

REPORT TO CABINET GRANTS PANEL

RELEASE OF S106 DEVELOPER CONTRIBUTIONS FOR THE BURGESS HILL PLACE AND CONNECTIVITY PROGRAMME

REPORT OF Divisional Leader for Planning and Economy
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Wards affected

Key decision No

Purpose of Report

1. This reports seeks approval for Mid Sussex District Council to transfer earmarked Section 106 (S106) developer contributions to West Sussex County Council to facilitate the delivery of the agreed projects within the Burgess Hill Place and Connectivity Programme.

Recommendation

1. It is recommended that £84,376.69 Total Access Demand and £401,391.61 Local Community Infrastructure S106 contributions for Burgess Hill totalling £485,768.30 be transferred to WSCC to facilitate delivery of projects within the Place and Connectivity Programme; and that £134,322 of S106 contributions held at WSCC originally transferred for improvements to St. Wilfred's Bridge is now approved to facilitate delivery of projects within the Place and Connectivity Programme on the signing of the Place and Connectivity Partnership Agreement between MSDC and WSCC.

Background

2. The Burgess Hill Place and Connectivity Programme is a coordinated investment package of public realm, connectivity and sustainable transport infrastructure improvements. The Place and Connectivity Programme is part of and integral to the sustainable delivery of the Burgess Hill Growth Programme.
3. The Place and Connectivity Programme will deliver:
 - Public realm and connectivity enhancements at Burgess Hill and Wivelsfield railway stations
 - Public realm and connectivity improvements in Burgess Hill Town Centre
 - Connectivity between the Northern Arc and key destinations in Burgess Hill
 - Connectivity between the Victoria Business Park and key destinations in Burgess Hill
 - Connectivity between Burgess Hill and Haywards Heath
 - Connectivity between surrounding villages and key destinations in Burgess Hill
 - Connectivity between the A2300 corridor and key destinations in Burgess Hill
4. In December 2018, the Coast to Capital Local Enterprise Partnership (LEP) approved an allocation of £10.92m of Local Growth Funding (LGF), with a 50% match funding requirement, to support the delivery of the Place and Connectivity Programme. The £10.92m LGF funding allocation supports a total programme value of £21.84m. The £10.92 match funding commitment is met from the private sector and S106 contributions as per the table below.

Programme Funding	£m	% of total funding
LGF	10.92	50%
S106 / S278 Developer Works (secured)	4.681	24.9%
S106 (future schemes)	0.678	
MSDC Grants	0.075	
Private Sector	5.49	25.1%
Total	£21.84	100%

5. WSCC is the lead Delivery Body for the overall Place and Connectivity Programme and is responsible for the relationship with the LEP. The Funding Agreement between WSCC and the LEP signed 10 May 2019 sets out the obligations for overall delivery and financial management of the Programme and enables drawdown of LGF funds.
6. WSCC are the Contractual Lead for projects within the Place and Connectivity Programme totalling £15.002m; and MSDC are the Contractual Lead for projects totalling £6.838 as set out in Appendix 1.
7. As it is part of the Burgess Hill Growth Programme, the Place and Connectivity Programme falls within the existing Growth Programme governance. Overall co-ordination and strategic management of the Growth Programme is undertaken by the Burgess Hill Growth Programme Board, chaired by the Chief Executive of MSDC and attended by senior representatives from MSDC and WSCC. The Board considered such arrangements to support the efficient delivery of the Programme and the transfer of all appropriate S106 monies at this stage will play a key role in this.

Proposal

8. MSDC is in the process of entering into a Partnership Agreement and an associated Financing Arrangement with WSCC that will confirm overall programme governance, budget and delivery arrangements and the responsibility of each authority for Programme management. The Partnership Agreement references the Funding Agreement between WSCC and the LEP.
9. The Financing Arrangement underpins the Partnership Agreement and sets out that the transfer of S106 contributions required to deliver Place and Connectivity projects sitting within the Programme will be reviewed at the beginning of each financial year.
10. Such an approach will aid scheme delivery by negating the need for individual requests for the release of required S106 funds as these multi-stage projects progress and by simplifying Programme governance.
11. Oversight of S106 fund expenditure will be maintained by the Growth Board with the allocation of S106 funding for specific projects required to be agreed by the Board. S106 expenditure will be maintained by the Growth Board via monitoring updates (on at least a quarterly basis). This is in addition to monitoring of all S106 expenditure which is reported annually.
12. As at 1st April 2019, MSDC hold a total of £485,768.30 S106 contributions for Burgess Hill that are earmarked and considered appropriate to transfer to WSCC to facilitate delivery of projects within the Place and Connectivity Programme. This comprises of £84,376.69 Total Access Demand contributions; and £401,391.61 Local Community Infrastructure contributions.
13. As at 1st April 2019, WSCC hold a total of £1.81m S106 developer contributions for Burgess Hill that are considered appropriate and are earmarked to facilitate delivery of projects within the Place and Connectivity Programme. Of this total, £134,332 was transferred to WSCC to facilitate the delivery of improvements to St. Wilfred's Bridge, Burgess Hill. The bridge improvement scheme is no longer being progressed but as

the funds were formally transferred to WSCC for this purpose, approval is now sought to facilitate this funding for the delivery of projects within the Place and Connectivity Programme.

14. It is recommended that £84,376.69 Total Access Demand and £401,391.61 Local Community Infrastructure S106 contributions for Burgess Hill totalling £485,768.30 be transferred to WSCC to facilitate delivery of projects within the Place and Connectivity Programme; and that £134,322 of S106 contributions held at WSCC originally transferred for improvements to St. Wilfred's Bridge is now approved to facilitate delivery of projects within the Place and Connectivity Programme on the signing of the Place and Connectivity Partnership Agreement between MSDC and WSCC.

