

Crawley Borough Council

Consideration Report for Delegated Decision by Leader

Expected Date of Decision: On or after 10th January 2018.

Transfer of Section 106 Monies for Highway Works

Report of the Head of Economic & Environmental Services: PES/267

1. Purpose

1.1. This consideration report seeks Council Leader approval for the transfer of S106 Highways monies to West Sussex County Council, these monies have been received for the provision of traffic lights and associated highway works at the junction of Ifield Drive and Ifield Avenue.

2. Recommendations

2.1. To the Leader: Approve the transfer of £229,597.59 of Section 106 monies, for highway works, to West Sussex County Council.

3. Reason for Recommendations

3.1. Section 106 monies must be used for the purpose specified in the associated legal agreement. The monies that are being allocated in this report are specifically required to be allocated to highway works at the junction of Ifield Drive and Ifield Avenue.

4. Background

4.1. Monies for highway works at the junction of Ifield Drive and Ifield Avenue, has been received through Section 106 legal agreement connected to planning permissions for a residential development, for immediate onward transmission to the County Council.

5. Description of Issue to be resolved

5.1. The need carry out the highway works as set out in the S106 clause below.

PLANNING REF	ADDRESS	VALUE	S106 Clause
CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD, IFIELD	£229,597.59	Prior to the occupation of the 50 th unit, pay the council, for immediate onward transmission to the county council, the roundabout works contribution. Roundabout Works means the provision of traffic lights and associated highway works at the junction of Ifield Drive and Ifield Avenue

5.2. This scheme is deemed an eligible use of S106 monies since it is in line with the legal agreement, presented above.

6. Information & Analysis Supporting Recommendation

- 6.1. WSCC as the Local Highway Works Authority identified where to allocate the S106 monies, taking into account the impact of the development.

7. Implications

Financial Implications

- 7.1. The monies being allocated have been received from one developer through an S106 agreement associated with residential development. The terms of the legal agreement require the monies to be spent on the specific provision of traffic lights and associated highway works at the junction of Ifield Drive and Ifield Avenue. Therefore other uses for the monies cannot be considered. The monies are currently held by the Borough Council and will be transferred to WSCC.

Legal Implications

- 7.2. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 agreements, are a mechanism which make a development proposal acceptable in planning terms. The legal agreement sets out the obligations which are appropriate to that development and must be complied with.

Other Implications

- 7.3 The monies will be spent by WSCC as stipulated in the S106 agreement. Therefore there are no other direct implications to the Borough Council in relation to the implementation of the schemes to which the monies are being allocated.
- 7.4 The Constitution states that the Leader has the authority to approve the transfer of S106 monies between £100,000 and £500,000 to West Sussex County Council which have been collected specifically for spend categories within the County Council's remit.