

MONITORING OF SECTION 106 PLANNING OBLIGATIONS – APPENDICES TO REPORT 14/28

Appendix 1

Overall Summary Table for Current Section 106 Funds

The table below shows the maximum funds which could be obtained from Section 106 agreements based on the more detailed tables in Appendix 2. It excludes cases where the money has now been spent. It shows the monies categorised by the type of infrastructure to which it is ring-fenced. The 'Not Triggered' column in this and subsequent tables should be treated with some caution as it is dependent on development going ahead and in some cases is a maximum figure. For fuller explanation, please see the main report.

Table 1

	Not Triggered/ Invoiced Yet*	Invoiced & Owing	Awaiting Expenditure	Total
Affordable Housing	£222,344	£7,668	£604,809	£834,821
Public Open Space /Play/ Sport – On Site	£628,800	0	£160,086**	£788,886
Public Open Space /Play/Sport – Off Site	£602,723	£9,781	£126,856	£739,360
Education	£1,920,880	0	£120,676	£2,041,556
Transport	£2,532,290	£54,429	£728,493	£3,315,212
Health	£400,025	0	0	£400,025
Miscellaneous	£300,020	0	0	£300,020
Total	£6,607,082	£71,878	£1,740,920	£8,419,880

*This column does not include any additional monies arising from the increase in the Retail Price Index, which cannot be calculated yet.

**This figure relates to phased programmes of expenditure.

Appendix 2

Summary Tables for Individual Types of Infrastructure

The tables in this appendix summarise the position on different types of infrastructure provision. With the exception of Table 2a they all relate to commuted sums. The first row shows the current position at the end of the third quarter of this financial year (31 December 2013). The next rows show periods reported in previous monitoring reports for comparison purposes. The last row shows the global figures since data started to be collected in 1999.

Table 2a – Affordable housing – on site provision

	Number dwellings granted permission (with s106)	Total Not Yet Built (valid consents at end of period)	Built in last year
Jan – Dec 2013	292*	651*	51
Apr – Dec 2012	58	410	37
Apr 2011 – Mar 2012	42	419	16
Apr 2010 – Mar 2011	208	367	6
Total Apr 1999 – Dec 2013	894*	n/a	258

* Includes indicative figure of 270 for Middle Deepdale which may alter depending on viability.

Table 2b - Affordable Housing – Funds for Off-Site Provision

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent
Jan-Dec 2013	£191,023	£264,044	£7,668	£141,665	£604,809	0
Apr-Dec 2012	£1,709	£221,344	0	0	£463,144	0
Apr 2011 - Mar 2012	£131,000	£219,000	£74,422	0	£463,144	0
Apr 2010 – Mar 2011	£64,000	£88,000	£74,422	£463,144	£463,144	0
Total Apr 1999 – Dec 2013	£1, 549,798	n/a	n/a	£1,206,309	n/a	£601,500

Table 3a - Public Open Space/Community Facilities - On Site Provision and Maintenance Funds

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent during period
Jan-Dec 2013	£486,000*	£628,800*	0	0	£160,086	£34,812
Apr-Dec 2012	£42,000	£142,800	0	0	£194,898	0
Apr 2011 - Mar 2012	£11,500	£90,800	£10,000	0	£194,898	£34,812
Apr 2010 – Mar 2011	0	£89,300	0	0	£229,709	£34,812
Total Apr 1999 – Dec 2013	£976,117*	n/a	n/a	£348,117	n/a	£194,897

* Includes figures for Middle Deepdale, which are estimates.

Table 3b - Public Open Space/Play/Sports Provision (Off Site Provision / Improvements)

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent
Jan-Dec 2013	£145,615*	£602,723	£9,781	£37,878	£126,856	£35,861
Apr-Dec 2012	£354,846	£473,341	£47,834	£35,088	£123,794	0
Apr 2011 - Mar 2012	£25,183	£165,851	£46,190	£5,980	£87,226	£85,000
Apr 2010 – Mar 2011	£46,164	£268,876	£55,337	£101,484	£167,726	£4,478
Total Apr 1999 – Dec 2013	£832,037	n/a	n/a	£622,968	n/a	£556,666**

* Includes £100,000 relating to the sites which may be provided on site

**Excludes agreements pre-dating 1999

Table 4 - Education

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent
Jan-Dec 2013	0	£1,920,880	0	£120,676	£120,676	0
Apr-Dec 2012	0	£2,316,394	0	0	0	0
Apr 2011 - Mar 2012	£462,264	£2,316,394	£140,365	0	0	0
Apr 2010 – Mar 2011	£1,477,000	£1,853,736	£140,365	0	0	0
Total Apr 1999 – Dec 2013	£2,208,162	n/a	n/a	£287,676	n/a	£167,000

