

MONITORING OF SECTION 106 PLANNING OBLIGATIONS

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. For fuller explanation, please see the main report.

Table 1

	Not Triggered Yet*	Invoiced & Owing	Awaiting Expenditure	Total
Affordable Housing	£222,344	0	£463,144	£685,488
Public Open Space/Play/Community – On site**	£100,800	0	£194,898	£295,698
Public Open Space/Play/Sport – Off site	£473,341	£47,834	£123,794	£644,969
Education	£2,316,394	0	0	£2,316,394
Transport	£1,683,792	0	£674,812	£2,356,604
Health	£150,000	0	0	£150,000
Miscellaneous	£50,000	0	0	£50,000
Total	£4,996,671	£47,834	£1,454,648	£6,499,153

*This column does not include any addition 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 2011). The next rows show the last complete financial years 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 granted permission s106)	dwelling planning (with	Total Not Yet Built * (valid consents at end of period)	Built
Apr – Dec 2012	58		293	37
Apr 2011 – Mar 2012	42		302	16
Apr 2010 – Mar 2011	91		250	6
Total Apr 1999 – Dec 2012	485		n/a	207

* The above table excludes provision in later phases at High Mill Farm, Scalby, where the level of provision is to be determined.

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

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent
Apr-Dec 2012	£2,700	£222,344	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
Apr 2009 – Mar 2010	0	£24,000	£537,566	0	0	£9,000
Total Apr 1999 – Dec 2011	£1, 359,766	n/a	n/a	£1,064,644	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
Apr-Dec 2012	0	£100,800	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 2011	£448,117	n/a	n/a	£348,117	n/a	£194,897

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

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent
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 2011	£686,422	n/a	n/a	£585,090	n/a	£533,279*

*Excludes agreements pre-dating 1999

Table 4 - Education

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure	Spent
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 2011	£2,483,000	n/a	n/a	£167,000	n/a	£167,000

Table 5 - Transport

Period	Sum Negotiated	Sum not triggered	Invoiced & Owing	Received	Awaiting Expenditure*	Spent
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

* 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 miscellaneous 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	8 affordable units	Development of one dwelling started on site , but awaiting outcome of Village Green application before proceeding further, so affordable provision not completed yet
07/00547/OL	Muston Road, Filey	13/11/2007	120 units (40% provision increased from s106 which stipulated 20% minimum)	Reserved matters application approved, and some affordable units under construction – 38 units expected to be completed in next year
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.

Planning Ref	Site	Date of Agreement	Requirements	Current Status
08/02554/FL	Church Farm, Speeton	16/03/2009	5 affordable houses	Development started but not reached stage where units implemented
09/01640/OL	Hind House, Church Hill, Reighton	04/02/2010	(4 affordable units)	Permission expired on 11 August 2012
09/01964/FL	Fairmead Court, Larpool Lane, Whitby	18/02/2010	18 affordable units	Development completed in last year
09/01908/FL	The Crown, Queen Street, Filey	03/06/2010	19 affordable units	Development completed in last year
09/00717/OL	High Mill Farm, Scalby	8/10/2010	40% on first phase (57 units) - numbers on subsequent phases to be agreed, but could be up to 137 units.	Reserved matters for Phase 1 approved but not started
10/00903/OL	West Garth, Cayton	21/06/11	32 units (20% provision - may increase depending on viability test)	Reserved matters approved, but start of development awaited
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 housing units	Development not started yet

Planning Ref	Site	Date of Agreement	Requirements	Current Status
11/02181/FL	Moorlands Hotel, 16 North Promenade, Whitby	08/03/2012	4 affordable units	Under construction

Table 6b - Affordable Housing (Off Site)

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 (s106 varied reducing sum from £537,566)	Approximately £200,000 identified by Cabinet for homeless accommodation. Remainder to be allocated	None	£463,144 paid & not spent yet. Variation of s106 reduces index linked payments to £1,644 and due to be re-invoiced in near future .
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

Planning Ref	Site	Date of Agreement	Commuted Sum	Project	Repayment date / period	Current Status
11/00932/FL	Cricketers Arms, North Marine Rd, Scarborough	06/01/2012	£131,000	Decision to be made on allocation	10 years	Not yet triggered , but construction well advanced
12/01887/FL	131 Victoria Road, Scarborough	05/11/2012	£1,700	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 (normally 10). 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	Monetary Requirement	Repayment date /period	Current Status
99/00841/RM	Lisvane School	01/07/1999	£6,500 POS	None	Received and partially spent (balance £2,600)
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 £19,250)
00/00027/FL	Osgodby Lane	03/08/2000	£82,750 POS &	None	Received and partially spent (balance £41,375)

