



Cabinet
23 February 2015

**Report from the Strategic Director of
Regeneration & Growth**

For Action

Wards affected:
ALL

Development Funds Programme Development for 2015-16

1.0 Summary

- 1.1 This report seeks the approval of Cabinet for the proposed spatial and thematic allocation of Section 106 funds for expenditure in 2015-16 and commissioning specific projects and budget amounts detailed herein.
- 1.2 The allocation and projects have been reported to CMT in November and PCG in December and this report reflects feedback from those two meetings.
- 1.3 This report has been prepared with the involvement of the Operational Directors of Planning & Regeneration, Housing and Employment, Property & Projects, Environment & Neighbourhoods, Environment & Protection and other relevant officers responsible for regeneration and inward investment across the borough.

2.0 Recommendations

- 2.1 That Cabinet approves the proposed 2015-16 programme of Development Funded projects and authorises the relevant Heads of Service to deliver this programme using the allocated budget and resources available.
- 2.2 That Cabinet notes the 2015-16 allocation of £10.43m of S106 funding in the following split: £4.8m for Education; £0.6m for Transportation, £0.5m for Parks and Sports; £0.1m for Landscaping; £0.2m for Employment & Enterprise; £1.5m for Affordable Housing; £2.3m for Environment & Sustainability; £0.05m for Healthcare; and £0.4m for specific projects in Growth Areas.

- 2.3 That Cabinet notes that any necessary statutory or non-statutory consultation and the consideration of any objections or representations shall be undertaken by the relevant Heads of Service responsible for delivering the projects.
- 2.4 That Cabinet authorises the Director of Planning & Regeneration to approve and relevant Heads of Service to deliver projects in 2015-16 over and above the allocations and projects detailed herein where the exceptional circumstances criteria as set out in section 3.7, below, are met.

3.0 Background

- 3.1 Section 106 agreements are legal agreements between local authorities and developers, which are linked to a planning permission. Planning obligations are secured within S106 agreements when it is considered that a development will have negative impacts that cannot be addressed by conditions to the planning permission. Where the Developer cannot directly mitigate the impact the Council can instead take a financial contribution to undertake works. Section 106 obligations should only be used where a planning condition would not be effective or relevant. Regulation 122 of the Community Infrastructure Levy 2010 (as amended) sets out three tests to be satisfied where a planning obligation must be: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. Accordingly, these tests are now law and must be met to comply.
- 3.2 This report is concerned with the allocation of those funds which have been paid by developers held by the Council (hereafter “development funds”).
- 3.3 Development funds secured via S106 agreements can only fund those projects which meet the terms of the agreements from which the funding is derived and can be returned to the developer if the monies are not spent within the period specified in the terms and conditions of the Agreement.
- 3.4 Objectives for the selection and shortlisting of projects are split into “Essential” criteria and “Desirable” criteria:

Essential criteria

- meets the terms of the legal agreement;
- mitigates the impact of the development from which funding is derived; and
- has Member support

Desirable criteria

- meets the objectives of the Borough Plan and the Regeneration Plan and helps to facilitate growth;
- meets Service Area objectives;
- is capable of attracting additional funding streams; and
- has local community support

- 3.5 The **essential criteria** mean any project proposed herein is subject to final verification that the funding is available from suitable sources, which will be ascertained following feedback on this paper from PCG. As a principle, providing

funding for relevant infrastructure is an important means by which development can help to mitigate the impact an increased population can have on a local area and its amenities and social infrastructure; therefore new or expanded social or physical infrastructure in areas of greater development pressure will be prioritised over maintenance or minor improvements to existing infrastructure in areas of low development pressure.

3.6 It is not essential for a project to meet any of the **desirable criteria**, but where there are competing demands for money then it is proposed that projects which meet one or more of the desirable criteria will be favoured.

3.7 **Exceptional circumstances** can arise where S106 funding needs to be committed quickly without reporting to Members (for example where match-funding is needed to support a funding bid, or if the funding can only be used on a particular project and so there is no decision to be made); the criteria for exceptional allocation are:

Exceptional circumstances criteria

- the funding would otherwise expire; or
- the funding is needed to support a bid for external funding which meets corporate priorities; or
- Members approve a project at Cabinet which clearly states that S106 funds are being sought; or
- there is a clear public interest e.g. an urgent road safety project; or
- the funding can only be used for the project concerned

3.8 Since July 2013 the Standard Charge has been replaced with the Community Infrastructure Levy ("CIL") in Brent and the Council will no longer seek financial contributions for infrastructure via S106 agreements. As at 1 April 2014 the total CIL income stood at £15,200. It will take some time for CIL receipts¹ to reach levels comparable to historic and current S106 receipts (see section 4.1, below). This report focuses on the expenditure of Section 106 monies as there is currently no approved process for allocating CIL resources; a proposal was reported to CMT on 7 August 2014 but is yet to be reported to Members. Consultation with Service Units to refresh the Strategic Infrastructure Plan is underway and this is expected to be reported to PCG in March 2015 and to Cabinet thereafter.

¹ Total CIL receipts to end of Q3 2014-15: Total £3,486,002 (2013-14 £15,200; 2014-15 (Q1-Q3) £3,470,802)

4.0 S106 Finances

4.1 Income

- 4.1.1 S106 income last year (13-14) was £11.8m compared with a five-year average of £3.6m. This increase was a result of an audit of S106 records which enabled officers to pursue unpaid amounts and should not be expected in future years: this is illustrated by income of £2.4m for the first three quarters of 2014-15.

