

Crawley Borough Council

Report to Planning Committee

27 August 2024

Section 106 Monies – Q4 2023/24 and Q1 2024/25

Report of the Head of Economy and Planning - *PES/468*

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.
- 1.2. This report summarises all the S106 monies received/ spent and committed to project schemes in Q4 2023/24 and Q1 2024/25.

2. Recommendations

- 2.1. That the Committee notes the update on S106 monies received, spent, and committed in Q4 2023/24 and Q1 2024/25.

3. Reason for Recommendations

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

4. S106 Monies Received in Q2&Q3 2023/24

- 4.1. In Q4 2023/24 and Q1 2024/25, a total of £270,138.42 of monies were paid to the Council by developers in accordance with their obligations under the S106 agreements with the local planning authority.

Ref	Address	Value
CR/2018/0891/FUL	EDF Building, Russell Way, Three Bridges, Crawley	£ 208,430.17
CR/2022/0360/FUL	Hawker House 10 Napier Way	£ 560.00
CR/2022/0055/FUL	Steers Lane, Forge Wood	£ 18,190.00
CR/2022/0055/FUL	Steers Lane, Forge Wood	£ 42,958.25

£ 270,138.42

5. S106 Monies Spent in Q4 2023/24 and Q1 2024/25

5.1. In Q4 2023/24 and Q1 2024/25, a total of -£307,020.30 of S106 monies were spent by the Council on the following infrastructure projects.

S106 Spend Category	Project Name	Lead Org	Project Cost	Status
CCTV	CCTV	CBC	-£ 33,290.96	Complete
Fire	Emergency Care (IEC) Training and Equipment for Fire Service Staff	WSCC	-£ 8,026.00	Complete
Library	Crawley Library improvement	WSCC	-£ 17,514.95	Complete
Open Space	Bowness Close	CBC	-£ 1,762.59	Ongoing
Open Space	Brideake Close	CBC	-£ 15,856.84	Ongoing
Open Space	Curteys Walk	CBC	-£ 15,819.83	Ongoing
Open Space	Halley Close Play	CBC	-£ 985.09	Ongoing
Open Space	Meadowlands	CBC	-£ 66,093.04	Ongoing
Open Space	Perkstead	CBC	-£ 19,519.37	Ongoing
Open Space	Plantain Close	CBC	-£ 1,866.39	Ongoing
Open Space	Puffin Road	CBC	-£ 1,882.59	Ongoing
Open Space	Southgate Playing Fields	CBC	-£ 876.54	Complete
Open Space	Wakehams	CBC	-£ 465.64	Ongoing
Town Centre	Public Art	CBC	-£ 40,000.00	Complete
Transport	Bus Subsidy towards the provision of services on the route 200.	Metrobus	-£ 28,000.00	Ongoing
Transport	Three Bridges	CBC	-£ 55,060.47	Ongoing
			-£ 307,020.30	

6. S106 Monies Committed in Q4 2023/24 and Q1 2024/25.

6.1. A further £297,384.98 of S106 monies were committed to infrastructure projects in Q4 2023/24 and Q1 2024/25, through the Council's agreed approval process. The table provides a breakdown of the individual projects which the S106 funds were committed.

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete	Status
Open Space	CBC	Playing Pitch improvement	£ 51,500.00	2034/35	On Going
Transport	CBC	CGP Three Bridges Railway Station	£ 5,439.53	2024/25	On Going
Affordable Housing	CBC	Affordable Housing project	£ 240,445.45	2026/27	On Going
			£ 297,384.98		

6.2. The following table lists the projects which had S106 funds committed prior to 1 July 2024 and are still ongoing:

S106 Spend Category	Lead Org	Project Name	Project Cost	Due to Complete
Affordable Housing	CBC	Affordable Housing project	£1,180,924.52	2026/27
Public Realm (MR)	CGP	CGP MR Superhubs	£ 146,945.21	2024/25
Open Space	CBC	Bowness Close	£ 18,055.00	2024/25
Open Space	CBC	Brideake Close	£ 2,954.75	2024/25
Open Space	CBC	Curteys Walk	£ 85.35	2024/25
Open Space	CBC	Halley Close	£ 15,108.49	2024/25
Open Space	CBC	Ifield Junior	£ 6,010.70	2024/25
Open Space	CBC	Meadowlands	£ 5,471.96	2024/25
Open Space	CBC	Perkstead Court	£ 2,595.63	2024/25
Open Space	CBC	Plantain Crescent	£ 14,743.61	2024/25
Open Space	CBC	Puffin Close, Ifield	£ 17,935.41	2024/25
Open Space	CBC	Stoney Croft	£ 126.15	2024/25
Town Centre	CGP	CGP Station Gateway	£ 97,855.60	2025/26
Town Centre	CBC	Mosaic Memorial Gardens	£ 11,483.69	TBC
Transport	CBC	Bus Shelters	£ 104,675.73	2025/26
Transport	CGP	CGP Superhubs	£ 64,793.34	2024/25
Transport	CGP	CGP MR Superhubs	£ 116,617.87	2024/25
Transport	CGP	CGP Three Bridges Railway Station	£ 11,347.78	2024/25
Transport	CGP	CGP Station Gateway	£ 76,182.16	2025/26
Transport	CGP	MR W&C	£ 174,117.25	2025/26
Transport	Metrobus	Provision of services on the route 200	£ 56,000.00	2024/25
Transport	CBC	Car Club	£ 2,343.00	2024/25