Application Number	Site	Date of Agreement	Monetary Requirement	Repayment date /period	Current Status
00/00027/FL	Osgodby Lane	03/08/2000	£34,500 Play Equipment	None	Received and partially spent (balance £17,250)
00/00592/FL	Barry's Lane	08/05/2001	£15,000 POS	None	Received and partially spent (balance £7,500)
00/00592/FL	Barry's Lane	08/05/2001	£4,000 Play Equipment	None	Received and partially spent (balance £2,000)
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 (03/00141/FL)	Pasture Crescent , Filey	24/07/2003	£21,500 POS and play equipment	None	POS/play area completed 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 £77,178)
02/00145/FL	Crab Lane III, Crossgates	31/07/2003	£35,500 Play Equipment	16/9/2024	Received and partially spent (balance £26,625)

Application Number	Site	Date of Agreement	Monetary Requirement	Repayment date /period	Current Status
09/01006/FL	St Hilda's Priory, Sneaton Castle, Whitby	09/11/2009	Provision of playing field at Castle Road (no commuted sum)	n/a	Understood that works recently started before expiry of planning permission (to be verified). This would trigger requirement to provide playing field in next 6 months.
10/00903/OL	West Garth, Cayton	21/06/2011	Community land/facilities sum of £11,500	5 years	Reserved matters approved, but construction not started so payment not triggered yet

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 part spent on sign at South Cliff Gardens & most 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

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
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 requested following failure to pay invoice
04/00901/FL	Seamer Road Corner	11/03/2005	£4,696	To be determined for remaining balance	13/11/2021	Monies received and mainly spent on Falsgrave Park - balance of £1,029
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	£1,248	<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

Planning Ref:	Site	Date of Agreement	Commutated Sum	Project for Expenditure*	Repayment date/period	Current Status
05/00806/FL	47/49 Westbourne Grove	04/08/2005	£8,864	Valley Gardens	28/02/2018	Monies received & awaiting expenditure
05/00954/FL	28/30 Prince of Wales Terrace	08/08/2005	£20,430	South Cliff Gardens	15 years	£7,661 was paid, but remainder (£12,769) had to be written off as company has gone into liquidation.
07/00735/FL	35/37 West Street, Scarborough	30/08/2007	£1,995	South Cliff Gardens	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)	White Leys POS	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	Monies invoiced and owing – lengthy correspondence to try to recover. This is one of a number of enforcement related matters arising as funders went bankrupt. A project team has been established to try to resolve outstanding matters on site.

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
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 (£85,000) transferred and spent by Whitby Rugby Club to provide improved sports facilities. Agreed that a further £12,474 will be transferred for same purposes. Remaining £2,500 to be spent on planting on footpath link.
08/00193/FL	St Thomas Hospital, Foreshore Road	30/05/2008	£12,612	<i>Valley Gardens</i>	15 years	Development started, but payment not triggered yet
08/00058/FL	Salisbury Hotel, 18 Huntriss Row, Scarborough	1/7/2008	(£6,496)	n/a	n/a	Permission expired 11/08/11, but Committee resolution to renew with new s106 agreement
08/01253/FL	Seamer Garage, Main Road, Seamer	19/08/2008	£13,129	Open space on opposite side of Main Road	None	Invoiced & not paid. Developer to has made request to waive payment - to considered by Planning Committee in due course
08/00647/FL	New George Hotel, Newborough	18/09/2008	£3,596	To be determined	23/11/2019	Monies received & awaiting expenditure

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
08/0007/FL	Methodist Chapel, Seamer Road,	2/12/2008	(£13,183)	n/a	None	Planning & Development Committee agreed that sum should no longer be payable
09/00783/FL	59/61 Falsgrave Road	26/06/2009	£1,044	To be determined	10 years	Development not started, so payment not triggered
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
09/01640/OL	Hind House, Church Hill, Reighton	04/02/2010	(£15,241)	n/a	10 years	No longer applicable – permission expired 11/08/2012
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	<i>Filey Country Park - dependent on outcome of capital bid</i>	10 years	Monies received & awaiting expenditure
10/02272/FL	19-20 Albemarle Crescent, Scarborough	15/02/2011	£25,227	<i>Valley Gardens</i>	10 years	Development not started, so payment not triggered

Planning Ref:	Site	Date of Agreement	Commuted Sum	Project for Expenditure*	Repayment date/period	Current Status
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	10 years	Development started, but not reached stage where it is triggered, but likely soon.
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 started, so payment not 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 started, so payment not 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 started, so payment not 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 started, so payment not triggered
12/00604/FL	48 & 50 Norwood Street, Scarborough	21/08/2012	£11,085	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
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	Development not started so payment not triggered yet.

* 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
02/02114/OL	The Sands, North Bay, Scarborough	15/10/2004	(£140,365 for Northstead County Primary School)	None	Planning Committee resolved that payment not required. Deed of Release awaiting final signature
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	£309,150 (two components towards Junior and Infant Schools)	10 years	Started on site, but payment not yet triggered. (NB no application received to reduce this sum).

Planning Ref	Site	Date of Agreement	Requirement	Repayment date/period	Current Status
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 – development not started, so payment not triggered yet.
10/00903/OL	West Garth, Cayton	21/06/2011	£462,264 for Cayton Primary School	5 years	Reserved matters approved, but development not started, so provision not triggered

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)
02/02114/OL	The Sands, North Bay	15/10/2004	£11,856 towards cycle route between North & South Bays (new s106 proposes to add £10,000 to sum)	New agreement makes provision for a further 10 years	Original sum paid and £9,856 awaiting expenditure. £2,000 spent on related feasibility study.