Table 5 - Transport

Period	Sum Negotiated*	Sum not triggered*	Invoiced & Owing	Received	Awaiting Expenditure**	Spent
Jan-Dec 2013	£988,704	£2,532,290	£54,429	£53,958	£728,493	0
Apr-Dec 2012	£682,856	£1,683,792	0	£448,437	£672,812	£2,000
Apr 2011 - Mar 2012	£183,350	£2,094,850	0	£184,505	£226,375	0
Apr 2010 – Mar 2011	£1,364,505	£2,168,000	0	£11,856	£41,870	0
Total Apr 1999 – Dec 2011	£2,295,001	n/a	n/a	£770,812	n/a	£25,000

NB. Figures in this table do not include travel plan voucher payments direct to residents

* These figures include some maximum figures which may be reduced

** Expenditure may be by County or Borough Council

Appendix 3

Current Status of Individual Section 106 Planning Obligations

The tables below relate only to those obligations where payment of a commuted sum is required, or in the case of affordable housing, where a specific number or proportion of affordable units are to be provided. The tables normally exclude other non-financial planning obligations, as well as those which have been superseded or where the planning permission has expired. It also excludes obligations where all monies have been received and expended, except where this has occurred since the matter was last reported.

Table 6a - Housing (On Site)

Planning Ref	Site	Date of Agreement	Requirements	Current Status
07/01700/OL & 09/02472/RM	Highfield Road, Whitby	25/10/2007	10 affordable units	Development of one dwelling started on site, but stalled due to Village Green application – now quashed, so should progress now. Affordable units recently increased from 8 to 10.
07/00547/OL	Muston Road, Filey	13/11/2007	120 units (40% provision increased from s106 which stipulated 20% minimum)	Reserved matters application approved - first 2 phases under construction – 47 affordable units completed and 10 more under construction
07/01917/FL	Seamer Rd (Hinderwell and Newcoln Rd)	20/11/2007	5 affordable units	Development started, but stalled & not reached stage yet when affordable provision is to be made.
08/02554/FL	Church Farm, Speeton	16/03/2009	5 affordable houses	Development started but not reached stage where units implemented
09/00717/OL	High Mill Farm, Scalby	8/10/2010	40% (57 units approved in phase 1 & 117 units submitted as part of undetermined phase 2-4 application) .	Reserved matters for Phase 1 approved, but housing not started. Application for reserved matters on Phases 2-4 under consideration

Planning Ref	Site	Date of Agreement	Requirements	Current Status
10/00903/OL	West Garth, Cayton	21/06/11	32 units (20% provision)	Development under construction, including some affordable units, but none of these completed yet
10/02272/FL	19-20 Albemarle Crescent, Scarborough	15/02/2011	8 affordable units	Development not started yet
11/00213/FL	Eskdale Park, Larpool Lane, Whitby	17/05/2012	54 affordable units	Development started, including some affordable units, but none complete yet.
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	Affordable provision to accord with guidance (20% at present which may equate to up to 270 units) – subject to viability assessment for each phase.	Reserved matters approval for 30 affordable units in part of Phase 1 (This is in addition to the extra- care facility which is not covered by Section 106 agreement).
11/02181/FL	Moorlands Hotel, 16 North Promenade, Whitby	08/03/2012	4 affordable units	Development completed and units provided 2013
12/02179/FL	Milestone Farm, Main Street, Seamer	11/04/2013	20 affordable homes for the elderly	Under construction

Table 6b - Affordable Housing (Off Site Contributions)

Planning Ref	Site	Date of Agreement	Commuted Sum	Project	Repayment date / period	Current Status
02/02114/OL	The Sands North Bay	15/10/2004	£464, 789	Cabinet agreed to spend £89,000 on temporary accommodation . & £50,000 on affordable housing in Sleights. Remainder is unallocated to specific project.	None	£463,144 paid & not spent yet. Variation of s106 agreement reduced index linked payments to £1,645, which is owing
07/01917/FL	Seamer Rd (Hinderwell and Newcoln Rd)	20/11/2007	£24,000	Decision to be made on allocation	None	Development started, but stalled - payment not triggered yet
10/02272/FL	19-20 Albemarle Crescent, Scarborough	15/02/2011	£64,000	Decision to be made on allocation	15 years	Not yet triggered as development not started
11/00932/FL	Cricketers Arms, North Marine Rd, Scarborough	06/01/2012	£131,000	Cabinet agreed expenditure on temporary accommodation at Newburn House, Alma Square	10 years	Monies paid and awaiting expenditure
12/01887/FL	131 Victoria Road, Scarborough	05/11/2012	£1,709	Decision to be made on allocation	None	£165 paid and timescale agreed for payment of remaining £1,544

