



Rochford District  
Council

<b>REPORT TITLE:</b>	<b>SECTION 106 QUARTERLY POSITION STATEMENT: OCTOBER 2023</b>
<b>REPORT OF:</b>	<b>Executive Lead Member, Resources, Climate Change and Economy, Cllr Michael Hoy</b>

## INFORMATION REPORT

### REPORT SUMMARY

This report provides a position statement on financial contributions received by the authority under Section 106 of the Town and Country Planning Act 1990.

## SUPPORTING INFORMATION

### 1.0 BACKGROUND INFORMATION

- 1.1 This report has been prepared for information purposes to summarise the Council's position on Section 106 contributions as at 1<sup>st</sup> October 2023.
- 1.2 This report only covers planning obligations that are due to the Council, and which are financial in nature. As a result, any obligations due to other authorities including Essex County Council, or obligations which are non-financial (e.g. affordable housing) are not included.
- 1.3 Essex County Council's own monitoring of Section 106 contributions is summarised in Infrastructure Funding Statements that can be found at <https://www.essex.gov.uk/planning-land-and-recycling/planning-and-development/planning-advice-and-guidance/guidance>
- 1.4 It is also noted that whilst contributions towards healthcare services are collected and monitored by the Council, they are ultimately passed to the local NHS body for expenditure. Whilst this report does provide a current picture of

the value and purpose of these healthcare contributions, the Council does not itself have final discretion over the use of these funds.

### Summary of Financial Position

1.5 As at 1<sup>st</sup> October 2023, the Council held £881,537.95 in Section 106 contributions towards projects over which it has discretion. The largest contributions currently held are:

- A £175,902.50 commuted sum towards providing affordable housing in Rayleigh.
- A £150,000 contribution towards the construction of a multi-use games area or skate park in Hullbridge
- £100,000 contributions towards cycleway improvements in Hullbridge and Rochford respectively
- A £18,378.21 contribution towards improvements to Clements Hall Leisure Centre
- A £75,000 contribution towards the provision and enhancement of youth facilities in Rochford
- A £70,000 contribution towards improvement of sports facilities through improved drainage at Pooles Lane, Hullbridge
- A £67,560 contribution towards compensatory tree planting and purchasing of uprated tree planting stock in Rochford.

1.6 Table 1 within the report sets out a full list of the Section 106 contributions held by the Council towards internally directed projects.

1.7 Since the last update in 2022, positive progress has been made on the spend of a number of these contributions, as summarised below by directorate.

### Assets and Investment Directorate

- **Item 2:** £75,000 from application 12/00381/FUL has been spent on new flooring for the main hall and studio halls at Clements Hall Leisure Centre

### Environment Directorate

- **Item 15:** £50,000 from application 15/00362/OUT was drawn down for the dredging of Rawreth Brook, with proposals being designed for further draw downs as required.
- **Item 9:** £150,000 from application 14/00813/OUT has been allocated to the provision of a skate park in Hullbridge subject to Executive approval of the tender award
- **Item 12:** £67,560.00 from application 20/00363/OUT for compensatory tree planting is subject to quotes and project design in the Environment Directorate
- **Items 5 and 10:** The two contributions towards cycleway improvements from applications 14/00813/OUT and 15/00781/OUT respectively will benefit from the ongoing work to develop a Local Cycling and Walking

Infrastructure Plan (LCWIP) for the District, which will help to facilitate their spend

- **Item 6:** £25,000 from application 18/00599/FUL for improved play space in Great Wakering is subject to quotes in the Environment Directorate
- **Item 14:** An initial £50,000 from application 20/00940/OUT is in the process of being drawn down to help fund the 3G pitch project which is subject to a separate Executive decision.

1.8 The remaining contributions not listed above are currently on hold awaiting the development of a suitable project or the availability of further funding where effective use of the funding cannot be achieved from the contribution alone. These are:

#### Assets and Investment Directorate

- **Item 1:** £20,000 from application 12/00363/FUL for enhanced community facilities in Rayleigh

#### Communities and Health Directorate

- **Item 3:** £17,697.24 from application 10/00234/FUL for air quality assessment in the Rochford area
- **Item 4:** £75,000 from application 20/00363/OUT towards youth facilities in the Rochford area

#### Environment Directorate

- **Item 7:** £25,000 from application 12/00252/FUL for a multi-use games area in Great Wakering
- **Item 8:** £70,000 from application 14/00813/OUT towards drainage improvements at Pooles Lane Playing Fields

#### Housing Directorate

- **Item 12:** £37,000 from application 15/00075/FUL towards off-site affordable housing
- **Item 13:** £175,902.50 from application 17/00488/FUL towards off-site affordable housing

1.9 As at 1<sup>st</sup> October 2023, the Council additionally held £1,125,002.54 on behalf of the NHS towards improvements to healthcare facilities.