Year	Amount Received
2008-09	£2,671,963
2009-10	£1,653,213
2010-11	£3,330,850
2011-12	£5,952,354
2012-13	£4,291,364
2013-14	£11,754,615
2014-15 (excl. Q4)	£2,403,304

Table 1: Amount triggered, paid

4.2 Planning Legal, Monitoring & Compliance Fees

- 4.2.1 Most legal agreements contain a clause that commits the Developer to paying the Council's reasonable professional costs in preparing the legal agreement and in monitoring and enforcing compliance with the obligations within the deed. As part of the pursuit of unpaid obligations, officers included reasonable fees in the invoices based on a standard sum of £250 per obligation to be monitored. This yielded £36,300 monitoring fee income in 2013-14 and £36,250 monitoring fee income in the first three quarters of 2014-15.

4.3 Outstanding income

- 4.3.1 As at 1 January 2015 a total of £1.3m has been triggered by development and invoices have been issued; of that sum, a first reminder has been issued for £0.1m unpaid after the initial 30 day payment terms whilst a second reminder has been issued for £1.0m unpaid after the first reminder. Instalments have been agreed in five cases.
- 4.3.2 Those which remain unpaid after the second reminder will be passed to the Debt Recovery team in Finance for further action possibly leading to Legal action.

Status (and no. of cases)	Amount owed
First request (4)	£91,493
First chase (1)	£107,704
Second chase (17)	£1,044,046
Instalments (5)	£37,307
TOTAL	£1,280,550

Table 2: Amount of invoiced, unpaid

4.4 Expenditure

- 4.4.1 Expenditure is due to increase to a projected £8m this financial year (2014-15) from a four-year average² of £2.1m. This increase in expenditure is explained by the large amounts commissioned to Education projects to help expand school places across the borough and projects within the five Growth Areas.

Year	Amount spent
2010-11	£2,399,326
2011-12	£1,027,550
2012-13	£2,841,701
2013-14	£1,934,108
2014-15	£8,024,413 ³

Table 3: Amount expended

4.5 Final budget 2014/15

- 4.5.1 A total of £8m has been commissioned to projects to be undertaken this financial year; this sum comprises newly commissioned funds of £7.3m and £0.7m carried forward from unfinished projects from the previous financial year.
- 4.5.2 The table below shows the budget of each Service Unit that has been undertaking the works.

Service Unit	Commissioned this FY	Carried forward	Budget current FY
Other Capital Projects	£1,201,215	£86,454	£1,287,669
Parks & Sports	£920,704	£170,581	£1,091,285
Transportation	£955,516	£216,771	£1,172,287
Safer Streets	£13,000	£0.00	£13,000
Education	£3,819,222	£0.00	£3,819,222
Landscape	£273,656	£225,096	£498,752
Employment & Enterprise	£142,200	£0.00	£142,200
TOTAL	£7,325,512	£698,901	£8,024,413

Table 4: Amount commissioned 2014-15, by Service Unit

4.6 Amount available to commission 2014-15

- 4.6.1 As at 1 April 2014 a total of £19,965,150 was available to commission, subject to the terms of the legal agreements. See overleaf for a breakdown of the funds allocated by Service Unit and by Ward.
- 4.6.2 The allocation of Standard Charge funds, which constitute the majority of funds secured since October 2007, broadly reflects the ratio for Standard Charge contributions of 50% for Education, 25% for Transportation and 25% for Parks, Sports and Landscaping derived from the evidence base for the S106 Supplementary Planning Guidance (2007).

² Records not available for 2009-10

³ Amount for 2014-15 is budgeted figure

- 4.6.3 Other funds are secured for specific projects or types of infrastructure within the legal agreements.

4.7 Time-limited funds

- 4.7.1 A total of £1.41m of the funds that have been earmarked for proposed projects in section 5.4 below must be commissioned by the end of FY 2016-17; of that figure, none is required to be commissioned during 14-15, £0.49m must be commissioned during 15-16 and £0.93m during 16-17⁴.
- 4.7.2 Excluding money that has been earmarked for proposed projects in section 5.4 below, no unallocated funds require commissioning during 15-16. A total of £0.22m must be commissioned by the end of FY 2016-17 and commissioning of these funds will be prioritised during the budget-setting process for 16-17.

⁴ The figures for 15/16 and 16/17 do not total due to rounding

Ward	Education	Landscape, Parks & Sports	Transport- ation	Sustain- ability	Regeneration & Growth ⁵	Affordable Housing	Employment & Enterprise	Environ- mental Health	Grand Total
Alperton	£359,418	£625,677	£698,434		£160,000				£1,843,529
Barnhill	£7,866	£230,024	£184,368	£955	£29			£12,000	£435,243
Brondesbury Park	£76,000	£33,378	£46,658			£50,381			£206,417
Dollis Hill	£465,529	£239,488	£273,562				£211,185		£1,189,764
Dudden Hill	£18,500	£49,043	£54,619					£11,752	£133,914
Fryent	£2,898	£18,419	£150,324				£30,000	£11,265	£212,907
Harlesden	£19,785	£328,142	£6,948			£55,732		£5,000	£415,607
Kensal Green	£250,664	£81,628	£20,906			£42,648		£5,199	£401,046
Kenton		£12,243	£22,629					£7,047	£41,919
Kilburn	£1,291,463	£730,388	£544,963	£2,111,488	£22,000	£492,841		£10,371	£5,203,514
Mapesbury	£98,000	£61,777	£40,286			£123,894			£323,957
Northwick Park		£7,162			£50,001				£57,163
Preston		£143,112	£158,000	£7,000					£308,112
Queens Park	£439,861	£101,104	£59,248			£141,722		£15,348	£757,284
Queensbury	£1,150,000	£1,217,997	£913,682					£38,000	£3,319,679
Stonebridge	£914,793	£312,756	£699,971	£41,301	£84,200			£415	£2,053,436
Sudbury	£26,430	£309,087	£25,896			£22,582			£383,995
Tokyington		£459,717	£277,511	£10,000	£224,578		£462,831	£5,000	£1,439,637
Welsh Harp	£15,102	£9,051	£15,701						£39,854
Wembley Central	£9,536	£199,836	£165,650		£24,287				£399,308
Willesden Green	£77,230	£98,593	£120,075		£13,009	£466,186		£23,774	£798,867
Grand Total	£5,223,075	£5,268,622	£4,479,432	£2,170,744	£578,103	£1,395,987	£704,016	£145,171	£19,965,150

