

Crawley Borough Council

Report to Planning Committee

3 July 2023

Section 106 Monies – Q4 2022/23

Report of the Head of Economy and Planning, PES/434

1. Purpose

- 1.1. Section 106 of the Town and Country Planning Act 1990 provides that planning permissions may be granted subject to planning obligations, agreed for individual site permissions between the developer and the local planning authority, which are set out in a separate legal agreement, often referred to as a 'Section 106 Agreement'. Financial contributions arising from such Agreements are paid by site developers to the local planning authority and must be spent as set out in the relevant Section 106 (S106) agreement and in accordance with legislation. (See Appendix A).
- 1.2. This report summarises all the S106 monies received/ spent and committed to project schemes in Q4 2022/23.

2. Recommendations

That the Committee:

- 2.1. Notes the update on S106 monies received, spent, and committed in Q4 2022/23.

3. Reason for Recommendations

- 3.1. The Council's Policy Statement of S106 Monies, collected through planning agreements, requests an update to be reported, quarterly, to the Planning Committee.

4. S106 Monies Received in Q4 2022/23.

- 4.1. In Q4 2022/23 a total of £248,301.54 of monies were paid to the Council by developers in accordance with their obligations under the S106 agreements with the local planning authority. These monies came from S106 agreements for the following permitted planning applications:

S106 Spend Category	Ref	Address	Value
Affordable Housing	CR/2020/0113/FUL	10 - 11 QUEENS SQUARE, NORTHGATE	£ 32,015.28
Open Space	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 6,987.22
Open Space	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 3,963.34
Open Space	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 2,642.22
Public Realm (MR)	CR/2018/0172/FUL	GATWICK SCHOOL, 23 GATWICK ROAD, NG	£ 1,978.00
Public Realm (MR)	CR/2012/0134/OUT	FORMER GSK SITE, MANOR ROYAL	£ 44,327.27
Public Realm (MR)	CR/2016/0580/FUL	IBIS GATWICK HOTEL, LONDON ROAD, NG	£ 4,272.03
Transport	CR/2018/0172/FUL	GATWICK SCHOOL, 23 GATWICK ROAD, NG	£ 84,000.00
Transport	CR/2012/0134/OUT	FORMER GSK SITE, MANOR ROYAL	£ 39,143.70
Tree Contribution	CR/2020/0113/FUL	10 - 11 QUEENS SQUARE, NORTHGATE	£ 1,845.59
Tree Contribution	CR/2020/0588/OUT	42 & 44 BRIGHTON ROAD, SOUTHGATE	£ 27,126.89

£ 248,301.54

5. S106 Monies Spent in Q4 2022/23.

5.1. In Q4 2022/23, a total of -£60,074.81 of S106 monies were spent by the Council on the following infrastructure projects.

5.2. £85,036 were returned to the Station Gateway project as alternative funding has been used, this has been returned to the S106 committed to Station Gateway to be used on a later phase of the project.

S106 Spend Category	Project Name	Lead Org	Project Cost	Status
Affordable Housing	Longley House - Water Neutrality	CBC	-£ 41,000.00	Ongoing
Affordable Housing	Longley House - Water Neutrality	CBC	-£ 1,351.00	Ongoing
Affordable Housing	Longley House - Water Neutrality	CBC	-£ 14,420.00	Ongoing
Open Space	Southgate Playing Fields	CBC	-£ 827.25	Ongoing
Open Space	Curteys Walk	CBC	-£ 705.00	Ongoing
Open Space	Wakehams	CBC	-£ 1,410.00	Ongoing
Transport	Town Centre Cycle Improvements (Western Boulevard)	CBC	-£ 361.56	Ongoing
Total Spend in Q4 2022/23			-£ 60,074.81	
Town Centre	Station Gateway (Alternative funding used)	CBC	£ 85,036.00	Ongoing
			£ 24,961.19	

6. S106 Monies Committed in Q4 2022/23.

6.1. A further £40,000.00 of S106 monies were committed to infrastructure projects in Q4 2022/23, through the Council's agreed approval process. The following table provides a breakdown of the individual projects to which the S106 funds were committed.

