumption, which significantly improves the affordability of the home for the occupant.
- 3.8 The Council is permitted a limited time frame (specified in individual S106 agreements) to allocate and spend its affordable housing contributions after the commuted sum is paid to the Council. Timescales vary, however usually if after 10 years the financial contribution has not been utilised on additional affordable housing, it shall be returned to the Developer.
- 3.9 Development funding for Registered Providers (RPs) is usually made up as follows:
- Grant Funding from Homes England
 - Receipts from any Shared Ownership sales
 - Registered Provider own contributions
- In some instances further financial contributions are sought from the Local Authority via s.106 receipts.
- 3.10 In the case of the two Home Group projects, the Council contribution equates to a 6% contribution for each project. For the Genesis Homes project it equates to 2.5%.
- 3.11 All properties will have to be built to at least Building Control standards, which have changed for all new applications received after 15 June 2022. This means there is now a requirement for new homes to have extra measures for ventilation, heating, installation of EV charging points, potential overheating, and aim to improve the thermal value and SAP calculations of the properties.

4 Report Details

Home Group – Westmorland Road, Appleby Cumbria

- 4.1 A contribution of £10,000 per unit is sought towards the cost of installing energy efficient air source heat pumps and solar PVs. The cost of these additional measures is approximately £12k per unit so the contribution from the Council will offset this.

- 4.2 Due to viability issues it would not be possible to install these additional 'green' measures without the contribution from EDC. The proposed measures will make these homes more energy efficient and reduce potential fuel poverty for the customer.
- 4.3 These homes will be built to a minimum energy rating B following a 'fabric first' approach.
- 4.4 This 100% affordable housing scheme comprises 2 bed and 3 bed houses (25 in total) for general needs affordable rent and shared ownership:
- 6 x 2 bed and 10 x 3 bed houses for affordable rent (total 16 x affordable rent)
 - 5 x 2 bed and 4 x 3 bed houses for shared ownership (total 9 x shared ownership)
- 4.5 The proposed site is a brownfield site that is allocated for housing in the Eden Local Plan 2014-2032.
- 4.6 Planning status - 22/0507 Residential development of 25 dwellings – **live/current application**, case officer John Hiscox.

Home Group – Hunter Lane, Penrith, Cumbria

- 4.7 A contribution of £10,000 per unit is sought towards the cost of installing energy efficient air source heat pumps and solar PVs. The cost of these additional measures is approximately £12k per unit so the contribution from this Council will offset this.
- 4.8 Due to viability issues it would not be possible to install these additional 'green' measures without the contribution from EDC.
- 4.9 These homes will be converted to a minimum energy rating B following a 'fabric first' approach. This would be supplemented by advice from Home Group's Sustainability Team to assist the new occupants with efficient use of the energy efficiency measures and reduce fuel poverty. Plus the town centre location means better access to public transport, services and job opportunities in walking distance so reducing the need to rely on car ownership.
- 4.10 This 100% affordable housing scheme on a brownfield site, will involve a sensitive refurbishment of the former Police Station which is in a conservation area comprising of a mixture of flats and new build houses for general needs affordable rent and shared ownership:-
- 6 x 2 bed and 6 x 3 bed new build houses for affordable rent (12)
 - 2 x 1 bed and 4 x 2 bed converted flats for shared ownership (6)
- 4.11 The proposed site is a brownfield site that is allocated for housing in the Eden Local Plan 2014-2032.
- 4.12 Planning status - Ongoing pre-application discussions are taking place. Planning application to be submitted in due course.

Genesis – Pennine View, Calthwaite, Cumbria

- 4.13 Private developers play an integral part in the delivery of affordable housing stock via the planning system by the payment of section 106 monies and also the direct delivery of stock which the Council markets via the Discounted Sale Scheme. This gives local people the opportunity to become home owners at a reduced affordable cost.
- 4.14 This will be a net zero development. The estimated costs of the additional 'eco' specification are £25,000 per dwelling, which equates to £100,000 of increased build costs for the 4 affordable dwellings. Using a fabric first approach, the specification include - Battery storage unit with smart management; solar PV panels; solar thermodynamic heat pump with 150-200litre water cylinder; electric vehicle charging

with 22kW output and smart management; infrared panel heating to all rooms; SmartLife smart management app enabled.