Planning Ref	Site	Date of Agreement	Commutated Sum	Project	Repayment date / period	Current Status
12/02386/FL	Chessington Hotel, 6 Belvoir Terr, Scarborough	02/08/2013	£13,789	Decision to be made on allocation	None	Not yet triggered as development not started
12/02587/FL	148 Victoria Road, Scarborough	18/02/2013	£2,550	Decision to be made on allocation	None	Monies owing, but timescale for payment agreed
13/00009/FL	29/31 Falsgrave Road, Scarborough	14/05/2013	£4,200	Decision to be made on allocation	None	Due to be invoiced in near future
13/00046/FL	Blacksmith's Arms, Cayton	14/06/2013	£11,630	Decision to be made on allocation	None	Payment trigger not yet reached
13/00181/FL	4B Russet Grove, Newby	26/06/2013	£5,250	Decision to be made on allocation	None	Not yet triggered as development not started
13/00481/FL	2 & 2A Somerset Terrace, Scarborough	28/06/2013	£2,400	Decision to be made on allocation	None	Not yet triggered as development not started
13/00667/FL	111-113 North Marine Road, Scarborough	12/07/2013	£27,600	Decision to be made on allocation	None	Development not yet reached stage when payment is triggered
13/01117/FL	1a Hope Street Scarborough	13/08/2013	£1,929	Decision to be made on allocation	None	Recently invoiced and awaiting payment

Planning Ref	Site	Date of Agreement	Commuted Sum	Project	Repayment date / period	Current Status
13/01160/FL	Former Bus Station, Somerset Terrace, Scarborough	05/08/2013	£13,500	Decision to be made on allocation	None	Payment trigger not yet reached
13/01239/FL	8 Queens Terrace, Scarborough	02/10/2013	£4,875	Decision to be made on allocation	None	Not yet triggered as development not started
13/01252/FL	77 Falsgrave Road, Scarborough	11/09/2013	£6,850	Decision to be made on allocation	None	Not yet triggered as development not started
13/01268/FL	8 Carlton Terrace, Scarborough	09/08/2013	£10,500	Decision to be made on allocation	None	Paid and waiting expenditure
13/01317/FL	18 & 19 Brooklands, Filey	05/12/2013	£24,675	Decision to be made on allocation	None	Not yet triggered as development not started
13/01330/FL	10 Quay Street, Scarborough	13/08/2013	£3,100	Decision to be made on allocation	None	Not yet triggered as development not started
13/01509/FL	13 Blackburns Yard, Church Street, Whitby	17/10/2013	£3,500	Decision to be made on allocation	None	Not yet triggered as development not started
13/01744/FL	5 Belvedere Place, Scarborough	08/10/2013	£3,500	Decision to be made on allocation	None	Not yet triggered as development not started
13/01757/FL	25, 26 & 27 Sandside, Scarborough	15/11/2013	£3,650	Decision to be made on allocation	None	Not yet triggered as development not started

Planning Ref	Site	Date of Agreement	Commutated Sum	Project	Repayment date / period	Current Status
13/01817/FL	The Homestead, Stainsacre Lane, Whitby	21/10/2013	£12,900	Decision to be made on allocation	None	Not yet triggered as development not started
13/01989/OL	137 Osgodby Lane, Osgodby	08/11/2013	To be confirmed at reserved matters stage	Decision to be made on allocation	None	Reserved matters application required before payment is triggered
13/02114/FL	14 Weydale Avenue, Scarborough	25/11/2013	£22,125	Decision to be made on allocation	None	Not yet triggered as development not started
13/02140/FL	79 Coach Road, Sleights	20/12/2013	£5,000	Decision to be made on allocation	None	Not yet triggered as development not started
13/02274/FL	117 North Marine Road, Scarborough	20/12/2013	£7,500	Decision to be made on allocation	None	Not yet triggered as development not started

Table 7a - Public Open Space/Community Facilities - On Site Provision and Maintenance

Where monies have only been partially spent this reflects the fact that payments cover maintenance which is phased over a number of years. Prior to any maintenance monies being requested most agreements require that the developer provides the open space/play equipment to a suitable standard. Once this has been agreed it then proceeds to adoption of the land by the Council, following which payment(s) are made.

