



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**




Officer Delegated Decision

09/02/2024

Emma Whittaker
Assistant Director – Planning

Distribution of S106 monies in relation to Land West of A1 and North of Bourne Road Colsterworth.

Phil Jordan, Development Management & Enforcement Manager

 phil.jordan@southkesteven.gov.uk

Decision made by:	Emma Whittaker, Assistant Director – Planning
Decision:	To approve the release of section 106 funds totalling £2,019.10 for the purpose of funding the provision of Two fire hydrants to serve the development at Land West of A1 and North of Bourne Road Colsterworth.
Public or Exempt:	Public
Reasons for exemption:	N/A
Conflicts of interest:	No
Policy compliant:	Yes
Details of delegation:	In accordance with Part 3 of the Council’s Constitution, the Assistant Director has delegated authority to manage services including budgets in accordance with the Council’s Financial Regulations. The Financial Regulations sets out the approved limits for Officers.

1 Implications

Taking into consideration implications relating to finance; and legal and governance, the following implications have been identified:

Finance

- 1.1 It is important to ensure that the spending of S106 funds is compliant with the conditions set out in the S106 agreement and in accordance with the Council's Financial Regulations as set out in the constitution. Beyond being accountable for the proper spending of the contributions, there are no other financial implications for the Council.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy S151 Officer

Legal and Governance

- 1.2 The Assistant Director of Planning has the delegated authority to make this decision.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

2 The Purpose of the Report

- 2.1 Lincolnshire Fire & Rescue have requested funds totalling £2,019.10 towards the provision of two hydrants to serve the development approved under S18/2379 (Outline planning application for the erection of up to 70 dwellings, associated acoustic bund, vehicular and pedestrian accesses, public open space, landscaping and drainage with all matters reserved) on Land West Off A1 And North Of Bourne Road, Colsterworth.
- 2.2 SKDC is in receipt of £2,019.10 Section 106 contribution from the S106 agreement associated with S18/2379 - Land West of A1 and North of Bourne Road Colsterworth. The total sum is available from this agreement as requested and is relevant to the clause within the S106 agreement that specifies the money is for the following purpose:
- 2.3 S18/2379 – The clause states on page 32, Part 2 point 2.1: The Fire Hydrant Contribution the County Council covenants to only use the Fire Hydrant Contribution towards the provision of 2 Fire Hydrants and associated works

- 2.4 The Clause also states on page 32 Part 2 point 2.2 That in the event that all or any part of the Fire Hydrant Contribution paid to the Council has not been used or allocated to be used for the purposes set out in this Deed then such Fire Hydrant Contribution or Part thereof that has not been used or allocated to be used for those purposes within Ten years.
- 2.5 Lincolnshire Fire and Rescue have clarified that the full amount is required due to the development requiring more fire hydrants than identified within the S106 and the total costs will exceed the amount requested.
- 2.6 South Kesteven District Council will not be acquiring any additional assets which are subject to liabilities or insurances from this project.

3. Available Options Considered

- 3.1 No other projects or bids for the funds have currently been received.

4. Reasons for the Decision(s)

- 4.1 The proposed project is considered to meet the requirement of the S106 funding specified within S18/2379. No other competing projects or schemes have been submitted.

Signed by:

Emma Whittaker