

ECC-EFD LHP - Report 7 (Nov 2013)

Section 106 Schemes in Epping Forest District

A report for the Epping Forest Local Highway Panel

This report addresses some of the questions the Panel may have on S106. The attached spreadsheet (p3) gives details on the Section 106 agreements for highways currently in force in Epping Forest District

The first and second columns are the planning reference and the site from which the S106 contribution came.

The third column of the spreadsheet gives a summary of the uses to which the funding received from the developer must be put according to the agreement and this shows that S106 is not a source of money for anything an Authority (ECC in this case) chooses.

The following columns show how much was received, how much has been spent or put into ECC's Capital Programme and the balance.

Are substantial amounts being returned as a result of time expiry?

The short answer is no. Expiry dates for the contributions are given in the right hand column. The panel will notice that in four cases the contributions are at or beyond their expiry dates. Provided orders for work have been placed ECC is able to continue with their use which is the case in three of these schemes. In the fourth, the largest, we are discussing a Deed of Variation with the developer which allows us to change the work we, the developer and local residents wish to carry out. There are legal costs involved in Deeds of Variation and the possibility that the developer will reject a variation and demand their money back.

How are S106 contributions determined in the first instance?

When a planning application is received in the District as the Local Planning Authority, this is forwarded to ECC for comment. If a Highway engineer considers the effect of the proposed development is significant and will tell the District if ECC thinks some highway measures need to be put in place to mitigate the impact of the development.

This process is limited by legislation to 21 days which makes it difficult/impossible to consult widely on the measures required and there is limited/no time to carry put thorough feasibility or costing, which can lead to the contributions obtained being

too small and/or the scheme not being technically possible which are other reasons why contributions are returned.

The District then decides if it wishes to ask for the measures that ECC has asked for to be put into a S106 agreement and has to make a judgment on the balance between S106 for Highways and/or Education as ECC services and S106 for District responsibilities, eg Affordable Housing, Public Open Space. All the while the developer is trying to push the cost of all S106 obligations to the lowest level possible.

What happens once the contribution has been received?

We look at whether the works are technically feasible within the cost constraint of the contribution(s). Then the scheme has to be put into the authority's Capital Programme (this happens once or twice a year. From there it is passed to our contractors along with a long list of schemes who design and then put the scheme on the ground.

What if there are some S106 funds left over?

In the past ECC had staff with responsibility for highways matters in a given District and they would usually have had a list of schemes that they considered required, if finance was forthcoming. Also in those days ECC had other budgets which could top up a S106 contribution if needed. Those budgets have been transferred to the Local Highway Panels. Any extra schemes would still have to comply with the terms of the agreement.

The LHP and S106

1. A scheme required by the S106 agreement may need a top up either because the developer managed to negotiate the contribution down, full costs were unknown at the time of the agreement and inflation. New delivery and commissioning arrangements which mean less is done in-house. In this case the LHP may be asked to top up.
2. Residual funds after schemes under the agreement have been delivered. The LHP could make suggestions for additional schemes. These schemes would have to comply with the terms of the agreement and may need a top up. Otherwise, residuals are returned to the developer, as is normal practice when the terms of the agreement have been fulfilled.

	Site		Amount Received	Spent Released	Balance	Expiry Date	Comment
1	Braces Timber Yard	Traffic Calming Measures (Mill Lane, High Ongar)	11,231	5,374	7,780	unknown	
2	Woolston Manor Golf , Abridge Rd	Footpath Imp's (Abridge Road) -	20,000	18,086	7,853	01/08/2012	Complete
3	Buckhurst Hill Reservoir	Tactile paving,dropped kerbs,pedestrian island,,footways and kerbs at 2 bus stops	16,000	840	17,120	10years Occupation	
4	Buckhurst Hill Reservoir	TRO in relation to the Highway Works	3,000	-	3,613	10years Occupation	
5	Highway Depot Epping Road	Imp's to highway Network (VoS)	39,198	6,742	39,607	16/12/2015	
6	Vicinity of Valley Hill	Traffic Calming Measures (VoS)	5,000	-	6,613	04/11/2013	Ordered.
7	Queens Head Public House	Imp's to Bus Stops (VoS); Enh. Access to Site and its Sustainability	27,483	14,298	16,867	15/11/2016	
8	Langston Road, Loughton	Imp's to Transport Infrastructure and/or PT Services (VoS)	100,000	98,226	14,807	24/07/2017	
9	1 Albert Road, Buckhurst Hill	Imp's Transportation & Safety in locality or other works considered	10,000	3,698	7,534	11/01/2012	Lighting scheme
10	Upper Site EF College Borders Lane, Loughton	Imp's to Transport Infrastructure and/or Services (VoS)	150,000	544	157,427	25/03/2013	Discussing Deed of Variation with developer
11	Skillet Hill Farm, Waltham Abbey	TRO Fee; Appropriate Signage; Road Markings to regulate parking (Honey L	10,000	-	10,127	None specified	
12	Lidl Foodstore, Waltham Abbey	Bus stop improvements for the new Lidl store at Waltham Abbey	54,000	8,155	46,403	Unknown	
13	1 Church Hill, Loughton, Essex	Transportation and Highway Safety Improvements	40,000	-	40,360		
14	Matthew's Yard, Harlow Road	Provision of new footway link to existing footway.	2,400	-	2,421	None specified	
15	1 Orchard Way, Chigwell	Street Lighting	5,000	-	5,030		
16	Albert Road, Loughton	Street Lighting works at Albert Road/ Roding Lane	22,000	-	22,852		
17	Land at 212 Manor Road Chigw	Provision of raised kerbs at the bus stops at Grange Hill Station	5,000	-	5,093	26/06/2018	
18	212 Manor Road, Chigwell		1,101	-	1,101		
			521,413	155,963	412,608		