1.10 Council officers have been working with the local NHS body as it explores potential capital projects towards which these funds can be used. Ultimately the NHS body retains discretion over use of these funds.

1.11 Table 2 within the report sets out a full list of the Section 106 contributions held by the Council for healthcare purposes.

- 1.12 In addition to contributions currently held, there are a number of Section 106 contributions due to be received in the coming years with a potential total value of £1,954,279.00 of which up to £1,678,679 is for RDC-led spend and £275,600 is for healthcare purposes. However, it should be emphasised that of the funding for RDC-led spend, £663,429.00 is a capped and conditional commuted sum for affordable housing which will only be payable subject to viability appraisal, and a further £150,000 is the maximum draw down the Council could make for off-site flood mitigation works which is conditional on works being required and subsequently designed.
- 1.13 Table 3 lists the Section 106 contributions due to the Council in the future for RDC-led expenditure, and Table 4 lists the Section 106 contributions due to the Council in the future for NHS-led expenditure.

Table 1 – Section 106 Contributions held by the Council for RDC-directed spend at 1<sup>st</sup> October 2023

<u>Item Ref</u>	<u>Applicat ion Ref.</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>S106 Amount (£)</u>	<u>Detail</u>	<u>Date contribution received</u>	<u>Date contribution becomes refundable</u>
<b>Assets and Investment Directorate</b>							
1	12/00363/ FUL	<b>190 London Road, Rayleigh</b>	01/10/2012	20,000.00	<b>Community Facility contribution.</b> To be used on the development of community facilities near the site.	17/09/2015	N/A
2	12/00381/ FUL	<b>Land at Thorpe Road, Rectory Road and Clements Hall Way, Hawkwell.</b>	17/12/2012	18,378.21	Rochford District Council <b>Sports Facility contribution</b> towards improvements at Clements Hall Leisure Centre	15/10/2014	N/A
<b>Communities and Health Directorate</b>							
3	10/00234/ OUT	<b>Land North of Hall Road, Rochford</b>	01/07/2013	17,697.24	<b>Air Quality Assessment Contribution</b>	07/09/2018	07/09/2028
4	20/00363/ OUT	<b>Land east of Ashingdon Road, Rochford</b>	02/02/2022	75,000.00	For the provision and enhancement of <b>youth facilities</b> in Rochford District	17/10/2022	N/A
<b>Environment Directorate</b>							

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5	15/00781/ OUT	<b>Saxon Business Park (Land east of Cherry Orchard Way)</b>	06/12/2016	100,000.00	The owner will pay towards a <b>cycleway between Cherry orchard Way and Hall Rd.</b> The Owner, RDC and ECC shall use reasonable endeavours to negotiate with relevant landowners to deliver the cycleway improvements within 5 years	30/01/2017	N/A
6	16/00668/ OUT and 18/00599/ FUL	<b>Land South of High Street, Great Waking</b>	26/07/2017	25,000.00	<b>Open Spaces contribution</b> towards the enhancement and improvement of existing play space in Great Waking	11/08/2023	N/A
7	12/00252/ FUL	<b>Star Lane Brickworks, Star Lane, Great Waking</b>	26/06/2015	25,000.00	<b>Community Facilities contribution</b> to be paid to RDC on occupation of first dwelling. Money to be held for the provision of a multi-use games area in Gt Waking.	11/11/2016	11/11/2031

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8	14/00813/ OUT	<b>Land at Lower Road, Windermere Avenues and Malyons Lane, Hullbridge</b>	18/01/2017	70,000.00	<b>Improvement of sports facilities</b> in Hullbridge by carrying out works to improve drainage at the Pooles Lane Playing Field - payment made before 50th dwelling	01/10/2021	01/10/2031
9				150,000.00	Construction of <b>multi-use games area or a skate park</b> on land within the vicinity of the development site if the proposals approved under clause 3.2 include funding such facilities on a site secured for such purpose instead of the owner constructing such a facility itself	01/10/2021	01/10/2031
10				100,000.00	Providing the proposed <b>National Cycle Network Route 135</b> - not to permit occupation of the 100th dwelling before payment made	26/04/2022	26/04/2032

