

# South Northamptonshire Council

## Planning Committee

11 April 2019

<p><b>Notification of Urgent Action: Entering into a section 106 agreement to secure the community fund contribution from Northampton Gateway Strategic Rail Freight Interchange</b></p>
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### Report of Chief Executive

This report is public

#### Purpose of report

To note the urgent decision taken by the Chief Executive regarding signing the section 106 agreement relating to the Northampton Gateway (NG) proposal.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To note the urgent action taken by the Chief Executive to authorise entering into a section 106 agreement to secure community funding.

#### 2.0 Introduction

- 2.1 Roxhill is the applicant for a 'live' National Strategic Infrastructure Proposal (NSIP), which is nearing the end of the examination in public. The District Council has, throughout the process, been an 'interested party', and has been an active participant of the examination in public into the proposals. The Council is not the decision maker, and as such the usual powers that may be delegated to officers are not included within the Constitution. The Committee has received reports, from time to time, and has made certain delegations to officers as a result. Entering into a section 106 agreement has not been specifically delegated to officers.
- 2.2 In connection with the NG, the applicant has offered a community fund. This is in recognition of the impacts that may be felt by local people, as a result of the proposed development. As a result, officers negotiated with the applicant to reach an agreement concerning the community fund. The agreement may be summarised as follows: a £300,000 fund, to be spent locally and administered by the District Council, and the District Council is entitled to 5% of the total fund to cover its costs. The administration of the community fund will be informed by a new Community Liaison Group. There is a five year clawback provision. It is intended that the fund be spent within the Parishes of Blisworth, Milton Malsor and Roade.

### **3.0 Report Details**

- 3.1 The section 106 agreement was required to be finalised, signed and sealed, by the examining authority. The deadline was 1 April 2019, which meant that there was insufficient time between the negotiations concluding with a finalised section 106 agreement, and the examining authority deadline, for planning committee to formally consider the matter itself. For this reason, it was decided by the Chief Executive, with the agreement of the Leader of the Council, to invoke the urgent action procedure and authorise the completion of the agreement. The purpose of this report is to bring that decision to the committee's attention in accordance with the Constitution and the Scheme of Delegation.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 Notwithstanding the local planning authority's position concerning the proposed NG development, it is considered to be in the interests of the Council and the local people, to enter into a section 106 agreement to secure the community fund. This is entirely without prejudice, and is standard practice when contesting appeals, for example. It is therefore recommended that the committee note the content of this report, and the Decision Record which is at **Appendix 1**.

### **5.0 Consultation**

Leader of the Council	Supported the decision to enter into the section 106 agreement
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### **6.0 Alternative Option and Reasons for Rejection**

- 6.1 The following alternative option has been identified and rejected for the reasons given below.

Not to note the report. This is not recommended as the section 106 agreement has already been signed and sealed, and it is a requirement of the Constitution for it to be reported to the body that would ordinarily have taken the decision.

### **7.0 Implications**

#### **Financial and Resource Implications**

- 7.1 There are no financial implications arising directly from this report as it is reporting urgent action already taken.

Comments to be checked by:  
Kelly Wheeler Principal Accountant, 01327 32230,  
[kelly.wheeler@cherwellandsouthnorthants.gov.uk](mailto:kelly.wheeler@cherwellandsouthnorthants.gov.uk)

## Legal Implications

- 7.2 There are no legal implications arising directly from this report as it is reporting urgent action already taken.

Comments to be checked by:

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## Risk Implications

- 6.3 There are no risk implications arising directly from this report as it is reporting urgent action already taken.

Comments to be checked by:

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## 8.0 Decision Information

### Links to Corporate Plan and Policy Framework

Enhance community resilience

Promote healthy place making

Improve leisure and community facilities

Promote environmental sustainability

Promote inward investment and business growth

Increase employment at strategic sites

### Lead Councillor

Councillor Roger Clarke, Portfolio Holder for Planning

### Document Information

Appendix No	Title
1	Decision Record – Entering into a section 106 agreement to secure the community fund contribution from Northampton gateway strategic rail freight interchange
Background Papers	
None	
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