Financial Implications

15. The projects are considered to represent an appropriate expenditure of Total Access Demand (TAD) contributions (held at MSDC) from the agreements below:

S106 Agreement – funds to be used towards ‘The Scheme’ i.e. any scheme that improves access between the land and local amenities (to include housing, jobs, shops, schools, leisure and other services)		
P35/625a	Land at Spinningdale, Keymer Road	£1,289.30
P35/711	Land at 86 Junction Road	£13,346.00
P35/781	Land at Dairy Crest, 10 Mill Road	£140.04
PL12-000331	Land at 88 Junction Road	£4,528.00
PL13/Kings Head	Land at Kings Head Public House	£7,400.00
PL13-000560	Land at Summerfold House, 152 Leylands Road	£3,483.00
Total		£30,186.34
S106 Agreement - Towards a safe route to school scheme for Southway Junior School		
PL13-000869	Land at 67 Victoria Road	£20,240.00
PL13-001075	Land at 71 Victoria Road	£8,727.35
Total		£28,967.35
S106 Agreement - Towards the safe routes to school scheme for the Gattons Infant School		
PL13-000948	Land at 107 Fairfield Road	£25,223.00
Total		£25,223.00
Total TAD contributions		£84,376.69

16. The projects are considered to represent an appropriate expenditure of Local Community Infrastructure (LCI) contributions (held at MSDC) from the agreements below:

Contributions to be used on provision of facilities and services in the area e.g. enhancement of the public realm, footway lighting, cycle routes, traffic calming		
P35/491	Folders Meadow, Folders Lane	£32,584.11
P35/658	Land North of Maltings Park	£52,425.56
P35/658b	Land North of Maltings Park (Phase 2)	£9,173.43
P35/710	Land at Keymer Brick & Tile	£44,915.36
P35/716	Land on the Eastern Side of Manor Road	£36,505.15
P35/732	Land at Westhill	£5,949.02
P35/769	Land east of Kings Way	£50,202.11
P35/769	Land east of Kings Way	£53,560.37
P35/781	Land at Dairycrest, 10 Mill Road	£3,545.69
PL12-000331	Land at 88 Junction Road	£4,325.00
PL12-000682	Osborne House, Station Road	£8,075.00
PL13/Kingshead	Land at Kings Head Public House	£7,675.00
PL13-000386	Land at 76 Victoria Road	£6,975.00
Total		£320,222.47
Although not stated, the schemes identified that this could go towards bus infrastructure on Junction Road		
P35/711	Land at 86 Junction Road	£4,661.00
Total		£4,661.00
Upgrading the PROW 2C northwards from the junction with Hammonds Ridge		
PL12-001772	Hammonds Ridge	£29,854.45
Total		£29,854.45
Upgrade of the footpath 2C to improve its function as part of the Burgess Hill Green Circle		
PL13-000621	Land at 70 Station Road	£10,107.76
Total		£10,107.76
Towards public realm improvements along Victoria Road / ramp at Burnside centre		
PL13-000869	Land at 67 Victoria Road	£6,722.03
PL13-001075	Land at 71 Victoria Road	£8,806.50
PL13-001294	Land at 69 Victoria Road	£8,100.00
Total		£23,628.53

Bus infrastructure at London Road at the junction with Fairfield Road and/or Cycle Rack(s) at The Brook and or multi-user footpath at the Green Circle extension from A2300 to B2036		
PL13-000948	Land at 107 Fairfield Rd	£8,105.82
Total		£8,105.82
Total LCI contributions		£401,391.61
Total S106 developer contributions		£485,768.30

17. The projects are considered to represent an appropriate expenditure of Sustainable Transport contributions (held at WSCC) from the agreement below:

S106 Agreement – funds to be used towards ‘The Scheme’ i.e. any scheme that improves access between the land and local amenities (to include housing, jobs, shops, schools, leisure and other services)		
P35/491	Folders Meadow, Folders Lane	£134,322
Total		£134,322

Legal Implications

18. The Burgess Hill Place and Connectivity Programme is considered to represent appropriate expenditure of the contributions from the above agreements.

19. State aid risk will be considered on a project by project basis.

Programme

20. Proposals within the Programme will be progressed by MSDC and WSCC over a number of years with use of the LGF funds required by March 2021. The progression of elements of the Programme will be dependent on a number of delivery factors including the availability of road space and relationship with other projects being delivered through the Burgess Hill Growth Programme. WSCC as Delivery Body are committed to securing the delivery of the proposals and outcomes identified and in accordance with the Funding Agreement through working closely with partners including MSDC.

Equalities impact

21. Equality issues will be considered through the development of proposals in the Burgess Hill Place and Connectivity Programme.

Appendix 1

Contractual lead for projects within Place and Connectivity Programme

MSDC Contractual Lead:

- Improvements at Burgess Hill and Wivelsfield Rail Stations Phase 2
- Triangle Leisure Centre, Access and Public Realm Improvements
- Burgess Hill to Haywards Heath /Hassocks Cycle Links
- Electric Vehicle Charging Points
- Town-wide Bike Share and cycle parking
- Town-wide Links and Wayfinding to Key Destinations
- Bus Stop Infrastructure including Real Time Passenger Information
- Northern Arc Links (on-site)

WSCC Contractual Lead:

- Improvements at Burgess Hill and Wivelsfield Rail Stations Phase 1
- A2300 Corridor
- Town Centre Access and Public Realm Improvements Phase 1
- Town Centre Access and Public Realm Improvements Phase 2
- Northern Arc Links (off-site)
- Townwide Links to Key Destinations