

South Northamptonshire Council

Record of a Decision Taken By an Officer

Entering into a Section 106 Agreement to secure the community fund contribution from Northampton Gateway Strategic Rail Freight Interchange

Chief Executive

Date of decision: 28th March 2019

Decision taken

1. That the draft Section 106 agreement which is attached to the Northampton Gateway (Roxhill) Strategic Rail Freight Interchange application for a development consent order, be signed and sealed by the District Council.

Reasons for Decision

2. The developer who is the applicant for the development consent order has offered a community fund, in recognition of the impact that the proposed SRFI would have on local people. The sum agreed is £300,000, and the draft Section 106 agreement secures this fund. The agreement also makes the District Council responsible for administering the fund, and includes provision for 5% of the fund value to be used to cover the Council's costs to administer it.
3. Section 106 agreements are commonly used to secure developer contributions to mitigate the impact of their proposals. The reason for this decision is that the Constitution does not include a specific delegated authority to enter into a section 106 where the corresponding planning application would not also be a delegated decision. Given the District Council is a consultee, and not the decision maker, the interpretation of the Constitution is that there is no delegation to enter into the section 106 agreement even though planning committee has resolved to submit its comments to the Examining Authority.

Other options considered and rejected

4. Delay the signing of the agreement until the next available planning committee meeting. This was rejected because the Examining Authority's deadline is before then.

5. Decide not to sign the section 106. This was rejected because the community fund would not then be secured in a way that is legally enforceable.

Links to policy framework and corporate priorities

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

Resource Implications

Signing the agreement secured the £300,000 community fund, as well as the 5% contribution to the Council to cover its costs of administering the fund.