Table 5: An overview of available money for Service Unit by Ward⁶ as of 1 April 2014

⁵ These figures include funds that may or will need to be paid to TfL (e.g. Queensbury, Stonebridge, Alperton); limited funds are held for community facilities and public art

⁶ For legal reasons these figures can usually only be spent on projects in the Ward (or neighbouring Wards if near to boundaries) in which the Development is situated

5.0 Proposed budget 2015/16

- 5.1 Heads of Service of units responsible for delivering relevant infrastructure projects and Regeneration Managers responsible for the borough's Growth Areas were invited in June to propose projects and/or themes for the draft budget for 2015-16, having regard to the above selection criteria (see paragraph 3.4).
- 5.2 A total of £10.43m of S106 funding is proposed for 15-16 (excluding funds to be carried forward from 14/15), following analysis by the Development Funds & Information Manager of the projects submitted by the relevant Heads of Service, including: (i) assessment of the proposal against the selection criteria; (ii) matching funds within relevant distance of the proposal; and (iii) checking suitability of available funds for the proposal (so that the terms of the relevant legal agreement(s) are met).
- 5.3 The table below shows the split of this money by the Service Unit that will be undertaking the works.

Growth Area/Service Unit	S106 allocated
Alperton growth area	£245,000
Burnt Oak growth area	£122,180
Church End growth area	£30,965
South Kilburn regeneration area	£32,000
Wembley growth area	£0
Sports & Parks	£469,895
Landscape	£79,732
Education	£4,835,101
Transportation	£630,816
Employment & Enterprise	£205,718
Affordable Housing	£1,450,782
Environment & Sustainability	£2,286,555
Community Facilities	£45,606
TOTAL	£10,434,351

Table 9: 15/16 budget by Growth Area/Service Unit (new projects)

5.4 Budget by Growth Area/Service Unit

- 5.4.1 A summary of the amounts to be committed to each Growth Area/Service Unit in 15-16 is provided below, along with a brief explanation of the main objectives for the funding. See Appendix 1 for details of all the proposed projects.

Alperton Growth Area

- 5.4.2 Four specific projects totalling an investment of £0.25m are proposed to be commissioned in Alperton in 2015/16 and are considered to be important for achieving the Council's objectives for growth in this area and to encourage further inward investment in Alperton. These projects focus on improving the public realm in the vicinity of Alperton station and making the tow path alongside the canal a more attractive route for residents.

- 5.4.3 The Operational Director for Planning and Regeneration would be the Head of Service responsible for officer-level approval in March-April 2015. These projects are derived from the Alpertown Masterplan SPD and the recent Investment Plan work undertaken by the Regeneration Investments team.

Burnt Oak/Colindale Growth Area

- 5.4.4 Two specific projects totalling an investment of £0.1m to be commissioned in Burnt Oak/Colindale in 2015/16 and are considered to be important for achieving the Council's objectives for growth in this area and to encourage further inward investment in this location; these projects involve preparatory work to direct future investment in transport and public realm priorities along the A5 in particular over coming years.
- 5.4.5 The Operational Director for Planning and Regeneration would be the Head of Service responsible for officer-level approval in March-April 2015. Burnt Oak/Colindale does not have an agreed Masterplan; these projects are derived from the Burnt Oak place-making document and the emerging Investment Plan work undertaken by the Regeneration Investments team.

Church End Growth Area

- 5.4.6 One specific project totalling an investment of £0.03m is proposed to be commissioned in Church End in 2015/16 and is considered to be important for achieving the Council's objectives for growth in this area and to encourage further inward investment in Church End. The project's objective is to improve Church Road public realm and to make it a more viable commercial location.
- 5.4.7 The Operational Director for Planning and Regeneration would be the Head of Service responsible for officer-level approval in March-April 2015. Church End does not have an agreed Masterplan; this project is derived from the emerging Investment Plan work undertaken by the Regeneration Investments team.

South Kilburn Growth Area

- 5.4.8 One specific project totalling an investment of £0.03m is proposed to be commissioned in South Kilburn in 2015/16 and is considered to be important for achieving the Council's objectives for growth in this area. This project is the provision of a new urban park and is already underway and additional funding is necessary to complete the scheme.
- 5.4.9 The Operational Director for Property & Projects would be the Head of Service responsible for officer-level approval in March-April 2015. This project is derived from the South Kilburn Masterplan.

Wembley Growth Area

- 5.4.10 No specific projects are proposed to be commissioned in Wembley in 2015/16. A number of other projects are proposed in Wembley Growth Area but those will be led by the Transportation unit and details are provided below (see section 5.4.24).

Sports & Parks

- 5.4.11 A total of £0.47m is proposed for 10 projects across four themes (one Sports, three Parks):
- Theme 1: Increase and Improve the Provision of Facilities for Formal and Informal Participation in Sport and Physical Activity
 - Theme 2: Improve the Landscape & Infrastructure
 - Theme 3: Improve Play Opportunities
 - Theme 4: Improve Biodiversity
- 5.4.12 The Operational Director for Neighbourhood Services would be the Head of Service responsible for officer-level approval in March; from April this would be the Operational Director for Community Services.

