

Section 106 & CIL – Q&A – 30 January 2024 (published 3 October 2024)

Allocation and Council Involvement

1. **Stoke Bruerne Parish Council** - I'd like to understand how S106 monies are decided. The SEGRO project at J15 M1 is my example. S106 monies went, as I understand it to Roade, Blisworth and Grange Park but nothing to Shutlanger and Stoke Bruerne - Stoke Bruerne and Blisworth were arguably the worst affected by the development. So why was Stoke Bruerne not included?

Answer – I believe the Parish Councils that border the red line site area were the PC's initially considered for the SEGRO Community contribution. there are six PC's in total that have been awarded an amount; Roade, Blisworth, Courteenhall, Milton Malsor, Collingtree and Grange Park.

Other S106 obligations are secured through Developer contributions appropriate for the size and scale of the development with consultation via representations received and adopted policies.

2. **East Hunsbury Parish Council** - Following comment from Stoke Bruerne, same applies to East Hunsbury and Wootton 6000 additional lorries per day but no mitigation or contribution to public realm

Answer See answer above.

3. **King's Sutton Parish Council** - How are parish councils able to get involved in the Section 106 agreements about developments in their parish?

Answer At the present moment, any involvement from Parish Council's on S106 obligations would be through comments raised via the planning application to be taken into consideration by the planning officer prior to the agreement being written and would need to be in line with adopted policies and size & scale of the development.

4. **Duston Parish Council** - When drafting new S106 agreements on new build developments please can the local parish/town council be involved in whether they would like to adopt the public open space? Some local councils might like the opportunity to adopt the POS rather than it go to an estate management company.

Answer Will feed this back to the Head of Planning Simon Ellis for consideration. It is usual for this to be included in a S106 as the first option; the second being transfer to a Man CO.

5. **Wootton Parish Council** - What detailed involvement do Parish Councils have in drafting S106s to ensure that local needs, and any mitigation, are met?

Answer [As per answer to question 3.](#)

1. **Evenley Parish Council** - Can we have more information, please, on how WNC will devise a revised infrastructure list (via Richard Wood's team) and how local councils will be able to influence it?

Answer [The S106 team will be working alongside the transformation and policy teams to devise a new infrastructure list in due course. Due to the policy work on the local plan, this project has yet to be commenced but is being reviewed.](#)

2. **King's Sutton Parish Council** - Can you confirm the emails we should use to inform you when we have spent our PC CIL/s106 monies and is there a standard form?

Answer For all CIL monies please email cil@westnorthants.gov.uk and for Section 106 matters section106@westnorthants.gov.uk.

[There is a standard form, and a blank version is circulated when being notified of the CIL % due \(April and October\) to be paid; to be sent to the CIL mailbox above. For S106 it will be via email to the S106 mailbox above.](#)

3. **Brackley Town Council** - I have two urgent requests in with S106 for commuted sums for developer transfers to be completed. I have sent these emails 3 time, the first time before Christmas and I have had no response. The lack of response from the S106 department is now delaying these transfers.

Answer [These requests have now been actioned by the team.](#)

4. **Hannington Parish Council** - Can you also confirm the email address to send queries on whether a project the PC is considering is eligible for using the CIL monies - as a small PC if a project was undertaking - then it was decided the project was not eligible - this could mean having to double the precept to correct the error – thanks

Answer [Please email \[cil@westnorthants.gov.uk\]\(mailto:cil@westnorthants.gov.uk\)](#)
[DEH replied to Julie @ Hannington on 27.08.24 following a query received 05.08.24.](#)

5. **Wootton Parish Council** - Who/which team is responsible for drafting and agreeing the S106 agreements?

Answer [The drafting and agreeing the S106 agreements is a collaboration between the legal and development control teams. And the developers / land owners.](#)

6. **Harpole Parish Council** - We would like to have communications about an s106 that we know we will get transfers from but despite asking no-one is getting back to us. Please get back to us, even if it is we will respond by x date.

Answer Communications have been made with Harpole and this has been resolved.

7. **East Hunsbury Parish Council** - Where can we find all of the relevant email addresses?

Answer Please see answer to question 2.

Practical Q's

1. **Wootton Parish Council** - CIL rates vary hugely between the 3 former council areas, Daventry being the highest. Are there any plans to rationalise this to one schedule and one set of rates?

Answer Yes, there is a project to be completed by the Policy team which will include CIL charging schedule. This will be an ongoing project.

2. **Ravensthorpe Parish Council** - What happens if CIL monies received and used by PC and the developer then submits further applications considerably reducing the size of the development to fewer dwellings?

Answer – There is a good chance this will be a larger site with staged payments, so previous CIL funds will be taken into account and only the balance will be due. If it is a smaller site and the CIL charge is paid in full upon commencement; the refund will come out of the portion held by the Council (if applicable).

Blisworth Parish Council - Apologies my understanding is limited - May I ask can the CIL/s106 set amount be changed at a later date, for example, if the amount initially agreed is found not to be sufficient to deal with the impact of the development on the road system or is the amount fixed?

Answer – The CIL chargeable amount is based on the amount of additional floorspace to be created with the rates set prior to adoption of CIL by the requisite Councils.

3. **Janet's iPhone** - We have CIL money ready to spend and are currently working on this. Do you want us to inform you of our plans so you can confirm we can do so?