Application Number	Site	Date of Agreement	Maintenance Sum/Requirement	Repayment date /period	Current Status
99/00841/RM	Lisvane School	01/07/1999	£6,500 POS	None	Received and partially spent (balance £1,670)

Application Number	Site	Date of Agreement	Maintenance Sum/Requirement	Repayment date /period	Current Status
99/00841/RM	Lisvane School	01/07/1999	£2,800 Play Equipment	None	Received and partially spent (balance £1,120)
4/9/442/FL	Crab Lane II Crossgates	02/12/1999	£64,162 POS	None	Received and partially spent (balance £12,834)
00/00027/FL	Osgodby Lane	03/08/2000	£82,750 POS	None	Received and partially spent (balance £33,100)
00/00027/FL	Osgodby Lane	03/08/2000	£34,500 Play Equipment	None	Received and partially spent (balance £13,800)
00/00592/FL	Barry's Lane	08/05/2001	£15,000 POS	None	Received and partially spent (balance £6,000)
00/00592/FL	Barry's Lane	08/05/2001	£4,000 Play Equipment	None	Received and partially spent (balance £1,600)
00/00587/FL	Lismore Place/ Wyecourt	08/05/2001	£10,000 POS	None	Awaiting adoption by SBC before payments are sought
4/35/289E/FL (99/01153/FL)	Castle Road Whitby	02/11/2001	£57,600 POS	None	POS/play area complete and awaiting adoption by SBC before payments can be sought
04/01191/FL	Pasture Crescent , Filey	24/07/2003	£21,500 POS and play equipment	None	POS/play area works carried out and awaiting adoption by SBC before payments can be sought
02/00145/FL	Crab Lane III, Crossgates	31/07/2003	£102,905.10 POS	16/9/2024	Received and partially spent (balance £66,887)

Application Number	Site	Date of Agreement	Maintenance Sum/Requirement	Repayment date /period	Current Status
02/00145/FL	Crab Lane III, Crossgates	31/07/2003	£35,500 Play Equipment	16/9/2024	Received and partially spent (balance £23,075)
09/01006/FL	St Hilda's Priory, Sneaton Castle, Whitby	09/11/2009	Provision of playing field at Priory (no payment)	n/a	Works started on priory extensions, but this remains largely unimplemented. Playing field not yet provided – discussions to take place with a view to secure implementation.
10/00903/OL	West Garth, Cayton	21/06/2011	Community land/facilities - sum of £11,500	5 years	Development started but payment only triggered on transfer of land to Borough or Parish Council.
11/00213/FL	Eskdale Park, Whitby	17/05/2012	Children's informal play contribution £42,000 (pay into joint account with SBC)	10 years	Notionally triggered, although part of site including the play area has not been started yet.
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	Open Space & Play £40,000/ha (c. £350,000)	Spend on maintenance over 7 years	Not reached stage when provision/payment is triggered
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	Open Space (Deep Dale Area) £11,000/ha (c. £36,000)	Spend on maintenance over 7 years	Not reached stage when provision/payment is triggered

Application Number	Site	Date of Agreement	Maintenance Sum/Requirement	Repayment date /period	Current Status
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	Additional Play Area contribution £100,000	Spend on maintenance over 7 years	Not reached stage when provision/payment is triggered

Table 7b - Public Open Space/Play/Sports Provision (Off Site Provision / Improvements)

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
02/01170/FL	Old Montrosa, Avenue Victoria	05/12/2002	£15,707	<i>South Cliff Gardens</i>	15/05/2019	Monies received & awaiting expenditure
03/00538/FL	Dulverton Hall, Montpellier Terrace	01/07/2003	£10,385	<i>South Cliff Gardens</i>	06/12/2019	Received - £1,167 spent on sign at South Cliff Gardens. Mostly awaiting expenditure (balance £9,218)
03/00972/FL	31 Valley Road	18/11/2003	£2,069	<i>Valley Gardens</i>	28/04/2020	Monies received & awaiting expenditure
03/00365/FL	Miramar, 32 Esplanade	12/12/2003	£13,559	<i>South Cliff Gardens</i>	19/04/2020	Monies received & awaiting expenditure
03/01895/FL	Land adjacent 35 Trinity Road	05/02/2004	£10,924	<i>Was Oliver's Mount & Mere Country Park, but may need re-allocating</i>	15 years	Development started to keep planning permission extant, but not reached stage where payment is triggered
02/01309/FL	Grosvenor House Hotel	23/02/2004	£9,781	<i>Valley Gardens</i>	15 years	Legal action pending following failure to pay invoice

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
04/00901/FL	Seamer Road Corner	11/03/2005	£4,696	To be determined for remaining balance	13/11/2021	Monies received and spent on Falsgrave Park - Final balance of £1,029 spent during last year.
04/00944/FL	Oriel House, Oriel Crescent	15/07/2004	£6,038	Possible request from cricket club for remaining sum	21/01/2022	Mainly spent - balance of £1,871 to be spent
04/00256/FL	Albemarle Back Road.	18/08/2004	£1,510	<i>Valley Gardens</i>	21/12/2025	Received and awaiting expenditure
04/01505/FL	23 Prince of Wales Terr., Scarborough	09/12/2004	£1,517	<i>South Cliff Gardens</i>	15 years	Development started but development not reached trigger point for payment yet
04/02315/FL	35 – 36 Esplanade Gardens	21/03/2005	£8,334	<i>South Cliff Gardens</i>	10/05/2022	Monies received & awaiting expenditure
04/02456/FL	The Carlton Hotel, Belmont Rd, Scarborough	11/03/2005	£8,930	<i>Valley Gardens</i>	n/a	Development started, but payment not triggered yet (new application under consideration which may alter the sum.)
05/00806/FL	47/49 Westbourne Grove	04/08/2005	£8,864	<i>Valley Gardens</i>	28/02/2018	Monies received & awaiting expenditure
05/00954/FL	28/30 Prince of Wales Terrace	08/08/2005	£20,430	<i>South Cliff Gardens</i>	15 years	£7,661 was paid, but remainder (£12,769) had to be written off as company has gone into liquidation.