Theme 1: Increase and Improve the Provision of Facilities for Formal and Informal Participation in Sport and Physical Activity

- 5.4.13 Two projects are proposed totalling £0.02m, to provide additional recreation facilities. These meet Borough Plan objectives P1 – A strong community, P4 Improving health and well-being and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: 1: Increase provision of appropriate facilities; 3: Get more people active; 5: Increase sports opportunities for young people.

Theme 2: Improve the Landscape & Infrastructure

- 5.4.14 Three projects are proposed totalling £0.28m, to increase awareness of Brent's open spaces amongst residents by providing signage throughout the borough, and improvements to existing open spaces to increase capacity. These meet Borough Plan objectives P1 – A strong community, P3 Making Brent safer, cleaner and greener and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: Theme 1: Improving existing parks and open spaces; Theme 6: Mitigating climate change; Theme 7: Promoting parks and open spaces.

Theme 3: Improve Play Opportunities

- 5.4.15 Two projects to improve and enhance children's play areas are proposed totalling £0.15m. These meet Borough Plan objectives P1 – A strong community, P4 Improving health and well-being and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: Theme 1: Improving existing parks and open space

Theme 4: Improve Biodiversity

- 5.4.16 One project to undertake planting to bring about biodiversity improvements is proposed totalling £0.01m. This meets Borough Plan objectives P1 – A strong community, P3 Making Brent safer, cleaner and greener and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: Theme 1: Improving existing parks and open spaces; Theme 5: Maintaining and improving biodiversity in parks; Theme 6: Mitigating climate change

Landscape

- 5.4.17 A total of £0.07m is proposed for five projects which all focus on planting street trees. These projects are suitable for S106 funding as street trees can

make a significant and immediate improvement to a local area to mitigate the visual impact of new development and increase the area's attractiveness for additional inward investment. Street trees are also an important means of tackling local air quality and improving biodiversity. These projects are costed so that each tree is provided with two years initial maintenance as part of the total budget.

- 5.4.18 One particular project involves a long-term tree planting programme within the South Kilburn regeneration area and will rely on funds from developers which are expected to be received within 15/16; this project currently has no budget against it in anticipation of receiving those funds in year.
- 5.4.19 These projects meet the Borough Plan objectives P3 - Making Brent safer, cleaner and greener and P4 - Improving health and well-being.
- 5.4.20 The Operational Director for Planning & Regeneration would be the Head of Service responsible for officer-level approval in March-April 2015.

Education

- 5.4.21 A total of £4.8m of funding is proposed across 12 projects. The projects are derived from the schools capital programme; this S106 funding allows allocated capital funding to be re-allocated to enable further provision of new or expanded schools in the borough.
- 5.4.22 The Operational Director for Property & Projects would be the Head of Service responsible for officer-level approval in March-April 2015.
- 5.4.23 These projects meet Borough Plan objectives P1 - A stronger community and P5 - Better lives for children and families and all these projects are suitable for S106 funding as school expansion mitigates the impact of new development. Investment in schools also attracts investment into the area by supporting the school in raising standards. Schools performing well attract local investment.

Transportation

- 5.4.24 A total of £0.63m of funding is proposed across 12 projects.
- 5.4.25 The main project involves preparatory work for a scheme to reduce congestion at major pinch points along the Wembley corridor between the junction of Wembley High Road with Ealing Road to the junction of Wembley Hill Road with South Way and focussed around the pinch point at Wembley Triangle. Physical works are unlikely to commence until 16/17 and additional S106 funding will be made available for delivery at that time. Your officers are also seeking Transport for London funding for this substantial project.
- 5.4.26 In addition, three projects are proposed which fund unattended traffic monitoring cameras; the allocation of S106 funding negates the necessity to potentially fund such schemes from unsupported borrowing and the unattended nature of the cameras mean on-going revenue costs are minimised.

- 5.4.27 The Operational Director for Neighbourhood Services would be the Head of Service responsible for officer-level approval in March; from April this would be the Operational Director for Community Services.

Employment & Enterprise

- 5.4.28 Two projects to help employment and training in Brent totalling £0.2m are proposed. These projects would be led by the Employment & Enterprise team and would meet Borough Plan objectives P1 - A stronger community and P2 - Promoting jobs, growth and fair pay, utilising funds secured for these purposes.
- 5.4.29 The Operational Director, Housing & Employment would be the Head of Service responsible for officer-level approval in March-April 2015.

Affordable Housing

- 5.4.30 A total of £1.45m is proposed for providing affordable housing in the Borough. There are no legal impediments to using this funding for this project; it was secured for this purpose alone.
- 5.4.31 Cabinet have recently adopted the Housing Strategy for 2014-19 which includes the objective to deliver 5,000 new affordable homes, including 700 new council homes, over the next 5 years. As the development of new affordable council homes has already started, the Operational Director of Housing & Employment would want the authority to invest these funds in financial year 2014-15 should an appropriate scheme or opportunity present itself
- 5.4.32 The Operational Director, Housing & Employment would be the Head of Service responsible for officer-level approval in March-April 2015.

Environment & Sustainability

- 5.4.33 Four projects totalling £2.3m are proposed; two relate to monitoring and improving air quality in the borough. For these two projects, the Operational Director, Environment and Protection would be the Head of Service responsible for officer-level approval in March; from April this would be the Operational Director, Planning & Regeneration.
- 5.4.34 The majority of the funding (£2.1m) is allocated to the provision of the South Kilburn Decentralised Energy Network and the expenditure is likely to be made in 16/17: this has been reported separately to Cabinet in January 2015. The S106 funding is reported here so that should any funds be required in 15/16 they will be available, however it is expected the majority will be carried forward into 16/17.
- 5.4.35 The final project is the borough-wide energy efficient street light replacement programme; the allocation of S106 funding negates the necessity to potentially fund such a scheme from unsupported borrowing and should result in ongoing revenue costs being minimised.