- 4.15 It is expected that following these measures, the resulting EPC will be an A level.
- 4.16 The total number of homes on this development is 16 of which 4 will be affordable:
- 4 x 3 bed semi-detached houses
- 4.17 These will be marketed at the Discounted Sale price 60% Open Market Value.
- 4.18 Planning status - 20/0538 Outline planning permission for up to 16 units approved 22 October 2020, and 22/0262 - Non Material Amendment for the addition of solar panels to all house types, attached to approval 22/0003 – approved 20 May 2022. **Approved and under construction** – Case Officer Karen Thompson.

5 Policy Framework

- 5.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, Safe and Secure;
 - Connected; and
 - Creative
- 5.2 This report meets the Sustainable and Healthy, Safe and Secure priorities.

6 Consultation

- 6.1 No formal consultation was required for this report. However, the projects were developed following the invitation of bids via the Eden Housing Developer Forum, and the Housing & Health portfolio holder has been consulted on the proposals.

7 Implications

7.1 Financial and Resources

- 7.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 7.1.2 Currently the Council holds an Affordable Housing (s106) Fund of circa £1.3m, which is ring-fenced for the specific purpose of providing affordable housing within Eden district.

7.2 Legal

- 7.2.1 The provision of functions set out in this report shall be provided in accordance with relevant legal requirements including those that impact on equality and diversity and taking account of the legal duties that the Council has towards staff.
- 7.2.2 The funding for all of the above housing developments is subject to certain conditions, such as planning approval, including nutrient neutrality, and approval of legal agreements that the Green energy measures are as detailed above.
- 7.2.3 The funding is subject to completion of a funding agreement with delegation to the Assistant Director of Legal and Democratic Services to draft and approve terms of the same

7.3 Human Resources

- 7.3.1 There are no direct implications arising from this report.

7.4 Environmental

- 7.4.1 All of these project will have a positive effect on the impact of carbon emissions and reduce fuel poverty for the new occupants

7.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	The Housing Association properties are available to all households within Eden, and will be let via the Cumbria CBL scheme.
Health, Social Environmental and Economic Impact	Good housing contributes to the health of its occupants. The building of these properties will also have a positive impact on the local economy providing local employment.
Crime and Disorder	The aim is for the homes to be built to Secure by Design standards.
Children and Safeguarding	Local families in housing need will be supported to access affordable rented homes, and reduce the need for temporary accommodation.

8 Risk Management

Risk	Consequence	Controls Required
Risk that unspent s.106 monies is not committed or spent, and has to be returned to the developer	Risk to the Council's finances and/or reputation. Ability to contribute to the provision of affordable housing	Allocate funding to additional affordable housing before the deadline.

9 Other Options Considered

- 9.1 The option to not support these proposals means that affordable housing will be developed in Eden, but the homes will not include the energy efficiency measures. The 'green' measures make the homes more efficient and economical for the occupant; which is an increasing priority in the current cost of living crisis, and with the spiralling costs of gas, electricity and heating oil.

10 Reasons for the Decision/Recommendation

- 10.1 The proposals fit with the Council's objective to tackle the climate emergency, and support the Council's Zero Carbon and Housing Strategies.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	13 September 2022
Monitoring Officer (or Deputy)	13 September 2022
Relevant Assistant Director	12/09/2022

Background Papers:

Appendices: Appendix A - Policy & Procedure to Spend Commuted Sums Designated for Affordable Housing

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District Council

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Approved by:
Date Approved:
Review Frequency:
Responsible Officer: Louise Jeffery

Eden District Council

POLICY & PROCEDURE TO SPEND COMMUTED SUMS DESIGNATED FOR AFFORDABLE HOUSING

September 2021

Accessibility Information

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Polish

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Traditional Chinese

若閣下要求，本文件的摘要資訊可以其他版式和語言版本向您提供。請聯絡伊甸區地方政府傳訊主任 (Eden District Council's Communication Officer)，其電話為：01768 817817，或發電郵至：communication@eden.gov.uk

Urdu

اس دستاویز میں شامل معلومات صہ درج اس تکیے چلے پر ملنے پر زبیلوں اور فارمیٹوں (شکلوں) میں دستیاب ہے۔ ایڈن ڈسٹرکٹ کائونسل کے افسر برائے مواصلات سے فون نمبر 01768817817 پر رابطہ کریں یا communication@eden.gov.uk پر ای میل کریں۔

Contents	Page
1.0 Introduction	4
2.0 What the funding will be spent on	4
3.0 Who will be eligible to apply for funding	5
4.0 How funding will be allocated	5
5.0 Monitoring & Review	5
6.0 Other considerations	6
Appendix A - Application Form	7
Appendix B - Assessment Criteria	12

1.0 Introduction

1.1 The Eden Local Plan seeks to ensure that future housing and employment growth is sustainable and that local community needs are met.