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
07/00735/FL	35/37 West St Scarborough	30/08/2007	£1,995	<i>South Cliff Gardens</i>	14/04/2018	Monies received & awaiting expenditure
07/01700/OL & 09/02472/RM & 07/01700/OL & 09/02472/RM	Highfield Road, Whitby Highfield Road, Whitby	25/10/07 25/10/07	£8,331 (POS) £2,380 (sport)	<i>White Leys POS</i>	5 years 5 years	Construction not reached stage where payment triggered Construction not reached stage where payment triggered
07/00547/OL	Muston Road, Filey	13/11/2007	£15,520	<u>Multi- Use games area within vicinity</u>	10 years	Development started, but payment not triggered yet
07/01917/FL	Seamer Rd (Hinderwell and Newcoln Rds)	20/11/07	(£23,640)	To be determined	None	£214 has been paid. The remaining £23,426 was written off as funders went bankrupt. However, if development proceeds it can still be invoiced at a later date. A project team has been established to try to resolve various outstanding matters .
07/01981/OL & 09/02013/RM	Former Creamery, White Leys, Whitby	29/11/07 & 18/3/10	£99,974	<u>Whitby Rugby Club & footpath link</u>	07/07/2016	Payment received & awaiting expenditure. The majority (£97,474) transferred and spent by Whitby Rugby Club to provide improved sports facilities. Agreed that the remaining £2,500 to be spent on planting on footpath link.

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
08/00193/FL	St Thomas Hospital, Foreshore Road	30/05/2008	£12,612	<i>Valley Gardens</i>	15 years	Development started, but not proceeded – not invoiced yet
08/01253/FL	Seamer Garage, Main Road, Seamer	19/08/2008	£14,413	<i>Open space on opposite side of Main Road</i>	None	Awaiting expenditure (discussions with Parish Council)
08/00647/FL	New George Hotel, Newborough	18/09/2008	£3,596	To be determined (but possibly suitable for Valley Gardens)	23/11/2019	Monies received & awaiting expenditure
09/00783/FL	59/61 Falsgrave Road	26/06/2009	(£1,044)	n/a	10 years	Planning permission expired, so no longer applicable
08/02554/FL	Church Farm, Speeton	03/08/2009	£15,767	<i>Not decided yet, but must be in Reighton Parish</i>	10 years	Development started, but payment not triggered yet
09/01964/FL	Fairmead Court, Larpool Lane, Whitby	18/02/2010	£11,049	<i>St Peters Play Area/ Helredale</i>	5 years	Monies received & awaiting expenditure
09/01908/FL	The Crown, Queen Street, Filey	03/06/2010	£22,358	<u>Filey Country Park</u>	10 years	Monies spent within last year on Filey Country Park
09/02166/FL	9a Royal Crescent Lane, Scarborough	29/11/2013	£8,400	To be determined	None	Development not started, so payment not triggered

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
10/02272/FL	19-20 Albemarle Crescent, Scarborough	15/02/2011	£25,227	Valley Gardens	10 years	Development not started, so payment not triggered
08/1544/FL	94 Filey Road, Scarborough	24/10/2011	£13,183	To be determined	15 years	Development not started, so payment not triggered
11/02181/FL	Moorlands Hotel, North Promenade, Whitby	08/03/2012	£12,000	To be determined	18/04/23	Monies received & awaiting expenditure
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£12,338	<u>Children's play - St Peter's Play Area</u>	10 years	Development not reached stage when payment is triggered
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£190,730	<u>Off-site playgrounds - St Peters Play Area</u>	10 years	Development not reached stage when payment is triggered
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£45,086	<u>Off site open space - Cinder Track</u>	10 years	Development not reached stage when payment is triggered
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£75,473	<u>Off site sports sum - St Peters Play Area/Helredale Comm Centre</u>	10 years	Development not reached stage when payment is triggered
11/01844/FL	The Sands, Burniston Road, Scarborough	28/08/2013	Provision of Play Area or pay £100,000	<u>On land within or in vicinity of the site</u>	None	Not yet triggered as development not started