Answer Yes please, please use the CIL@westnorthants.gov.uk email address although it is not necessary as Parish Portions can be spent on anything providing its infrastructure related; i.e. not new cutlery for a Parish Hall etc... Annual reports are

to be sent to the CIL mailbox every April to report on CIL spend for the previous financial year.

4. **Evenley Parish Council** - Are there any plans nationally to stop the self-build CIL exemption, which denies the local community a contribution to infrastructure, albeit on a relatively small scale?

Answer Not at present

5. **Crick Parish Council** - Can Parish Councils be allocated S106 monies to spend or are S106 monies only spent by WNC?

Answer Parish Councils can be allocated / awarded funds either by applying for funds available that have an intended purpose (but not necessarily a set recipient) for projects related to a specific contribution type, i.e. Off-site play area. The request needs to be submitted using a S106 proforma form. Parish Council can in some cases submit a representation to the Planning Officer during the determination stage of an application if there is a specific infrastructure need. This would be considered during the negotiation of the S106.

6. **Harpole Parish Council** - How are decisions about off site S106 made?

Answer – If a developer cannot provide ‘on-site’ what is required to mitigate the impact of the development; in accordance with the Developer Contributions guidance (and adopted policies) a contribution is often sought towards ‘off-site’ provision.

7. **Brackley Town Council** - who decides the items to be included in a 106 agreement?

Answer A *section 106 agreement* is an agreement between a developer and a local planning authority about measures that the developer must take to reduce their impact on the community. A section 106 agreement is designed to make a development possible that would otherwise not be possible, by obtaining concessions and contributions from the developer. It forms a section of the Town And Country Planning Act 1990. Typically, this is a collaboration between the legal team, development management and the developer. Representations from Statutory Consultee’s are submitted to the Planning Officer and this forms the basis of the S106 negotiations in line with adopted policies and Developer Contributions guidance.

8. **Evenley Parish Council** - Will the links be made between the strategies for encouraging walking and cycling, and improving town centre environments (which are currently out for consultation - eg Brackley) and CIL/S106? Is this something else for Richard Wood’s team?

Answer Yes, this is a matter for Richard Wood's Policy Team. Please email Richard directly at Richard.wood@westnorthants.gov.uk.

Historic S106/CIL Questions

1. **Deanshanger Parish Council** - It is pretty scary that WNC doesn't know what CIL money is owed to it. Pleased that this is being sorted and that WNC will know what it is owed. When will PCs know what funding (25% / 15%) each PC can expect to receive and when.

Answer: The Council have employed 3 fixed term contractors for 12 months to review all CIL liable applications dating back to vesting day (April 2021). This will enable WNC to have clear picture of monies to be collected. Parish portions (15% and 25% (dependant on whether the PC has a neighbourhood plan) is paid out biannually by WNC in April and November.

2. **Duston Parish Council** - Outstanding CIL. Is there a time limit in how far back you can go to claim CIL as some development is going to be "historic"?

Answer: The first phase of the CIL legacy project is being reviewed which involves all CIL liable cases dating back to April 2021. Once this project has been completed we will be concentrating on current workloads.

3. **Upton Parish Council** - Whilst we appreciate WNC issues can it be confirmed that historical 106 money would attract interest from the day of payment to NBC or WNC from the date of payment to be paid to the project agreed when this is allocated?

Answer – This will need to be reviewed by Finance Team. Presently only the amount collected is used towards relevant projects.

4. **Great Houghton Parish Council** - Is it possible that some historic CIL/s106 monies will not be recoverable because of the lapse of time e.g. are there time limits in some of the s106 agreements?

Answer: Yes, dependant on timescales, completed paperwork from both WNC and the CIL liable party there will be some instances where monies will be unrecoverable. This is being treated on a case-by-case basis and in conjunction with WNCs finance department.

5. **Roadie Parish Council** - are historic CIL payments paid at the rates of the old 3 tier councils

Answer Yes

6. **East Hunsbury Parish Council** - Will you be transparent about monies that can't be recouped and make affected parishes aware.?

Answer Yes, once the project has been completed and WNC have taken all practicable steps to recover outstanding CIL monies, this will be made available.

7. **Deanshanger Parish Council** - Will town and parish councils receive specific information where s106 and cil agreements in their areas have not been fulfilled and a plan on how this will be followed up?

Answer The newly formed S106 remit of the team is now working collaboratively, in a proactive way, with the team's Monitoring Officers to Monitor development sites and progress of etc. Any contributions identified as being either due *or overdue* are being sought and/or action taken if necessary. If you have any specific examples, please do inform the relevant mailbox/team.

Comments

1. **Clerk Crick Parish** - It would be good to include two columns on the weekly planning lists, one for CIL, one for S106, and just tick if either or both are applicable. Then Parishes will know to monitor.

Answer This is a promising idea and will need to be explored further in order to achieve this.

2. **Blisworth Parish Council** - Another session like this would be useful in 6 months' time when all legacy systems have been reviewed overall picture clearer?

Answer These sessions have been put in the diary

3. **Towcester Town Council** - The application forms for Town/Parish Councils to access S106 funds held by WNC for their parish need to be simplified. Towcester Town Council has already been advised that 2 upcoming projects meet the conditions for expenditure within the relevant S106 Agreement but the application form to have this considered/released to us are unnecessarily time consuming.

Answer The section 106 team did discuss this with the AD for Finance and at present there are no plans to change the proformas currently being used.