Community Facilities

- 5.4.36 Two projects being undertaken by the NHS are proposed to receive S106 funding totalling £0.05m; both provide a community cardiology unit and utilise funding which was specifically secured for additional healthcare provision.
- 5.4.37 The Director of Public Health would be the Head of Service responsible for officer-level approval in March-April 2015.

6.0 Financial Implications

- 6.1 As at 1 April 2014 a total of £19,965,150 was available to commission, subject to the terms of the legal agreements. Of these monies, this report proposes the allocation of £10,434,351 to the Service Units for investment in fundable schemes.
- 6.2 A number of the proposed schemes put forward include external funding sources, such as TfL LIP funding, which are essential to the delivery of the overall scheme. It is likely that should forecast external funding not be delivered then the scheme could not be supported by S106 funding.
- 6.3 The proposed schemes have been generated by, and in conjunction with, Service Units, Heads of Service and Regeneration Managers responsible for delivering capital schemes and the Borough's Growth Areas. The proposals were based on meeting the following criteria:

Essential criteria

- meets the terms of the legal agreement;
- mitigates the impact of the development from which funding is derived; and
- has Member support

Desirable criteria

- meets the objectives of the Borough Plan and the Regeneration Plan and helps to facilitate growth;
- meets Service Area objectives;
- is capable of attracting additional funding streams; and
- has local community support

However, it should be noted that the proposals are based on individual Service priorities which would not necessarily be reflected through a strategic exercise to assess the priorities in the delivery of the Council's overall capital programme.

- 6.4 This report focuses on the expenditure of Section 106 monies as there is currently no approved process for allocating CIL resources; a proposal was reported to CMT on 7 August 2014 but is yet to be reported to Members.
- 6.5 Proposals for the use of S106 funding within this report that are approved by Cabinet will subsequently be included within the Council's 2015/16 Capital Programme.

7.0 Legal Implications

- 7.1 Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) ("The Act") are legal documents under seal either entered into between the Council and developers or provided unilaterally by a developer. As mentioned above the intention of the obligation is to mitigate and off set any harmful impacts of a development. Monies paid to the Council in accordance with the s106 obligation can only be applied for the purposes set out in the relevant agreement. It is noted however, that the Council has received certain sums relating to those contributions which are due to be allocated for specific projects within the Borough, subject to employing the essential and desirable criteria at paragraph 3 of the report.
- 7.2 It should be noted that misuse of contributions not in full compliance with the terms and conditions of any s.106 Agreements will result in the Council acting unlawfully which potentially could give rise to challenge by Developers on the basis of the Council exceeding its statutory powers for recovery of such sums.
- 7.3 The Council has the power to modify S106 obligations in accordance with s106A of the Act by agreement between the Council and the parties against whom the obligation are enforceable.

8.0 Diversity Implications

- 8.1 In accordance with the Council's Public Sector Equality Duty under Section 149 of the Equality Act 2010 (in force April 2011), officers who have responsibility for spending s106 contributions must ensure that the appropriate level of equality impact assessments are carried out before projects commence to ensure that improvement work does not inadvertently discriminate against any of the nine protected characteristics as more particularly detailed under section 4.
- 8.2 S106 contributions can have a positive impact on equality and diversity, as they allow the Council to make improvements to the local community which benefit disadvantaged groups the provision of affordable housing, additional community spaces, employment, education and training opportunities.

9.0 Staffing/Accommodation Implications (if appropriate)

- 9.1 The projects above will be managed either directly or at arm's length within existing Service Unit staffing structures.
- 9.2 Some of the funding identified above can be used to meet reasonable professional fees in designing and managing the project. What is considered reasonable is assessed on a case-by-case basis but usually not more than 20% of the S106 funding should be put towards fees.
- 9.3 No accommodation implications are anticipated.

Background Papers

None

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APPENDIX 1 - List of proposed projects 2015-16 by Service Unit

Project name	Project description	Ward	Comments	S106 budget
Growth areas				£430,145
Grand Union Canal tow path improvements	Repainting of the Ealing Road Bridge over the canal and tow path improvements from the Ealing Road bridge to Hazel Grove.	Alperton	There are no legal impediments to using this funding for this project: it was secured for this purpose but could also be passed to Transport for London (TfL) for bus service improvements. It meets Borough Plan objective P3 – Safer, cleaner, greener and would help to improve the environment along the canal in Alperton so that it has a greater amenity value for existing and future residents. There is potential to attract further funding from the Canal and River Trust for a related project to create a cycle quiet way.	£160,000
Wharfside Open Space public art	Open space improvements at Wharfside, potential temporary project/ biodiversity or art installation?	Alperton	There are no legal impediments to using this funding for this project provided it is only spent on public art: it was secured for this purpose. It meets Borough Plan objective P3 – Safer, cleaner, greener and would help to improve links to existing businesses and support local artists.	£5,000
Alperton Underground Station railway bridge improvements	Refurbishment of the railway bridge at Alperton Underground Station	Alperton	There are no legal impediments to using this funding for this project. It meets Borough Plan objectives P1 – A strong community, P2 – Promoting jobs, growth and fair play and enhancements to the gateway to Alperton would provide improved amenity that all the community can benefit from and facilitate further investment and development activity in Alperton, potentially creating homes and jobs. Additional funding from the High Street Fund (GLA) could be sought.	£40,000

