

Committee: Council

Date: 2 April 2014

Agenda item:

Wards:

Subject: Section 106 Education Contributions

Lead officer: Yvette Stanley/Chris Lee

Lead member: Councillors Martin Whelton/Andrew Judge

Forward Plan reference number:

Contact officer: Tom Procter

Recommendations:

- A. To authorise the allocation of £1,134,483 of S.106 funding outlined in Appendix A being financial contribution received by the Council towards educational purposes, to the council's schools expansion programme.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to allocate £1,134,483 of S.106 funding received by the Council towards educational purposes, to the council's schools expansion programme.
- 1.2. It is Council procedure that any addition of over £500,000 to the Capital Programme must be authorised by decision of the Council.

2 DETAILS

General S.106 Considerations

- 2.1. S.106 of the Town & Country Planning Act 1990 (as amended) permits Local Planning Authorities to enter into agreements with applicants for planning permission to regulate the use and development of land. This may involve the payment of a financial contribution for off site works.
- 2.2. The Community Infrastructure Regulations 2010 require that a planning obligation must be
- i. Necessary to make the development acceptable in planning terms.
 - ii. Directly related to the proposed development.
 - iii. Fairly and reasonably related in scale and kind to the proposed development.
- 2.3. It is Council procedure that any addition of over £500,000 to the Capital Programme must be authorised by decision of the Council.

Allocation of monies towards school expansions

- 2.4. Education section 106 contributions are required as a result of child yield generated from housing developments. With there being a significant number of modest developments, it is appropriate to group contributions into meaningful schemes. This is particularly the case since schools are organised into forms of entry so a school expansion must be significant in scope. Contributions received of £1,134,483 are yet to be technically allocated. However, the sums have been taken into account by Children, School and Families officers to deliver the necessary school expansion schemes and for the capital programme agreed by Council on 5 March 2014. This sum is therefore required to contribute to the primary school expansions, and specifically the projects to expand Dundonald, Merton Abbey and Pelham Primary Schools.
- 2.5. Further S. 106 sums received will be subject to subsequent allocation bids towards borough school expansions.
- 2.6. Appendix A lists the available S.106 contributions towards education purposes generally in the borough together totalling £1,134,483. The projects that have been included as part of the programme are spread throughout the borough. The developments that have contributed to this pot of S.106 funding are also spread throughout the borough. Subject to authorisation by Council, it is therefore expected that the sum is linked to the expansions of Dundonald, Merton Abbey and Pelham Primary Schools over the 2014/15 and 2015/16 financial years
- 2.7. Any alternative allocation of the monies would result in an overspend on the current programme and would be running the risk of expenditure failing to accord with the reasons for which the funding was secured in accordance with the Regulation 122 of the Community Infrastructure Regulations 2010, namely to cater for the additional demand for school spaces generated by the child yield of housing developments.

3 ALTERNATIVE OPTIONS

As set out in paragraphs 2.6 and 2.7

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The need to expand Dundonald, Merton Abbey and Pelham Primary Schools has been the subject of a two-stage statutory consultation process.
- 4.2. Cabinet approval for the allocation was granted at the Cabinet meeting held on the 10 March 2014, and the allocation of section 106 receipts for primary school expansion was included in the Budget Council report on 5 March 2014.

5 TIMETABLE

- 5.1. As set out in paragraph 2.6

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. The S.106 funds referred to in this report have been received by London Borough of Merton and are available to be spent in the manner agreed by Cabinet, subject to any restrictions contained in the agreements.

6.2. The capital programme 2014-18 presented to Council on 5 March 2014 included the Section 106 funding detailed in this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. As stated within the body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. The planning application was considered in the light of the Human Rights Act. The S.106 contribution was secured towards community benefits to mitigate the impact of the development granted planning permission. The proposed allocations would be in strict accordance with the terms of the S.106 Agreement. As a consequence, equalities and community cohesion implications are taken into account.