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11	20/00363/ OUT	<b>Land east of Ashingdon Road, Rochford</b>	02/02/2022	67,560.00	To fund <b>compensatory tree planting</b> and purchasing of uprated compensatory tree planting stock	03/10/2022	N/A
<b>Housing Directorate</b>							
12	15/00075/ FUL	<b>90 Main Rd, Hawkwell</b>	28/08/2015	37,000.00	A sum of £37,000 to be paid to RDC towards its <b>Affordable Housing Policy</b> . This will be paid upon occupation of the first dwelling.	28/09/2018	28/09/2028
13	17/00488/ FUL	<b>Land at 12 to 26 Eastwood Road, Rayleigh</b>	22/12/2020	175,902.50	<b>Affordable housing commuted sum</b> in lieu of on-site provision	03/11/2022	N/A

Table 2 – Section 106 Contributions held by the Council for NHS-directed spend at 1<sup>st</sup> October 2023



<u>Application Ref.</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>S106 Amount (£)</u>	<u>Detail</u>	<u>Date contribution received</u>	<u>Date contribution becomes refundable</u>
12/00363/FUL	190 London Road, Rayleigh	01/10/2012	71,015.13	<b>Healthcare contribution.</b> Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	17/09/2015	17/09/2030
10/00234/OUT	Land North of Hall Road, Rochford	01/07/2013	383,689.00	<b>Healthcare contribution.</b> Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	26/06/2018 (50%) 07/09/2018 (50%)	26/06/2028 and 07/09/2028
17/00582/FUL	Land North of Hall Road, Rochford (Addendum)	10/04/2018	12,789.00	<b>Healthcare contribution.</b> Developer to pay RDC a Healthcare Uplift Contribution for the Primary Care Trust	12/09/2018	12/09/2028
17/00258/FUL	Birch Lodge, Canewdon	26/07/2018	5,520.00	<b>Healthcare contribution.</b> Contribution towards healthcare provision in surrounding area	03/10/2019	03/10/2029
16/00731/OUT	Land West of Little Wakering Road / South of Barrow Hall Road, Little Wakering	11/10/2017	47,311.00	<b>Healthcare contribution.</b> Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	01/03/2022	01/03/2032

<u>Application Ref.</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>S106 Amount (£)</u>	<u>Detail</u>	<u>Date contribution received</u>	<u>Date contribution becomes refundable</u>
15/00362/OUT 20/00940/OUT	<b>Land North of London Road, Rayleigh</b>	03/06/2016	164,581.82	<b>Healthcare contribution.</b> Only payable if healthcare land not needed - NHS decision - 5 years from receipt	29/08/2022	29/08/2027
			120,089.00	<b>Additional healthcare contribution</b> to fund capital projects to expand existing or provide new general practitioner medical surgeries to serve the development	30/01/2023	30/01/2033
16/00733/FUL	<b>Three Acres, Anchor lane, Canewdon</b>	27/03/2017	13,248.00	Contribution will be made towards <b>expansion of local doctors surgeries</b> in respect of increased demand.	16/06/2017	16/06/2027
15/00599/FUL	<b>Land at Pond Chase Nursery, Folly Lane, Hockley</b>	01/06/2016	23,040.00	<b>Healthcare contribution.</b> Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	01/05/2018	01/05/2028
17/00964/FUL	<b>Bullwood Hall, Hockley</b>	21/12/2018	28,382.00	<b>Healthcare contribution.</b> This will contribute towards the addition, or improvement at the General Practitioners Church View Surgery with predominantly serves the district of Hockley (including the Jones Family Practice).	22/05/2019	22/05/2029

<u>Application Ref.</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>S106 Amount (£)</u>	<u>Detail</u>	<u>Date contribution received</u>	<u>Date contribution becomes refundable</u>
16/00668/OUT and 18/00599/FUL	<b>Land South of High Street, Great Waking</b>	26/07/2017	75,685.59	<b>Healthcare contribution.</b> Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	10/01/2020	10/01/2030
12/00252/FUL	<b>Star Lane Brickworks, Star Lane, Great Waking</b>	26/06/2015	28,400.00	<b>Healthcare contribution.</b> Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	11/11/2016	11/11/2026
14/00813/OUT	<b>Land at Lower Road, Windermere Avenues and Malyons Lane, Hullbridge</b>	18/01/2017	164,500.00	<b>Healthcare contribution.</b> Fund capital expenditure for the provision of primary healthcare facilities to serve the area in which the site is situated prior to the occupation of the first dwelling - no more than 100 dwellings before payment made	26/04/2022	26/04/2032