Project name	Project description	Ward	Comments	S106 budget
One Tree Hill Open Space investment plan	A detailed funding and investment plan is required for One Tree Hill which will inform future investment into this large open space. The first stage is a masterplan which will include funding and phasing.	Alperton	There are no legal impediments to using this funding for this project. It meets Borough Plan objectives P1 – A strong community, P3 – Safer, cleaner, greener, P4 – Improving Health and Well Being. Alperton has a deficiency of Open Space and so the Masterplan SPD identifies the need to enhance existing open spaces in order to meet the demands of the growth.	£40,000
A5 (north) highway and public realm improvements phase 1: The Hyde	Feasibility and modelling work to support public realm and highway works to The Hyde Town Centre. Works to potentially include Wakemans Hill junction and crossings, improving parking facilities, de-cluttering, repaving and tree planting.	Fryent	There are no legal impediments to using this funding for this project. It meets Borough Plan objectives P1 – A strong community, P2 – Promoting jobs, P3 – Safer, cleaner, greener and supports development in the adjacent growth area and supports local businesses through the transformation of Burnt Oak/Colindale. An initial sum is proposed to be allocated from S106 reserves in 15-16 for detailed design work with additional substantial S106 funds and potentially LIP funds being made available in 16-17 and beyond, requiring coordination between Regeneration Investment and the Transportation department. Additional funding from the LIP (2016/17) and also High Street Fund (GLA)/ERDF Funding will be sought.	£102,180
Masterplan for Capitol Valley	Masterplan for the Capitol Valley growth area	Queensbury	There are no legal impediments to using this funding for this project. It meets Borough Plan objectives P1 – A strong community, P3 – Safer, cleaner, greener. This project would help to provide a detailed response to the vision document published in 2013.	£20,000
Church Road Public Realm	Improvements to Church Road	Dudden Hill	There are no legal impediments to using this funding for this project. This project would help to respond to historic development in Church End which has tended not to benefit	£30,965

Project name	Project description	Ward	Comments	S106 budget
			the High Street itself. It meets Borough Plan objectives P1 – A strong community, P2 - Promoting jobs, growth and fair pay, P3 – Safer, cleaner, greener. Works proposed include improving quality and character, public realm improvements, refurbishing run down buildings, more bins, and improvements to safety and security. Whilst the amount of S106 available is limited, additional funding from the LIP (2016/17) and other funding opportunities will be sought and this project may roll over into future years as and when more funding becomes available.	
Woodhouse Urban Park	Continuing delivery of a new urban park	Kilburn	There are no legal impediments to using this funding for this project. It meets Borough Plan objectives P1 – A strong community, P3 – Safer, cleaner, greener. This project is underway and has received £200,000 of S106 funding in 14-15. This additional funding would help to provide more trees within the park, amongst other things. The long term maintenance of any new park cannot be met from S106 funds unless specifically permitted in the legal agreement; most S106 funding can only be used on capital and not revenue expenditure.	£32,000
Sports & Parks				£469,894.74
Gladstone Park table tennis	Provide table tennis tables in Gladstone Park	Mapesbury	There are no legal impediments to using this funding for this project. The project meets Borough Plan objectives P1 – A strong community, P4 Improving health and well-being and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: 1: Increase provision of appropriate facilities; 3: Get more people active; 5: Increase sports opportunities for young people.	£10,000

Project name	Project description	Ward	Comments	S106 budget
Tiverton Green cycle area	Cycle marking and pretend road signs plus cycle stands on new children's cycle area at Tiverton Green	Brondesbury Park	As above	£10,000
Signing to Parks	Signage finger posts throughout the Borough directing people to the Borough's parks both the major parks and the smaller parks located in residential areas	Borough-wide	There are no legal impediments to using this funding for this project. The project meets Borough Plan objectives P1 – A strong community, P3 Making Brent safer, cleaner and greener and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: Theme 1: Improving existing parks and open spaces; Theme 6: Mitigating climate change; Theme 7: Promoting parks and open spaces.	£91,425
Furness Road open space	Furness Road landscaping improvements	Kensal Green	As above. This area of open space is capable of meeting the needs of some of the new population in the area if improvements are made to it. The sum allocated represents the total funding available within an 800m radius of the site.	£34,146
King Edward VII park landscaping bowling green	Landscape the disused bowling green to increase informal recreation area	Wembley Central	There are no legal impediments to using this funding for this project. Given the importance of King Edward VII park to providing amenity space for the future occupants of the borough's largest growth area, this park is considered a priority.	£152,044
Gladstone Park middle play area	Improve and enhance play areas	Dollis Hill	There are no legal impediments to using this funding for this project. The project meets Borough Plan objectives P1 – A strong community, P4 Improving health and well-being and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: Theme 1: Improving existing parks and open space. Providing a sufficient amount of high quality play space and equipment is necessary to accommodate an increased population.	£100,000

Project name	Project description	Ward	Comments	S106 budget
Hazel Road open space play area	Improve and enhance play areas	Kensal Green	As above. The sum allocated represents the total funding available within an 800m radius of the site.	£42,359
Biodiversity improvements	Hedgerow and bulb planting at Pellats Road	Preston	There are no legal impediments to using this funding for this project. The project below meet Borough Plan objectives P1 – A strong community, P3 Making Brent safer, cleaner and greener and the objectives of the Brent Sports and Physical Activity Strategy (BSPAS) 2010-2015: Theme 1: Improving existing parks and open spaces; Theme 5: Maintaining and improving biodiversity in parks; Theme 6: Mitigating climate change	£10,000
Gibbons Recreation Ground tree planting	Tree planting within Gibbons Recreation Ground	Stonebridge	There are no legal impediments to using this funding for this project. Trees can help to improve biodiversity, air quality and have potential benefits for people's mental health.	£7,809
Kenton Grange & Woodcock Park tree planting	Tree planting within Kenton Grange and Woodcock Park	Kenton	There are no legal impediments to using this funding for this project. £6,000 of the allocated funding was specifically secured for tree planting within Woodcock Park along the boundary with St Luke's Residential Hospice and so at least this much must be spent on planting in that location.	£12,112
Landscape				£79,732
South Kilburn long term tree planting	Continuing a 14/15 project for a long-term (5 yr plus maintenance) plan for new tree planting, at a range of sizes to include semi-mature specimens, mainly in streets within the South Kilburn Estate	Kilburn	There are no legal impediments to using this funding for this project, whilst there are not sufficient funds at present, the project is planned over the next five years and it is expected that developments within South Kilburn that are nearing completion and that have not been able to accommodate the required number of replacement trees within their boundaries will make a financial contribution towards offsite tree planting. This income is expected within the next 12	Funds yet to be received, budget unspecified