As a result, the Council expects all new housing developments to fund or contribute to the necessary physical and social infrastructure improvements and subsequent maintenance, in accordance with Policy HS1: Affordable Housing, and Policy DEV4: Infrastructure and Implementation.

1.2 The Eden DC Corporate Plan 2019-2023 outlines the need to develop:

Sustainable Housing that meets local needs, retain and attract a working age population to overcome the increasing demographic imbalance (of an ageing population), contribute to achieving net zero carbon by 2030.

1.3 Eden DC Corporate Strategic Priorities 2021 to 2022 highlight the following:

Housing Strategy – we will develop an action plan to deliver our new housing strategy setting out our vision for affordable decent homes for our local people, and to help us retain our young people and families.

Zero Carbon Strategy - deliver the Zero Carbon Eden District Council Strategy and Action Plan 2020-2023, making progress on reducing the Council's carbon footprint to zero by 2030, by improving energy use and biodiversity in Eden District Council estate, promoting community projects in the district, for example community energy schemes.

1.4 The Housing Strategy 2021-2026 (to be adopted) identifies the key priorities as:

- Improving access to housing for all
- Development of good quality new housing
- Improving the condition of our existing housing stock

2.0 What the funding will be spent on

2.1 Eden Local Plan 2014-2032 – Housing Supplementary Planning Document states:

Committed sum payments will be held in the Affordable Housing Fund (AFH). The fund will only be used to meet the Council's affordable housing objectives and will contribute towards:

- Additional affordable housing to be provided by a Registered Provider;
- Additional affordable housing to be provided by a private developer;
- Purchasing properties on the open market for affordable housing use;
- Purchasing an equity stake in open market properties, with the outstanding balance paid by a local qualifying person;
- Supporting Community Land Trust affordable housing schemes;
- Seeking expert professional advice in relation to site viability assessments to ensure the maximum viable amount of affordable housing is provided in accordance with Policy HS1 of the Eden Local Plan.

- Recover unpaid affordable housing commuted sum payments (through court action and officer time) where it would generate a net gain in funds.

2.2 Additional requirements to enable the provision of affordable housing in Eden are:

- Funding the administration of the Local Housing Development Forum
- Investing in long term empty private sector housing stock to bring it up to the Decent Homes Standard with the proviso it becomes available affordable homes
- Purchasing land to enable the development of affordable housing
- Purchasing other assets e.g. during an emergency situation such as natural disasters or a significant need for temporary or emergency accommodation.
- Improving the condition of Registered Provider or other not for profit social housing where there is evidence this will benefit the residents of Eden
- Funding affordable housing that is designed to provide environmental sustainability e.g. Passivhaus

3.0 Who will be eligible to apply for funding

3.1 Registered Providers and other not for profit housing organisations, Community Land Trusts, Private developers, Eden DC teams/officers.

4.0 How funding will be allocated

4.1 Via the Local Housing Development Forum.

4.2 Interest parties will be required to complete and submit the application form in Appendix A.

4.3 Application forms will then be assessed by the Housing Team using the criteria in Appendix B

4.4 Any approval will be recommended to the Housing & Health portfolio holder

4.5 Final approval will be made by Executive and/or Council (depending upon level of approval required)

5.0 Monitoring & Review

5.1 This Policy will be reviewed every three years to ensure that payments made in lieu of affordable housing provision are being put to the best use to further the delivery of affordable housing in Eden.

5.2 The Council is permitted a limited time frame (specified in individual S106 agreements) to allocate and spend its affordable housing contributions after the commuted sum is paid to the Council. This is to reflect that in some cases only small contributions will be collected from each scheme, resulting in a longer period of time for sufficient funds to accumulate to deliver the affordable housing. If after 10 years the contribution has not been utilised, it shall be returned to the developer, with the option to gift aid to us for the provision of affordable housing if this is preferred.