£ 2,126,373.20

7. Available Funds and potential future spend

7.1. Officers at the Council have identified a programme of infrastructure projects to the value of £409,996.41, 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 January 2024, there remains £412,889.84 of 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
Fire	Breathing Equipment	£ 50,000.00	TBC	WSCC	Process to Commence
Fire	Relocation of fire stations and associated vehicles and equipment - Northern Area serving Crawley	£ 23,774.05	TBC	WSCC	Process to Commence
Fire	Transfer to WSCC Equipment	£ 39,402.33	TBC	WSCC	Process to Commence
Fire	Crawley Fire Station	£ 31,044.43	TBC	WSCC	Process to Commence
Open Space	Allotments	£ 35,000.93	TBC	CBC	Process to Commence
Open Space	Unsupervised Play Improvement Plan	£ 131,567.10	2025/26	CBC	Process to Commence
Town Centre	Town Centre - Crawley Growth Programme	£ 12,232.50	2025/26	CBC	Process to Commence
Transport	Transport - Crawley Growth Programme	£ 19,386.00	2025/26	CBC	Process to Commence
Transport	Bus Stop Contribution - Steers Lane	£ 20,845.92	2025/26	CBC	Process to Commence
Transport	Travel Plan	£ 6,843.15	2025/26	WSCC	Process to Commence
Tree Contribution	Tree 202425	£ 39,900.00	2024/25	CBC	In Progress
		£ 409,996.41			

8. Summary of S106 Monies

8.1. The table below provides an overall overview of the S106 monies spent, received, and committed in Q4 2023/24 and Q1 2024/25 and shows the change in the balance of S106 at the end of Q1 of the financial year 2024/25 (far right-hand column) compared to the balance of S106 funds brought forward as of 1 January 2024 (2nd column from the left).

S106 Categories of Spend	Balance Brought Forward 01/01/24	Received Q4 2023/24 & Q1 2024/25	S106 Spend Q4 2023/24 & Q1 2024/25	Committed prior to Q4 2023/24 & Q1 2024/25 Project Ongoing	Committed Q4 2023/24 & Q1 2024/25	Provisionally Allocated Q4 2023/24 & Q1 2024/25	Uncommitted/ not Provisional Allocation 01/07/24	Total Balance 01/07/24
Transport	£750,048.08	£0.00	-£83,060.47	£606,077.13	£5,439.53	£47,075.07	£8,395.88	£666,987.61
Public Realm (MR)	£178,565.27	£560.00	£0.00	£146,945.21	£0.00	£0.00	£32,180.06	£179,125.27
Library	£17,514.95	£0.00	-£17,514.95	£0.00	£0.00	£0.00	£0.00	£0.00
Open Space	£383,326.20	£42,958.25	-£125,127.92	£83,087.05	£51,500.00	£166,568.03	£1.45	£301,156.53
Town Centre	£161,571.79	£0.00	-£40,000.00	£109,339.29	£0.00	£12,232.50	£0.00	£121,571.79
Fire	£152,246.81	£0.00	-£8,026.00	£0.00	£0.00	£144,220.81	£0.00	£144,220.81
Education	£182,798.46	£0.00	£0.00	£0.00	£0.00	£0.00	£182,798.46	£182,798.46
CCTV	£33,290.96	£0.00	-£33,290.96	£0.00	£0.00	£0.00	£0.00	£0.00
Affordable Housing	£1,212,939.80	£208,430.17	£0.00	£1,180,924.52	£240,445.45	£0.00	£0.00	£1,421,369.97
Tree Contribution	£130,732.87	£0.00	£0.00	£0.00	£0.00	£39,900.00	£90,832.87	£130,732.87
Air Quality	£80,491.12	£18,190.00	£0.00	£0.00	£0.00	£0.00	£98,681.12	£98,681.12
Total	£3,283,526.31	£270,138.42	-£307,020.30	£2,126,373.20	£297,384.98	£409,996.41	£412,889.84	£3,246,644.43

9. Background Information

9.1 The last report to Planning Committee: [Section 106 Monies - Q2 Q3 2023/24](#).

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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.
- With regards to S106 Transport contributions, they are to be spent on services and infrastructure provided by both CBC and WSCC. It was agreed in 2007 that CBC will liaise with the WSCC to identify appropriate schemes or projects to be funded by developer contributions and the County Council’s Highways Works Programme. Unless the clause specifies how the contribution is to be spent, CBC’s spending policy is to allocate monies between schemes both local to the development and those schemes of a strategic nature.
- As the local planning authority CBC receive all monies in respect of S106 contributions including those in respect of the services provided by the County Council.