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete	Status
Town Centre	CBC	Art within the Town Centre	£ 40,000.00	2024/25	On Going
			£ 40,000.00		

6.2. The following table lists the projects which had S106 funds committed prior to 1 January 2023 and are still ongoing:

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete
Affordable Housing	CBC	Longley House	£1,209,213.52	2025/26
Open Space	CBC	Bowness Close	£ 19,818.00	2023/24
Open Space	CBC	Brideake Close	£ 18,812.00	2023/24
Open Space	CBC	Curteys Walk	£ 15,905.00	2023/24
Open Space	CBC	Halley Close	£ 16,610.00	2023/24
Open Space	CBC	Ifield Junior	£ 6,010.70	2024/25
Open Space	CBC	Meadowlands	£ 71,565.00	2023/24
Open Space	CBC	Newbury Close	£ 200.00	2024/25
Open Space	CBC	Perkstead Court	£ 22,115.00	2023/24
Open Space	CBC	Plantain Crescent	£ 16,610.00	2023/24
Open Space	CBC	Puffin Close, Ifield	£ 19,818.00	2023/24
Open Space	CBC	Southgate Playing Fields	£ 44,193.61	2022/23
Open Space	CBC	Stoney Croft	£ 126.15	2024/25
Open Space	CBC	Wakehams	£ 53,590.00	2023/24
Public Realm (MR)	CBC	CGP MR Superhubs	£ 146,945.21	2023/24
Town Centre	CBC	CGP Station Gateway	£ 97,855.60	2025/26
Town Centre	CBC	Mosaic Memorial Gardens	£ 11,483.69	2022/23
Transport	CBC	Bus Shelters	£ 104,675.73	2024/25
Transport	CBC	CGP MR Superhubs	£ 116,617.87	2023/24
Transport	CBC	CGP TC Superhubs	£ 64,793.34	2024/25
Transport	CBC	CGP Three Bridges Railway Station	£ 11,847.78	2024/25
Transport	CBC	Manor Royal Walking & Cycling	£ 174,117.25	2025/26

£ 2,242,923.45

7. Available Funds and potential future spend

7.1. Officers at the Council have identified a programme of infrastructure projects to the value of £893,575.59, which are proposed to be delivered by 2026/27. The individual projects that make up this programme will be subject to the existing S106 approval process before any formal commitment is made. As of 1 April 2023, there remains £385,827.45 of other uncommitted S106 monies for which projects have yet to be identified. The table below lists the proposed infrastructure projects, which will be coming forward in due course for consideration through the S106 approval process.

Contribution Type	Project Name	Provisionally Allocated	Delivery by	Organisation	Status
CCTV	TC CCTV maintenance	£ 28,325.00	2025/26	CBC	Process to Commence
CCTV	Mobile CCTV	£ 4,966.00	2025/26	CBC	Process to Commence
Fire	Breathing Equipment	£ 50,000.00	TBC	WSCC	Process to Commence
Fire	Crawley Fire Station	£ 102,246.81	2026/27	WSCC	Process to Commence
Library	Business and information services at Crawley Library	£ 26,455.33	TBC	CBC	Process to Commence
Open Space	Allotments	£ 26,072.25	TBC	CBC	Process to Commence
Open Space	Play Strategy	£ 81,824.92	2023/25	CBC	Process to Commence
Open Space	Amenity green space within Three Bridges	£ 2,119.83	2023/25	CBC	Process to Commence
Open Space	Playing Fields, locations under review	£ 51,500.00	2023/25	CBC	Process to Commence
Public Realm (MR)	Creation of the nearby County Oak/ Metcalf Way Pocket Park	£ 5,672.03	TBC	MRBID	Process to Commence
Public Realm (MR)	Public realm improvements at Crawter's Brook	£ 22,846.00	TBC	MRBID	Process to Commence
Public Realm (MR)	Gateway 2 Project or street furniture in zone 3 of Manor Royal	£ 9,960.30	TBC	MRBID	Process to Commence
Public Realm (MR)	Crawley Growth Programme	£ 44,327.27	2025/26	CBC	Process to Commence
Town Centre	Town Centre Crawley Growth Programme	£ 12,232.50	2025/26	CBC/WSCC	Process to Commence
Transport	Transport Crawley Growth Programme	£ 220,066.62	2025/26	CBC	Process to Commence
Transport	Bus Stop Contribution, Steers Lane	£ 20,845.92	2023/24	CBC	Process to Commence
Transport	Car Club	£ 2,343.00	2024/25	CBC	Process to Commence
Transport	Travel Plan	£ 6,843.15	2024/25	WSCC	Process to Commence
Transport	A23 Crawley Avenue/ Ifield Avenue Roundabout improvement	£ 90,928.66	2026/27	WSCC	Process to Commence
Transport	Towards the provision of services on the route 200	£ 84,000.00	2026/27	CBC	Process to Commence