Project name	Project description	Ward	Comments	S106 budget
			months, facilitating this project. This project meets the Borough Plan objectives P3 - Making Brent safer, cleaner and greener and P4 - Improving health and well-being	
Willesden Lane Tree Planting	Planting of new substantial semi-mature specimen and smaller trees in Willesden Lane, specifically. To co-ordinate with current Transportation project improving carriageway and junctions of Willesden Lane.	Kilburn, Queens Park	As above; street trees make an important contribution to the environment and can have positive effects on air quality and mental health.	£24,332
Alperton Tree Planting	A continuation of the 2014/15 Alperton Tree Planting Project	Alperton, Wembley Central	There are no legal impediments to using this funding for this project. Aim is to plant a number of substantial sized semi-mature trees at significant locations, also to plant smaller trees on residential streets to west of Ealing Road in response to resident requests	£35,000
Electric House/ Queens Parade, Willesden Green tree planting	Electric House/ Queens Parade, Willesden Green	Willesden Green	As above; street trees make an important contribution to the environment and can have positive effects on air quality and mental health.	£12,500
Harlesden High Street Tree Planting	Planting of new substantial semi-mature specimen trees in Harlesden town centre	Harlesden	As above; street trees make an important contribution to the environment and can have positive effects on air quality and mental health.	£7,900
Education				£4,835,101
Malorees Infant and Junior Schools	Proposed 2FE permanent expansion of infant and junior schools in September 2015	Brondesbury Park	These projects meet Borough Plan objectives P1 - A stronger community and P5 - Better lives for children and families and all these projects are suitable for S106 funding as school expansion mitigates the impact of new development. Investment in schools also attracts investment into the area by supporting the school in raising	£96,212

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Project name	Project description	Ward	Comments	S106 budget
			standards. Schools performing well attract local investment	
St Robert Southwell RC Primary	Completed 0.5FE permanent expansion of primary school	Fryent	As above	£1,152,902
St Josephs RC Primary	1FE permanent expansion of primary school from September 2014	Harlesden	As above	£25,285
Carlton Vale Infant & Kilburn Park Junior	Proposed new school building for amalgamated and expanded schools: deliver a high quality 4FE new school, that will provide 840 school places and 92 nursery places to meet the demand for pupil places in South Kilburn, by September 2016	Kilburn	As above	£1,530,919
Manor School	Proposed expansion of SEN school by 44 places from September 2015	Queens Park	As above	£441,839
Islamia Primary School	Proposed new 2FE primary school building	Queens Park	As above	£252,418
Stonebridge Primary School	Proposed 1FE permanent expansion of primary school from September 2015	Stonebridge	As above	£205,797
Woodfield Special School	Expansion of SEN school by 40 places from September 2014	Welsh Harp	As above	£126,194
Alperton Community School	Proposed new school building with 1FE expansion from September 2016. This is a	Alperton	As above	£409,418

Project name	Project description	Ward	Comments	S106 budget
	PSBP project funded and managed directly by DfE but there are project costs that are likely to fall to Council which are unfunded and expected to be c. £2m.			
Wembley High Technology College	Proposed new 4FE primary school from September 2015	Northwick Park	As above	£34,680
Elsley Primary School	Proposed 2FE permanent expansion of primary school from September 2015	Wembley Central	As above	£31,336
Crest Boys and Crest Girls Academies	New school buildings and expansion by 2FE from September 2014	Dollis Hill	As above	£528,102
Transportation				£630,815.57
Wembley corridor modelling and design work	Modelling, design and costing and delivery of new junction layouts along the Wembley corridor between the junction of Ealing Road/Wembley High Road to the junction of Wembley Hill Road/South Way	Wembley Central/Tokyn gton	There are no legal impediments to using this funding for this project. This project can provide additional highway capacity to the Wembley growth area as transport assessments have identified this as critical to supporting further development. The design provides opportunities for significant improvements to pedestrian movement and new public realm north and south of Wembley Hill Road and on Wembley Hill Road. Funds may be used as a match component to other sources or may be required to review and confirm the scope of the current design. This is a multi-year project linking into the widening of the Wembley Hill Road bridge over the Chiltern railway and the junction at South Way and will require additional funding which is anticipated to be provided by TfL. Revised junctions could	£219,513 (initial for 15/16, additional funding to be agreed for future years)