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
12/00604/FL	48 & 50 Norwood Street, Scarborough	21/08/2012	£11,251	To be determined	None	Paid & awaiting expenditure
12/01586/OL	Former LPG Depot, Church Hill, Reighton	06/12/2012	£19,090	<i>To be determined in consultation with Parish Council</i>	None	Reserved matters awaited. Development not started so payment not triggered yet.
12/01108/FL	9 Grosvenor Crescent Scarborough	18/12/2012	£1,044	To be determined	None	Paid & awaiting expenditure
12/01144/FL	4 Belgrave Crescent, Scarborough	10/05/2013	£10,056	To be determined	None	Development not reached stage where payment is triggered
12/02456/RG4	Land at Manham Hill, Eastfield	13/03/2013	£21,765	To be determined	10 years	Development not reached stage where payment is triggered
13/02114/FL	14 Weydale Avenue, Scarborough	25/11/2013	£3,297	To be determined	None	Development not started so payment not triggered yet.
13/01160/FL	Former Bus Station, Somerset Terrace, Scarborough	05/08/2013	£2,097	To be determined	None	Development not reached stage where payment is triggered

* Underlined text indicates that the project for expenditure is fixed by the planning obligation or Cabinet. *Italic* text indicates that Cabinet has identified in principle the location of the expenditure.

Table 8 - Education

Planning Ref	Site	Date of Agreement	Requirement	Repayment date/period	Current Status
07/01700/OL & 09/02472/RM	Highfield Road, Whitby	25/10/2007	£67,980	5 years	Development not reached stage when payment is triggered.
07/00547/OL	Muston Road, Filey	13/11/2007	£29,192 towards Infant & Nursery School – Planning Committee agreed reduction in sum and waiving of sum for Junior School in 2013.	10 years	Started on site, but payment not yet triggered.
09/00717/OL	High Mill Farm, Scalby	8/10/2010	£1,477,000 for local primary school	10 years	Reserved matters application for first phase approved –housing not started, so payment not triggered yet.
10/00903/OL	West Garth, Cayton	21/06/2011	£467,384 for Cayton Primary School	5 years	First instalment paid (£120,676) – triggers for remaining payments are awaited

Table 9 - Transport

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
01/00844/FL	Whitehall Shipyard, Whitby	19/07/2002	£16,000 towards Larpool Lane/Helredale Road Junction before 18/7/2017, if required	None	Dependent on request of highway authority (NYCC) for payment to be triggered (no current project for this junction)

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
02/02114/OL	The Sands, North Bay	15/10/2004	£11,856 towards cycle route between North & South Bays (see also 11/01844/FL) later in this table.	2023	Original sum paid and £9,856 awaiting expenditure. £2,000 spent on related feasibility study.
07/01996/FL	37 Seamer Road	5/12/2007	£5,014 for highway improvements to A64	11/02/2020	Monies received & awaiting expenditure
08/00050/FL	Woodworking Factory, Stainsacre Lane, Whitby	27/06/2008	£25,000 for Road Traffic Orders and junction improvements at Prospect Hill junction	23/03/2014	NYCC currently identifying work which can be carried out to spend monies before the repayment date in March
07/01981/OL /09/02013/RM	The Creamery, White Leys, Road, Whitby	19/3/2010	£15,000 for off site highway improvement	02/07/2018	Monies received & awaiting expenditure by NYCC
09/00717/OL	High Mill Farm, Scalby	8/10/2010	Improvement of bus service, including 5 annual payments totalling £725,000	5 years (also annual audit)	Reserved matters application for first phase approved , but housing not started, so payment not triggered
09/00717/OL	High Mill Farm, Scalby	8/10/2010	£54,429 towards signalised junction in centre of Scalby	10 years	Awaiting payment
09/00717/OL	High Mill Farm, Scalby	8/10/2010	£150 voucher paid to each household for bicycle or public transport	n/a	Reserved matters application for first phase approved, but housing not started, so payment not triggered
09/02118/FL	Stainsacre Lane, Whitby	21/12/2010	£403,229 towards improved road links to business park	21/05/2017	Monies received and waiting expenditure (works likely to start in early 2014)