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
06/01869/FL	The Sands, North Bay	11/05/2007	(£525,000 towards parking, park & ride or public transport)	10 years	In effect to be superseded by new s106
06/01869/FL	The Sands, North Bay	11/05/2007	(Up to £175,000 for traffic calming)	None	In effect to be superseded by new s106
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	Monies received & awaiting expenditure by NYCC
08/00883/FL	Wykeham Lake, Hutton Buscel	4/08/2008	(£70,000 for highway improvements to Long Causeway Road)	n/a	Permission expired 11/08/11, but Committee resolution to renew with new s106 agreement, but not signed yet
08/0007/FL	Methodist Chapel, Seamer Road, Scarborough	2/12/2008	(£5000 for junction improvements to Seamer Road/ Valley Road Junction)	None	Planning Committee resolved to issue Deed of Release which waives payment
09/02013/RM	The Creamery, White Leys, Road, Whitby	19/3/2010	£15,000 for off site highway improvement	5 years	Development not reached stage where payment is triggered, although should occur soon

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
09/00717/OL	High Mill Farm, Scalby	8/10/2010	Improvement of bus service, including 5 annual payments totalling £725,000	5 years	Reserved matters application for first phase approved , but development not started, so payment not triggered
09/00717/OL	High Mill Farm, Scalby	8/10/2010	£50,000 towards signalised junction in centre of Scalby	10 years	Reserved matters application for first phase approved , but development not started, so payment not triggered
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 development 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
09/02118/FL	Stainsacre Lane, Whitby	21/12/2010	£10,208 towards footpath improvements	21/05/2017	Monies received and waiting expenditure
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

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
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	£10,000 bus stop contribution	5 years	Reserved matters approved, but development not started so payment not triggered
10/00903/OL	West Garth, Cayton	21/06/2011	£28,350 footway/ cycleway contribution	5 years	Reserved matters approved, but development not started so payment not triggered
10/00903/OL	West Garth, Cayton	21/06/2011	Traffic Regulation Order payment up to £125,000	2 years	Reserved matters approved, but development not started so payment not triggered
10/00903/OL	West Garth, Cayton	21/06/2011	£20,000 Travel Plan mitigation sum	3 years	Reserved matters approved, but development not started so payment not triggered
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	Reserved matters approved, but development not started so payment not triggered
11/00213/FL	Eskdale Park, Larpool Lane, Whitby	17/05/2012	£150,000 towards Prospect Hill junction only	5 years	Development not started so not triggered yet
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£40,000 travel plan mitigation	5 years	Development not started so not triggered yet

Planning Ref	Site	Date of Agreement	Requirement/Project	Repayment date /period	Current Status
11/00213/FL	Eskdale Park Larpool Lane, Whitby	17/05/2012	£10,000 max towards bus passes	5 years	Development not started so not triggered yet
10/02538/FL	Sainsbury's Falsgrave Rd, Scarborough	22/06/2012	£135,000 Highway & traffic contribution	3 years (05/12/2015 for first instalment)	£35,000 paid – remaining £100,000 has not been triggered yet
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

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	Reserved matters application approved , but development not started, so payment not 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	Closure of existing Westwood store (& no convenience goods sales) before new store opens	n/a	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.
11/00019/FL	Dean Road, Scarborough	23/08/2012	Job guarantee scheme	n/a	Not applicable yet as development not started.
11/00019/FL	Dean Road, Scarborough	23/08/2012	16 parking spaces available for guest houses	n/a	Not applicable yet as development not started.

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 advise Members of 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 demand is still to be assessed. 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
- Using it to supplement the reinstatement work following slope stabilisation work to protect the Spa
- Using a small proportion as match funding against the HLF grant application to restore the Rose Garden. An HLF grant application has been submitted for 100% of the cost but it is not known if a grant will be awarded and if so what proportion of the cost would be covered. s106 could be proposed as match funding if required.

A £100K Capital bid has recently been submitted 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 slope stabilisation work. If successful this would include public consultation, preparation of a park masterplan and outline specifications and cost estimates.

There is also 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.

In the light of the above it would be unwise to spend the s106 on anything that may be removed as part of slope stabilisation works or part of a subsequent larger restoration project.

Corporate Finance and Strategy Group (CFSG) have raised the possibility of using s106 as a contribution towards the capital cost of the Stage I bid. Even if the HLF bid were unsuccessful this would be a very useful exercise and would put South Cliff Gardens in an excellent position to take advantage of any eligible funding programmes that come up in the future.

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 put forward to spend this on which includes lifting, repairing and resetting the Yorkstone crazy paving around the lower lake underneath Valley Bridge and to resolve 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 there are no serious objections or difficulties raised.

**Environment & Countryside Services
December 2012**