Project name	Project description	Ward	Comments	S106 budget
			relieve congestion in the town centre and unlock development sites such as Chesterfield House and Wembley West End while contribute to public realm improvements and enhanced pedestrian movement. Additional funding will be sought from TfL Pinch-Point fund	
Walm Lane public realm, public transport accessibility and cycling improvements	Public realm, public transport accessibility and cycling improvements along Walm Lane at Willesden Green Underground Station	Willesden Green, Mapesbury	There are no legal impediments to using this funding for this project. In conjunction with construction of the Regent's Park to Gladstone Park Quietway, Sustrans have designed substantial public realm, public transport accessibility and cycling improvements along Walm Lane at Willesden Green Underground Station. This proposal includes widened footways, new cycle parking, removal of street clutter, narrowing the carriageway and reducing speed to create a safer pedestrian and cyclist environment and a widening of an existing zebra crossing to provide improved access to Willesden Green station	£149,565
Wembley Central public realm and public art improvements	Study into potential improvements to the public realm outside Wembley Central Underground Station	Wembley Central	There are no legal impediments to using this funding for this project. This project is aimed at developing a dynamic, attractive and practical public space outside the station, including footway improvements, development of multi-modal transport interchange opportunities between pedestrians, cyclists, bus, underground and National Rail services, removal of street clutter and provision of public art to provide a central focal point to the station	£10,000
Wembley Industrial Estate two-way working	Conversion of Second Way and South Way to two-way working	Tokington	There are no legal impediments to using this funding for this project. This project will ease traffic flow in the industrial estate, particularly on Stadium Event Days, further supporting the estates role in the local and wider economy and its ability to continue to provide employment opportunities for Brent residents and attract further business investment. This will require land take from sites along the routes including the Cost Co site, which will likely be	£80,677

Project name	Project description	Ward	Comments	S106 budget
			completed in the next 2 years	
Park Royal Road/Coronation Road junction capacity improvements	Improvements to junction of Park Royal Road/Coronation Road	Stonebridge	This is a contribution to a cross-boundary scheme being delivered by Ealing with the intention of addressing a history of congestion and poor accident history.	£30,000
Old North Circular Road traffic camera	CCTV safety / enforcement camera on the Old North Circular road near the Ace Café to help smooth traffic flow	Stonebridge	This project would help public transport by preventing indiscriminate parking affecting buses on this location	£31,588
Abbey Road cycle lane	Extend the advisory cycle lane in Abbey road from the junction of Cumberland Avenue to the Coronation Road junction	Stonebridge	This project would help to encourage non-car modes of transportation.	£20,000
Alperton car club scheme	Provide a further car club bay within the Alperton area	Alperton	This project would help to reduce car ownership. This money can only be used for this purpose.	£4,991
North Circular Road traffic modelling - transfer to TfL	Funding for TfL to carry out traffic modelling in a limited location	Stonebridge	This money can only be used for this purpose.	£20,000
Blackbird Hill/Kingsbury Bridge unattended traffic monitoring	Supply, commission and install unattended traffic compliance camera	Welsh Harp	The effect of the project will be to improve public transport journey times through improving bus lane compliance and relieving congestion; the cameras will also be erected with a view to improving road safety through the enforcement of banned manoeuvres	£25,000
Kingsbury Road/Fryent Drive unattended traffic monitoring	Supply, commission and install unattended traffic compliance camera	Kenton	As above	£25,000
St Thomas's Road/St Albans Road unattended traffic monitoring	Supply, commission and install unattended traffic compliance camera	Harlesden	As above	£14,481

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Project name	Project description	Ward	Comments	S106 budget
Employment & Enterprise				£205,718.00
Wembley Works	Employ two Employment Officers, and one Trainer with support from an Employer Lead who works on all projects.	Tokington	There are no legal impediments to using this funding for this project; it was secured for this purpose. This project would employ staff responsible for: providing on-going recruitment support to employers at the London Designer Outlet; supporting new developers, their suppliers, and other employers who come into Wembley Park through regeneration; developing a hotel training model at Novotel in Shubette House to improve in-work progression for people in this sector. The team also targets high vacancy, growth employers in Wembley including those in the retail, hospitality, and social care sectors for apprenticeships and vacancies. The costs also cover the lease and building costs for the Wembley Works office	£138,592
Brent Works	Employ an Employment Officer with support from an Employer Lead who works on all projects.	Borough wide	There are no legal impediments to using this funding for this project; it was secured for employment and training purposes. This project would employ staff are responsible for: capacity building the VCS to set up and deliver a Wembley Works type model to fill vacancies arising through regeneration on the South Kilburn estate; borough wide employer engagement to generate apprenticeship opportunities and to help residents to access high vacancy and growth sectors. Focusing on employers in Alperton, Church End, Burnt Oak/Colindale, and South Kilburn; leading the recruitment of 100+ people for the employers on the Park Royal Origin site	£67,126
Affordable Housing				£1,450,782

Project name	Project description	Ward	Comments	S106 budget
New Council Housing	To develop new affordable council homes to meet local housing needs	TBC	This funding was secured for the purpose of providing affordable housing in the borough	£1,450,782
Environment & Sustainability				£2,286,555
Energy efficient street light replacement programme		Borough-wide		£53,038
South Kilburn Decentralised Energy Network	Decentralised Energy CHP	Kilburn	There are no legal impediments to using this funding for this project: it was secured for this purpose alone. It meets Borough Plan objective P3 – Safer, cleaner, greener and the funds have been secured for the connection to the district heating system proposed for South Kilburn. This funding will need to be used to pay the chosen ESCO on appointment. Majority of funding required in 16/17	£2,111,488
Maintenance of fixed and mobile air quality monitoring stations	Maintenance of air quality monitoring stations (4 no.) and mobile monitor (1 no.) and diffusion tube monitoring	Borough-wide	This funding was secured for the purpose of monitoring and improving air quality in the borough and cannot be used for other purposes.	£44,535
Pilot project to examine local impacts of poor air quality on health	Implementation of air quality action plan measures (plan to be revised)	Borough-wide	This funding was secured for the purpose of monitoring and improving air quality in the borough and cannot be used for other purposes.	£77,495
Community Facilities				£45,606
Willesden Green community cardiology unit	Contribution towards new community cardiology unit	Willesden Green	This funding was secured for the provision or improvement of healthcare facilities in the borough and cannot be used for other purposes.	£20,606
Wembley community cardiology unit	Contribution towards new community cardiology unit	Wembley Central	This funding was secured for the provision or improvement of healthcare facilities in the borough and cannot be used for other purposes.	£25,000

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