5.3 The Community Infrastructure Levy (Amendment) (England) Regulations 2019, which came into force on 1st September 2019, requires the Council to publish an Infrastructure Funding Statement on an annual basis. This will include the details of developer

contributions received for, and spent on, affordable housing in the previous year. The Infrastructure Funding Statement (IFS) will be published annually by 31 December.

6.0 Other considerations

6.1 An open book approach must be taken at all times by all parties

6.2 All units will remain Affordable Housing in perpetuity unless a business case is made to suggest otherwise

APPENDIX A - APPLICATION FOR EDEN DC AFFORDABLE HOUSING FUND

1. Details of Applicant and Project

1. Organisation's Name and Address
2. Contact Details (name, email and telephone number)
3. Project name
4. Project Description Describe what will be provided and why funding is being sought. Also state how prospective tenants will be selected. Please include a site location plan for specific housing scheme bids. <i>NB: A separate business plan can be attached if more appropriate</i>
5. Specific Details Required
Total Number of Homes:
Of which how many are Affordable Homes:
Proposed House Types and Tenure Mix:

Proposed Rent/Sale Prices:

2. How does the project address priorities and meet identified needs?

Applicants should provide information for the following criteria that relate to their project and need not provide information for each one. Further information can be provided using the section at the end of the form.

How does the project contribute to:
Housing (essential all 3 addressed): a. Improving access to housing for all b. Developing of good quality new housing c. Improving the condition of our existing housing stock
Economy: Meeting local needs and retains and attracts a working age population
Environment: Making progress on reducing the Council's carbon footprint to zero by 2030

Other e.g. promoting community projects in the district such as community energy schemes :

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1. What evidence of local housing need exists to support the project? If the projected is targeted at a particular group, e.g. young people, families, key workers, older people etc. Please provide specific evidence (the Council's Housing Strategy Team may be able to help provide evidence of housing needs).

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3. What is the need for funding from the Council to enable the project to succeed?

Applicants should demonstrate that their projects are well prepared and managed and can demonstrate other funding sources have been explored/secured.

1. Projected costs for the project? Please provide a summarised breakdown of these costs, e.g. land acquisition, build costs, etc. If you have a full breakdown of costs please append a copy of this to the application.

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2. Proposed means of funding the project? Please provide a breakdown which includes amounts being contributed by the applicant and by other agencies

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3. Estimated timetable? Indicate all the key stages (month and year)
Planning application submitted Site acquired Start on site Practical completion
4. Amount of EDEN DC funds being sought?
5. Provide details on how the project will be delivered and by whom. If the project is reliant upon a partnership with another organisation please provide details.
6. Potential obstacles to implementing the project. Include details of whether planning permission has been obtained and if not state whether advice has been sought as to whether this is likely to be granted (this should be appended to the application). Also state any other significant barriers that need to be overcome.
7. How will you maintain and fund the project in the future? Include details of proposed energy efficiency and HCA build standards

Please Note: This application form and associated evidence must be returned on or before the agreed deadline agreed once outline permission to proceed is granted.

Return to: Housing Development Officer, housing.services@eden.gov.uk

Appendix B – Assessment Criteria (checklist)

- Fully and clearly completed application with clear and concise Evidence Y/N
- Costs and timescales thoroughly researched and are precise, realistic, achievable and measurable Y/N
- Other funding is available to meet the total costs of the project (aside from the Eden DC Affordable Homes Funding required) Y/N
- If only Eden DC AHF monies required all other funding options have been explored Y/N
- Sufficient resources for the future maintenance and support for the delivered project. Y/N
- The project or scheme has or is likely to obtain planning permission (if required). Y/N
- Improves access to housing for all Y/N
- Develops good quality new housing Y/N
- Improves the condition of our existing housing stock Y/N
- Meets local housing needs and retains and attracts a working age population Y/N
- Makes progress on reducing the Council's carbon footprint to zero by 2030 Y/N
- Contributes to other priorities e.g. promoting community projects in the district such as community energy schemes Y/N

Report No: PP29/19

Eden District Council

Executive

3 December 2019

Section 106 Payments and Monitoring

Portfolio:	Housing and Health
Report from:	Assistant Director Planning and Economic Development
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To set out a process for the collection, monitoring, reporting, and spending of Section 106 finances along with a request to amend Section 106 Agreements.

