

Decision under Delegated Powers

Officer Requesting Decision

Developer Contributions Monitoring Officer

Officer Making the Decision

Head of Planning and Growth

Recommendation

That £748.46 in relation to unspent monies of the Healthcare Contribution be returned to the developer in respect of the section 106 agreement attached to planning permission P/15/1814/2 – Land off Iveshead Road, Shepshed

Reason

The return of this funding is in accordance with the relevant clauses in the section 106 agreement attached to planning permission P/15/1814/2 – Land off Iveshead Road, Shepshed.

Authority for Decision

There is a delegation in the Constitution to all Heads of Service “to pay over section 106 Monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service by the Head of Finance and Property Services” (Item 8 on Page 8-15).

For all Heads of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirement as set out in the section 106 agreement and have written confirmation for the relevant body that the monies are used for their intended purpose. Any unspent monies after 5 years of receipt by the Borough Council shall be returned to the developer as per the relevant clause within the section 106 agreement.

Decision and Date



9 November 2023

Background

Planning agreements negotiated with developers and landowners under section 106 of the Town and Country Planning Act 1990 (as amended) provides a vehicle for the delivery of contributions towards infrastructure, facilities and amenities reasonably related in scale and kind to the development proposed and necessary to discharge fully the policy expectations of the Development Plan. If there is any unspent monies the

Section 106 legal agreement requires Charnwood Borough Council to return them to the developer after the relevant timeframe has expired.

Charnwood Borough Council received £33,432.66 on the 13th February 2017 with the contribution to be spent within 5 years, following, a Deed a Variation attached to P/15/1759/2 for additional dwellings and amended housetypes a further £3,128.28 was received on the 4th October 2018 with the contribution to be spent within 5 years.

The Borough Council approved spend of £31,933.55 against DD084 17/18 to facilitate an extension at Forest House Surgery, Leicester Road, Shepshed using available funds from the Healthcare contribution attached to planning application P/15/1814/2. A second spend was approved against DD205 18/19 to install equipment at Forest House Surgery, Leicester Road, Shepshed totalling £1,499.11 from the Healthcare contribution attached to planning application P/15/1759/2; spending the contribution in full and, £2,379.82 from the Healthcare contribution attached to P/15/1759/2 leaving a residual amount totalling £748.46 to be spent by the 4th October 2023.

The CCG has been unable to commit the remaining funding from the contribution attached to planning application P/15/1759/2 to a project, the developer has declined an extension of time, as such the funding is now to be returned.

Financial Implications

The money has been received and there are no financial implications for the Borough Council.

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
			Very Low (1 - 2)	

Key Decision

No

Background Papers

All contained on planning files P/15/1814/2 and P/15/1759/2