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
09/02118/FL	Stainsacre Lane, Whitby	21/12/2010	£10,208 towards footpath improvements	21/05/2017	Monies received and waiting expenditure (works likely to start in early 2014)
09/02118/FL	Stainsacre Lane, Whitby	21/12/2010	£121,651 towards improvements at Prospect Hill signalised junction	03/01/2017	Monies received and waiting expenditure
09/02118/FL	Stainsacre Lane, Whitby	21/12/2010	£62,853 towards pedestrian/cycle route along Stainsacre Lane	03/01/2017	Monies received and waiting expenditure
09/02118/FL	Stainsacre Lane, Whitby	21/12/2010	Free hopper bus service for staff & customers	n/a	Implemented
10/00903/OL	West Garth, Cayton	21/06/2011	£10,608 bus stop contribution	18/08/2018	Payment received and awaiting request from NYCC for transfer and expenditure
10/00903/OL	West Garth, Cayton	21/06/2011	£30,074 footway/ cycleway contribution	18/08/2018	Payment received and awaiting request from NYCC for transfer and expenditure
10/00903/OL	West Garth, Cayton	21/06/2011	Traffic Regulation Order payment up to £125,000 (if required by NYCC)	2 years	Not triggered
10/00903/OL	West Garth, Cayton	21/06/2011	£20,000 Travel Plan mitigation sum	3 years	Triggered, but officers liaising with NYCC to establish whether and when such a sum is required given short period for repayment.
10/00903/OL	West Garth, Cayton	21/06/2011	4 wk travel pass or £30 bicycle or rail voucher for each dwelling (maximum £5,100)	None	Payment/vouchers sent directly to occupiers

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
11/00213/FL	Eskdale Park, Larpool Lane, Whitby	17/05/2012	£150,000 towards Prospect Hill junction only	5 years	Not yet reached stage when payment is triggered
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£40,000 travel plan mitigation	5 years	Not yet reached stage when payment is triggered
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£10,000 maximum towards bus passes	5 years	To be paid to residents on occupation
10/02538/FL	Sainsbury's Falsgrave Rd, Scarborough	22/06/2012	£135,000 towards pedestrian crossing, extension of urban traffic control for Falsgrave /Seamer Roads & new road markings.	3 years (05/12/2015 for first instalment)	£35,000 paid and held by the County Council who are currently costing works on Falsgrave Road before invoicing the remaining sum (£100,000), which has recently been triggered.
11/00019/FL	Dean Road, Scarborough	23/08/2012	£70,000 Park & Ride contribution	5 years	Development not started so payment not triggered yet
11/00019/FL	Dean Road, Scarborough	23/08/2012	£257,586 Town Centre link (incl. traffic calming)	5 years	Development not started so payment not triggered yet
11/00019/FL	Dean Road, Scarborough	23/08/2012	£20,000 public transport (Real Time Information displays)	5 years	Development not started so payment not triggered yet
11/00019/FL	Dean Road, Scarborough	23/08/2012	£10,000 bus stop contribution	5 years	Development not started so payment not triggered yet
11/01606/FL	Long Causeway Road, Hutton Buscel	16/01/2013	£83,704 towards improvements to Long Causeway Road	5 years	Payment not triggered yet

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
11/01844/FL	The Sands, Burniston Road, Scarborough	28/08/2013	Up to £345,000 towards bus service between site and A64 Park & Ride during tourist season (Over 5 years)	Annual reconciliation process with NYCC	Development not started so payment not triggered yet
11/01844/FL	The Sands, Burniston Road, Scarborough	28/08/2013	£10,000 towards cycle Infrastructure (between North & South Bays)	10 years	Development not started so payment not triggered yet
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£55,000 for urban traffic control in Scarborough town centre & Stepney Hill crossing	5 years	Not reached stage when payments are triggered
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£10,000 bus stop contribution	5 years	Not reached stage when payment is triggered
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£250,000 bus services contribution	5 years	Not reached stage when payment is triggered
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£125,000 Bridge Mitigation Contribution(only payable if link road bridge not complete)	14 days after link road completion	Not reached stage when payment is triggered
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£10,000 cycle route contribution	5 years	Not reached stage when payment is triggered

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£100,000 sustainable transport contribution	5 years	Not reached stage when payment is triggered

Table 10 - Health Infrastructure

Planning Ref	Site	Date of Agreement	Requirement	Repayment date /period	Current Status
07/00547/OL	Land east of Muston Road, Filey	13/11/07	£50,000 towards Filey Surgery	10 years	Started on site, but payment not yet triggered.
09/00717/OL	High Mill Farm, Scalby	8/10/10	£100,000 towards surgeries in Scalby	10 years	Housing not started so payments not triggered
11/01914/OL	Land north of Eastfield (Middle Deepdale)	15/03/2013	£250,025 for primary health care facilities	7 years	Started on site, but payments not yet triggered.

Table 11 - Miscellaneous

Planning Ref	Site	Date of Agreement	Requirement	Repayment date /period	Current Status
11/00019/FL	Dean Road, Scarborough	23/08/2012	£50,000 towards public realm works	5 years	Not applicable yet as development not started.
11/00019/FL	Dean Road, Scarborough	23/08/2012	Reinstatement of listed buildings within 1 year of occupation.	n/a	Not applicable yet as development not started.