£ 893,575.59

8. Summary of S106 Monies

8.1. The table below provides an overall overview of the S106 monies spent, received, and committed in Q4 2022/23 and shows the change in the balance of S106 at the end of Q4 of the financial year 2022/23 (far right-hand column) compared to the balance of S106 funds brought forward as of 1 January 2023(2nd column from the left).

On Going Projects.

S106 Categories of Spend	Balance Brought Forward 01.01.23	Received Q4 2022/23	S106 Spend Q4 2022/23	Committed prior to Q4 2022/23 Project Ongoing	Committed Q4 2022/23	Provisionally Allocated Q4 2022/23	Uncommitted/ not Provisional Allocation 31/03/23	Total Balance 01.04.23
Transport	£780,652.04	£123,143.70	-£361.56	£472,051.97	£0.00	£425,027.35	£6,354.86	£903,434.18
Public Realm (MR)	£182,001.57	£50,577.30	£0.00	£146,945.21	£0.00	£82,805.60	£2,828.06	£232,578.87
Library	£43,970.28	£0.00	£0.00	£0.00	£0.00	£26,455.33	£17,514.95	£43,970.28
Open Space	£469,832.90	£13,592.78	-£2,942.25	£305,373.46	£0.00	£161,517.00	£13,592.97	£480,483.43
Town Centre	£76,535.79	£0.00	£85,036.00	£109,339.29	£40,000.00	£12,232.50	£0.00	£161,571.79
Fire	£152,246.81	£0.00	£0.00	£0.00	£0.00	£152,246.81	£0.00	£152,246.81
Education	£182,798.46	£0.00	£0.00	£0.00	£0.00	£0.00	£182,798.46	£182,798.46
CCTV	£33,291.00	£0.00	£0.00	£0.00	£0.00	£33,291.00	£0.00	£33,291.00
Affordable Housing	£1,265,984.52	£32,015.28	-£56,771.00	£1,209,213.52	£0.00	£0.00	£32,015.28	£1,241,228.80
Tree Contribution	£101,750.39	£28,972.48	£0.00	£0.00	£0.00	£0.00	£130,722.87	£130,722.87
Total	£3,289,063.76	£248,301.54	£24,961.19	£2,242,923.45	£40,000.00	£893,575.59	£385,827.45	£3,562,326.49

9. Background Information

The last report to planning committee [PES/428](#)

Contact Officer: Mandy Smith, Regeneration Programme Officer.
Tel: 01293438285. Email: mandy.smith@crawley.gov.uk

Appendix A

Planning Obligations (excerpt from: [Developer Contributions Guidance Note.pdf \(crawley.gov.uk\)](#))

- Planning obligations are used specifically when the planning permission is deemed to have significant impact on the local area which cannot be mitigated by conditions. The statutory framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12 (1) of the Planning and Compensation Act 1991). They are therefore widely referred to as 'Section 106' or 'S106' agreements.
- Planning obligations usually take the form of a legal agreement between the developer/landowner and the local planning authority, under which the former party is bound to undertake specific actions (including the payment of stated monetary sums) for the purpose of contributing to meeting the infrastructure demands arising from a development. They can also take the form of a 'Unilateral Undertaking' entered into by the landowner on their own initiative.
- The National Planning Policy Framework (NPPF) provides guidance to local planning authorities on the use of planning obligations in paragraphs 54 to 57. These state that local planning authorities can only use obligations where a condition cannot adequately address any impacts which are deemed unacceptable. Obligations must also meet the following criteria:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- The NPPF further sets out that where policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.