

## Newcastle City Council S106 Monitoring Fees

### Monitoring Fee purpose

Newcastle City Council (NCC) as a Local Authority enter into section 106 legal agreements (planning obligations) with developers to collect funding for infrastructure requirements arising from development across the City. This funding is monitored and reported in an annual funding statement.

Planning obligations are legal obligations entered into to mitigate the impacts of a proposed development. Planning obligations are normally secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and are a mechanism through which development proposals can be made acceptable in planning terms. It is an administrative burden on the City Council to monitor such Agreements. The law permits local authorities to seek a proportionate and reasonable contribution toward the monitoring and reporting of planning obligations through section 106 Agreements. This is further reinforced within National Planning Guidance in September 2019.

Therefore, NCC will seek a monitoring fee for planning obligations secured against planning permissions. The fees are based on a) the actual work undertaken to administer and ensure compliance with the agreement and b) the development size.

The monitoring fee has two elements:

- A fixed admin set up charge whereby we must undertake an action once and then,
- Individual charges based on the type of obligation being monitored.

This ensures the fees charged are proportionate, reasonable and reflect the actual cost of monitoring.

The monitoring fee and all elements of it will be reviewed annually in line with appropriate cost increases.

### Reporting

The monitoring of the receipt and spending of financial developer contributions secured through Section 106 agreements is undertaken by Development Management. The reporting and publishing of information relating to the Council's collection and expenditure is through 6 monthly updates to the Planning Committee and the publishing of our annual Infrastructure Funding Statement. From start to finish, the process can involve many officers across the Council and can therefore be resource intensive.

The monitoring of financial obligations involves:

- Recording the details of the section 106 agreement on an IT system;
- Recording the triggers for the obligations contained within the agreement;
- Monitoring the progress of the development to identify when obligations are due to be paid, this includes site visits to monitor development progress;
- Invoicing for financial contributions and ensuring they are paid by the deadline;
- Recording how financial contributions are spent by the City Council; and
- Publishing detailed information on the collection and spending of financial contributions through Planning Committee and the IFS on the Councils website annually.

## Fees

<b>Administration</b>	<b>Fee</b>	<b>Development Type</b>
Initial set up	£120	All major developments
<b>Obligation Type</b>	<b>Fee</b>	<b>Development Type</b>
TEMP	£1,800	All Major Developments - Construction Only
	£2,500	All Major Developments – Mixed Use
SuDS	Up to £20,000	Case by case basis – depending on scale/complexity of development
Travel Planning	£2,500 per obligation trigger	Case by case basis – depending on scale/complexity of development
Affordable Housing	Determined on application	All Major Developments
Financial payments	£75 per obligation trigger	All Major Developments
Physical On site Monitoring	£500 per obligation trigger	All Major Developments
Bio Net Gain	Determined on application	All Major Developments
Very large or complex developments may require a longer monitoring with commensurate monitoring charges	Determined on application	All Major Developments
Request to confirm compliance	£50	All S106 Agreements