Planning Ref	Site	Date of Agreement	Requirement	Repayment date /period	Current Status
11/01914/OL	Land north of Eastfield (Middle Deepdale	15/03/2013	£100,000 towards Eastfield High Street Regeneration Study / Development Brief	7 years	To be invoiced in the near future
11/01914/OL	Land north of Eastfield (Middle Deepdale	15/03/2013	£140,015 towards Cayton Trunk Sewer Study (Yorkshire Water Study)	7 years	To be invoiced in the near future
11/01914/OL	Land north of Eastfield (Middle Deepdale	15/03/2013	£10,005 towards surface water flow monitoring equipment	7 years	To be invoiced in the near future
11/01914/OL	Land north of Eastfield (Middle Deepdale	15/03/2013	Community Facilities - provide comm. hall to accord with Comm. Facilities Strategy or commuted sum	7 years	Not reached trigger point or payment yet
11/01914/OL	Land north of Eastfield (Middle Deepdale	15/03/2013	Minimum 0.6ha small builder & self build housing in accordance with strategy	n/a	Not reached trigger point yet for submitting strategy
11/01914/OL	Land north of Eastfield (Middle Deepdale	15/03/2013	Provision of 2-6 small scale retail premises in accordance with strategy	n/a	Not reached trigger point yet for submitting strategy

Appendix 4

Statement by Environment and Countryside Service on outstanding Section 106 off site developer contributions accrued in respect of public open space allocated to South Cliff Gardens and Valley Gardens

Background:

The purpose of this brief statement is to update Members on the current position regarding the expenditure of s106 funds that have accrued in respect of parks and open spaces. It provides some additional information to that supplied on the general s106 Planning Obligations – Update.

South Cliff Gardens:

The following sums have accrued over the past few years and have been provisionally allocated to South Cliff Gardens:

• Old Montrosa, Avenue Victoria	£15,707
• Dulverton Hall, Montpellier Terrace	£9,218
• Miramar, 32 Esplanade	£13,559
• 35 – 36 Esplanade Gardens	£8,334
• 35 – 37 West Street	£1,995
• 28 – 30 Prince of Wales Terrace	£7,661
TOTAL:	£56,474

Various ideas have been brought forward for spending these funds, including:

- Developing a new play area. There is a gap in play area provision to the south of the town centre, (although the level of demand is uncertain as children do not make up a high proportion of the residents in the South Cliff area).
- Sea View Play Area was put forward for refurbishment but unfortunately this is beyond the limit in which s106 funds arising from South Cliff can be spent. (It is hoped that the local community will come forward with a proposal for Sea View in due course)
- Procuring a park masterplan to guide and prioritise future development and to attract external funding
- Using it as match funding against a grant bid to HLF to restore the Gardens (see notes below)
- Using it to supplement the reinstatement work following slope stabilisation work to protect the Spa
- Using a small proportion to supplement HLF funding to restore the Rose Garden. An HLF grant has been awarded for 100% of the anticipated cost of the work which is currently underway. There should not be a necessity for

additional funds unless there are unforeseen circumstances or further improvements are required.

- A further project within South Cliff Gardens developed with the Friends of South Cliff Gardens.

A capital bid submitted last year to finance the preparation of a Stage I bid to HLF for the restoration of the whole of South Cliff Gardens (to tie in with the proposed slope stabilisation work) was unfortunately unsuccessful and it seems unlikely that any capital funding will be forthcoming internally in the current financial climate.

Corporate Finance and Strategy Group (CFSG) raised the possibility of using s106 contributions towards the capital cost of a Stage I HLF bid. Advice from Legal Services was that the developers making the s106 contributions be contacted to obtain their agreement to this use of the funds as the s106 Agreements do not make it explicit that this use of the contributions is within the terms of the Agreements. When the developers were contacted some objections were received and this option was therefore not pursued further.

There is a proposal from Sustrans to develop a cycle link through South Cliff Gardens from Foreshore Road to Holbeck. This would help link the Scarborough end of the Cinder Track (Scarborough to Whitby off road route) via South Bay to routes running south of Scarborough. A contribution to this project or a project linked to it would perhaps be possible if the necessary funding for it becomes available.

It would obviously be unwise to spend the s106 contributions on anything that may be removed as part of any slope stabilisation works or the Sustrans project or any other larger project. This does not preclude some of the other options listed above however.

Valley Gardens:

The following sums have accrued over the past few years and have been provisionally allocated to Valley Gardens:

• 31 Valley Road	£2,069
• Albemarle Back Road	£1,510
• 47/49 Westbourne Grove	£8,864
TOTAL:	£12,443

A potential project has been identified to spend this on, subject to the required approvals being forthcoming. This includes lifting, repairing and resetting the Yorkstone crazy paving around the lower lake underneath Valley Bridge and repairing a longstanding surface water drainage problem on one of the footpaths which at present runs with water following prolonged or heavy rain. A capital bid

is envisaged to seek SBC authority to proceed provided that no objections are raised. This will be pursued as soon as time permits.

**Environment & Countryside Services
January 2014**