2 Recommendation

- 2.1 It is recommended that the Executive approves:

(1) the inclusion within the terms of all future Section 106 legal agreements a provision to reflect that the Council will impose a fair and reasonable fee on the collection, monitoring and reporting of Section 106 payments.

(2) the process for the collection, monitoring, reporting and assignment of S106 agreement finances as outlined within the report.

3 Report Details

- 3.1 Section 106 (S106) Agreements are legal agreements, under the Town and Country Planning Act 1990, between Local Authorities and developers (or persons with an interest in the land) which are linked to planning permissions and can also be known as Planning Obligations.
- 3.2 Section 106 Agreements cover a wide range of areas and are usually put in place when it is considered that a development will have significant impacts on the local area that cannot be moderated by means of conditions attached to a planning decision. An example is whereby a new residential development may place extra pressure on the social, physical and economic infrastructure which already exists in a certain area. A Planning Obligation will aim to balance the pressure created by the new development with improvements to the surrounding area ensuring that where possible, the development would make a positive contribution to the local area and community.
- 3.3 When a planning application is submitted to the Council, an assessment will be made as to whether the development would cause a significant impact to the area and community. The S106 Agreement will vary depending on the nature of the development and be based on the needs of the District. The most common obligations include:

- Public Open Space
 - Affordable Housing
 - Education
 - Highways
 - Town Centre Improvements
 - Health
- 3.4 The content of the S106 Agreement is agreed through the consultation period of the planning application with the relevant parties and planning officer. The S106 Legal Agreement is prepared by the Council's solicitors and the applicants will be required to pay the solicitor's reasonable fees, which are currently £525.
- 3.5 The collection, monitoring, reporting and assignment of S106 finances is now at a stage where the processes would benefit from being refined and more structured. In addition, changes to Community Infrastructure Levy (CIL) Regulations from September 2019 have allowed the Council to introduce a fair and reasonable fee for to be attached to S106 Agreements which should enable the Council to commit resources to pursuing, monitoring and reporting on the S106 payments.
- 3.6 Local planning authorities are expected to use all of the funding received by way of planning obligations, as set out in individual agreements, in order to make development acceptable in planning terms. Agreements include clauses stating when and how the funds will be used and also allow for their return after an agreed period of time if they are not used. By putting in place measures that provide greater clarity and monitoring of the funding, the Council can mitigate the risk of having to return the contributions made.
- 3.7 As part of the recent changes to regulations, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure funding statements must cover the previous financial year from 1 April to 31 March (note this is different to the tax year which runs from 6 April to 5 April). In effect this will therefore apply to the financial year 2019/2020 onwards. The content and format of the infrastructure funding statements are set down by Central Government and promote good practice and transparency.
- 3.8 An additional officer resource will be required to ensure the District receives all of the finance that has been agreed through the S106 Agreements to ensure the District benefits accordingly. In addition, the additional resource will ensure the Council adheres to the new requirements of the amended regulations. A further benefit of this piece of work will be that there will be greater clarity and transparency with regards to what contributions have been received and how this has been spent. The responsibility for overseeing S106 processes and finance has sat within numerous teams and officers over a number of years but the approach set out in the report would enable a specific officer within a specific team to be tasked with overseeing the process.

- 3.9 Under the requirements of Policy CS10 of the Core Strategy, part 2(b) required:

‘Small developments, that is, below the threshold (1-3 units), will not be required to incorporate affordable housing on site, but the Council may seek an appropriate level of financial contribution as governed by Policy CS6 and such subordinate Development Plan Documents of Supplementary Planning Documents as may be adopted.’

- 3.10 Under the Core Strategy, outside Penrith itself, or ‘rural exception sites’ sites of 1 – 3 units were required to make a 3% contribution (of the value of the dwelling or dwellings) as a contribution toward affordable housing. Whilst this is no longer an adopted Policy of the Council, any permissions that were implemented or commenced are still bound by Section 106 Agreements entered into and as such there is a legal requirement to pay the 3% contribution.
- 3.11 The proposals set out in this report will, if approved, create the capacity to improve the monitoring and management of S106 Agreements. The resource will sit within the Housing Team due to importance of the provision of affordable housing within the District. It is estimated that an additional c.£300,000 could be accrued for the Council’s Affordable Housing Fund from attention to existing agreements. A part time position of two days per week will be established initially for a term of twelve months. The adequacy of this provision will be reviewed before the end of the term and the position for the longer term will be adjusted as necessary to meet the demands of the process.
- 3.12 The process outlined in this report is planned to be self-sustaining from the draw down allowed from S106 Agreements. The process is in accordance with the principles of the One Eden approach of the Council achieving better outcomes for the District whilst ensuring sustainability of its finances. It is also to be noted that initially there may be an intense period of work to commence the new process and identify the outstanding payments due.
- 3.13 In considering how other similar authorities have approached Section 106 monitoring and reporting or intend to, Table A below sets out feedback received from other similar or geographically close authorities.