Table 3 – Section 106 contributions due to be received by the Council for RDC-directed spend

<u>Item Ref</u>	<u>Applicat ion Ref</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>S106 Amount (£)</u>	<u>Detail</u>	<u>Repayment Terms</u>
<b>Environment Directorate</b>						
14	20/00940/ OUT	<b>Land North of London Road, Rayleigh (Addendum)</b>	19/01/2022	£820,250.00	<p><b>Sport facility contribution.</b> To fund off-site 3G sports pitches in Rayleigh or Rawreth</p> <p><u>Payable under the following terms</u> £50,000 can be requested up until 5 years from permission date. £361,740 can be requested after permissions secured. A further £361,740 can be requested once construction has commenced and a final £46,770 can be requested once completed</p>	Three years after the serving of the final notice in accordance with the drawdown protocol (described in the adjacent column)
15	15/00362/ OUT	<b>Land North of London Road, Rayleigh</b>	03/06/2016	Up to £150,000.00	<p><b>Off-site flood mitigation contribution</b> which can be requested by the Council upon design of an appropriate scheme</p> <p>Initial £50,000 drawn down for dredging</p>	Not applicable as nature of drawdown protocol requires advancement of works to which the funding would be used

<u>Item Ref</u>	<u>Applicat ion Ref</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>S106 Amount (£)</u>	<u>Detail</u>	<u>Repayment Terms</u>
16	15/00736/ FUL	<b>Land at Grange Villas, London Road, Rayleigh</b>	11/08/2017	£45,000.00	<b>Community facility contribution</b> for overhaul and upgrade to Little Wheatleys Play Space.  Payable prior to first occupation	10 years from receipt
<b>Housing Directorate</b>						
17	17/00431/ OUT	<b>Fairways Garden Centre, Hullbridge Road, Rayleigh</b>	12/08/2019	Up to £663,429.00	<b>Commuted sum for affordable housing</b> in lieu of on-site provision. Payable subject to a viability assessment post-completion of the development	N/A

Table 4 – Section 106 contributions due to be received by the Council for NHS-directed spend

<u>Application Ref.</u>	<u>Development Location</u>	<u>Date of Agreement</u>	<u>§106 Amount (£)</u>	<u>Detail and Trigger for Payment</u>	<u>Repayment Terms</u>
20/0036 3/OUT	<b>Land East of Ashingdon Road, Rochford</b>	02/02/2022	£262,300.00	<b>Healthcare contribution</b> for the provision of capital projects to expand existing or provide new general practitioner medical surgeries to serve the development  Payable prior to first occupation	Five years from receipt of funding
21/0124 1/FUL	<b>3-15 South Street, Rochford</b>	22/07/2022	£7,600.00	<b>Healthcare contribution</b> for the provision of capital projects to expand existing or provide new general practitioner medical surgeries to serve the development.  Payable prior to first occupation	N/A
21/0133 1/FUL	<b>Civic Suite, Hockley Road, Rayleigh</b>	05/08/2022	£5,700.00	<b>Healthcare contribution</b> for the provision of capital projects to expand existing or provide new general practitioner medical surgeries to serve the development  Payable prior to first occupation	N/A

**2.0 OTHER OPTIONS CONSIDERED**

2.1 This report is for noting. No alternative options have been considered.

**3.0 RELEVANT RISKS**

3.1 Should Section 106 contributions not be spent within a prescribed period, the developer can, in many cases, request the funds be returned. It is therefore important that the Council routinely monitors Section 106 contributions to ensure infrastructure associated with new development is delivered effectively and timely.

**4.0 ENGAGEMENT/CONSULTATION**

4.1 There are no relevant engagement or consultation implications arising from this report.

**5.0 FINANCIAL IMPLICATIONS**

5.1 Any financial implications from this report are set out within the report.

**6.0 LEGAL/GOVERNANCE IMPLICATIONS**

6.1 Section 106 contributions are collected pursuant to legal agreements under Section 106 of the Town and Country Planning Act 1990. Each legal agreement will contain clauses and conditions which govern individual contributions.

**7.0 EQUALITY & HEALTH IMPLICATIONS**

7.1 There are not considered to be any direct equality or health implications arising from this report.

**8.0 ENVIRONMENT & CLIMATE IMPLICATIONS**

8.1 There are not considered to be direct environment or climate implications arising from this report.

**9.0 ECONOMIC IMPLICATIONS**

9.1 There are not considered to be direct economic implications arising from this report.

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**APPENDICES**

None

**BACKGROUND PAPERS**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>