9 CRIME AND DISORDER IMPLICATIONS

9.1. There would be no crime and disorder implications associated with the allocation of the above contribution.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. The proposed expenditure of the S.106 monies is towards the general purposes specified in the respective S.106 agreements and would enable new classrooms to be built in the borough to cope with the increase in demand for school places from new housing developments without the need to seek extra loan funding. Therefore this proposal is considered sound from a risk management perspective. There are no health and safety implications.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

None

12 BACKGROUND PAPERS

12.1. Cabinet report on school expansion capital projects 10 March 2014

APPENDIX A

SCHEDULE OF RECEIVED S.106 CONTRIBUTIONS FOR EDUCATION

Bid Ref	Sec 106 Ref	Authorised use of funds as per 106 agreement	Available amount
B675a	347a/2	Towards local education infrastructure	£17,007.00
B675b	354A/2	towards the general improvement and provision of primary and secondary school education in order to mitigate the impact of the development on primary and/or secondary school places in the locality of the Site. (£14,154 index linked)	£15,301.10
B675c	356A/2	for the provision or enhancement of educational facilities required as a consequence of the development	£7,106.00
B675d	361A/1	Towards Education	£2,500.00
B675e	370/3	Education	£40,775.00
B675f	377/3	Towards education provision	£2,169.40
B675g	383/6	For Education purposes	£143,235.35
B675h	408/2	for educational purposes within the locality of the land.	£8,991.80
B675i	421/3	towards the provision of education in the borough	£67,327.00
B675j	427/3	Education	£12,184.65
B675k	435A/3	towards the provision of additional lifelong learning facilities to serve the area in which the Site is situated	£51,683.75
B675l	435A/4	towards the provision of additional lifelong learning facilities to serve the area in which the Site is situated	£79,183.75
B675m	435A/5	towards the provision of additional lifelong learning facilities to serve the area in which the Site is situated	£79,183.75
B675n	441/3	towards the provision of additional educational facilities to serve the area in which the Land is situated	£152,000.00
B675o	441/4	towards the provision of additional educational facilities to serve the area in which the Land is situated	£50,000.00
B675p	446/4	to educational purposes in the locality of the land	£38,490.00
B675q	455/3	Towards education provision	£17,083.31
B675r	457/3	towards education provision	£11,068.00
B675s	457A/3	towards the improvement of educational facilities	£11,477.67

B675t	459A/3	towards educational purposes in the locality of the Land	£3,469.04
B675u	463A/3	Educational facilities in the locality of the land.	£16,917.00
B675v	467/3	towards educational improvements in the borough	£3,780.18
B675w	470/3	towards educational provision in the borough	£15,535.00
B675y	471/3	Educational facilities in the locality of the land.	£8,114.00
B675z	473/3	Towards education provision	£3,710.00
B675aa	479a/3	Towards educational purposes in the locality of the land	£3,710.28
B675ab	479b/4	towards education	£4,860.00
B675ac	480/3	For the provision of education.	£43,208.00
B675ad	481/3	towards education	£11,135.38
B675ae	482/3	towards education	£8,459.00
B675af	484/3	towards education improvements in the borough	£10,499.00
B675ag	486A/3	towards education provision	£6,243.00
B675ah	487A/4	for education	£47,565.04
B675ai	488/1	towards education provision in the borough	£8,459.00
B675aj	493/2	towards education improvements in the borough	£3,760.49
B675ak	496/4	towards education	£10,398.21
B675al	508/4	towards education	£4,857.00
* B675am	510/3	for education provision	£29,865.15
B675an	514/3	First instalment. For the provision of primary and secondary education facilities and services within the borough	£44,899.00
B675ao	519/3	upon implementation - towards education	£3,710.00
B675ap	519A/4	towards educational facilities	£29,704.76
B675aq	529A/4	towards education	£4,856.99
TOTAL			£1,134,483.05

* FULL SUM OF INSTALMENT B675AN IS £87,720. FURTHER £42,821 TO BE AGREED AT A LATER DATE

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