Table A

Authority	S106 Approach
<p>South Lakeland District Council</p>	<p>How it's resourced:</p> <p>Designated S106/CIL officer. Involved in expediting S106 drafting as well as monitoring the obligations to SLDC (but not the obligations to Cumbria CC). Their role is to ensure monies come in, are recorded by Finance and made available for the relevant departments to spend.</p>
	<p>Systems in place:</p> <p>Use Exacom system to process and monitor CIL – this system includes a S106 monitoring package which they use. Previously they just used an Excel based monitoring spreadsheet.</p>
	<p>This function sits:</p> <p>Within Planning (although this may change after restructuring)</p>
<p>Richmondshire District Council</p>	<p>How it's resourced:</p> <p>No designated officer – S106 monitoring is done as part of the wider monitoring of permissions / completions. Currently looking into options in terms of part funding the role through a proportion of the developer contributions.</p>
	<p>Systems in place:</p> <p>Implemented a S106 spreadsheet which notes all planning details as well as the amount of money due and trigger point of payment. Updated on a quarterly basis. When the trigger point(s) are met (this is monitored through Council Tax data generally) they instruct their Business Support team to generate an invoice and chase payments where necessary. Exploring whether to purchase software such as Exacom.</p>
<p>Selby District Council</p>	<p>How it's resourced:</p>
	<p>Designated S106/CIL officer.</p>
	<p>Systems in place:</p> <p>Use Exacom system to monitor agreements in conjunction with a backup spreadsheet.</p>
<p>This function sits:</p> <p>In the Policy Team, although all part of DM, PPU Enforcement and Planning Policy.</p>	

4 Policy Framework

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report has strong links to the Council's Corporate Priority of Sustainable as finance raised through the Section 106 process could be used for the delivery of further affordable homes.

5 Consultation

5.1 The Housing and Health Portfolio Holder has been consulted and is supportive to this approach of the collection and monitoring of Section 106 payments.

6 Implications

6.1 Financial and Resources

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 The finance associated with this report has been assessed and amounts to £9,647. Initially the finance will be taken from existing budgets which will be identified and it is expected that by charging a fair and reasonable fee for the collection and monitoring of Section 106 payments this figure can be offset to an extent with finances being paid to the Council.

6.2 Legal

6.2.1 The proposals are within the legal powers of the Council.

6.3 Human Resources

6.3.1 There are Human Resources implications arising from this report as there is currently not the capacity within the Council to undertake the more structured approach to the collection, monitoring and reporting of Section 106 finances, it is therefore noted that additional resources are to be employed on a twelve month basis. A review of the success or otherwise of this project will be undertaken towards the end of the project to consider whether to continue the approach.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no equality implications arising from this report.
Health, Social Environmental and Economic Impact	The Council recognises that the effective collection and spending of Section 106 finances could lead to the provision of more affordable

	homes in the District.
Crime and Disorder	There are no Crime and Disorder implications arising from this report.
Children and Safeguarding	There are no Children and Safeguarding issues arising from this report.

6.5 Risk Management

Risk	Consequence	Controls Required
That there is insufficient monitoring of the Section 106 payments.	The funding is not collected and then used for its intended purpose. This may lead to the Council having to return Section 106 payments to the developers and as such a loss of potential affordable homes being created within the District.	Effective infrastructure funding statement to be put in place.

7 Other Options Considered

- 7.1 The Council could decide not to amend S106 Agreements and not charge a fair and reasonable fee for the monitoring and reporting of the agreements, however without the additional resources required the Council would have difficulties in meeting the requirements of the amended regulations.

8 Reasons for the Decision/Recommendation

- 8.1 To provide an effective collection, monitoring and reporting mechanism for Section 106 payments.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	19 November 2019
Monitoring Officer (or Deputy)	21 November 2019
Relevant Director	19 November 2019

Background Papers: None

Appendices: None

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