



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET FOR EDUCATION**

**17 November 2022**

**Report of the Executive Director of Children's Services**

**Children's Services Capital Allocations 2022-23 S106  
(Cabinet Member for Education)**

**1. Divisions Affected**

1.1 County-wide

**2. Key Decision**

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regards to the budget for the service or function concerned (this is currently defined as (£500,000) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

**3. Purpose**

3.1 To inform Cabinet of the receipt of recent Section 106 developer contributions and to seek approval for the allocation of those contributions to projects in line with the individual Section 106 agreements.

3.2 To inform Cabinet of any time limited unexpended S106 receipts which in line with the S106 agreement need to be returned to the developer and to seek approval for the repayment of these receipts.

**4. Information and Analysis**

- 4.1 Appendix 2 details the S106 contributions that have been received by the Authority and any funds that require to be repaid. The Appendix details the schools that are to benefit from the investment, together with the planned projects.

## **5. Consultation**

- 5.1 Not applicable

## **6. Alternative Options Considered**

- 6.1 Developer contributions are to be utilised as per the S106 agreements. If we did not allocate these contributions the funding for additional school places related to the growth in housing would have to come from Basic Need in order for the Authority to meet the statutory requirement for provision of school places.

## **7. Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

- 8.1 These are held on file in the Children's Services Development Section and include but are not limited to feasibility reports, pupil projection data, legal agreements pertaining to the individual S106 agreements and cost plans for proposed building works.

## **9. Appendices**

- 9.1 Appendix 1- Implications.  
9.2 Appendix 2 – Proposed schemes and repayments.

## **10. Recommendation(s)**

That Cabinet:

- a) Notes the receipt/availability of S106 funding and approves allocations to the projects outlined in Appendix 2.

- b) Notes the repayment of unexpended time limited funds outlined in Appendix 2.

**11. Reasons for Recommendation(s)**

- 11.1 The approval of the S106 allocations will ensure that the funding can be spent in line with the agreement in the allotted time available and ensure there is sufficient capacity at schools in the County

**12. Is it necessary to waive the call in period?**

- 12.1 No

**Report Author: Jenny Webster**

**Contact details: x35808**

**Implications**

**Financial**

- 1.1 The contributions are wholly S106 Developer Contributions. Appendix 2 summarises the funds received. The total S106 to allocate is £1,745,279.53. The total S106 to repay is £18,717.

**Legal**

- 2.1 The projects are agreed in line with the individual S106 legal agreements under Section 106 Town and Country Planning Act 1990 in order to make the original development proposals acceptable in planning terms.

**Human Resources**

- 3.1 None

**Information Technology**

- 4.1 None

**Equalities Impact**

- 5.1 No impact

**Corporate objectives and priorities for change**

- 6.1 Not applicable

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 Subject to funding approval the design and project delivery will either be procured via Concertus Derbyshire Ltd or via the schools.

## Appendix 2

School	Development	Funds £	Project
Stanton Primary School	William Nadin Way	53,789.72	On 26 July 2018 Cabinet approved £1,650,000 phase two expansion scheme- from Basic Need in advance of S106 receipts. These allocations will contribute to the scheme and allow a reimbursement to the capital programme.
	9/2017/0667	107,600.13	
	William Nadin Way	58,043.72	
	9/2013/0818	45,157.14	
	<b>Total</b>	<b>264,590.71</b>	
Hilton Spencer Academy School	Derby Road, Hilton	64,257.76	The development of additional external hard play spaces.
	9/2017/1293	64,488.41	
	<b>Total</b>	<b>128,746.17</b>	
Etwall Primary School	New House Farm, Mickleover	100,899.36	Funds to be used towards a classroom extension and internal remodelling to create group spaces.
	9/2014/1136	100,899.36	
		98,784.71	
	Willington Road, Etwall	205,182.00	
	9/2015/0354		
	<b>Total</b>	<b>604,550.14</b>	

Tibshelf Community School	Land South of Thurgaton Way and Alfreton Road, Newton 14/00065/OUTMAJ	18,717.00	Repayment of Developer Contributions not expended from five years of receipt as per the S106 agreement.
	<b>Total to repay</b>	<b>18,717.00</b>	
Clowne Junior School	High Ash Farm, Mansfield Road, Clowne 14/00057/OUTMAJ	9,097.57	Towards educational facilities at the school.
	<b>Total</b>	<b>9,097.57</b>	
Field House Infants School	Quarry Hill Road, Ilkeston ERE/0614/0030	170,985.15 170,985.15	Embark Academy Trust have developed a classroom extension and remodelling scheme. The total cost of the scheme is £466,315.50. The trust will fund the difference and be reimbursed with future S106 contributions
	Land at Field Road, Ilkeston ERE/0516/0017	45,596.04	
	Hallam Mills, Little Hallam Lane, Ilkeston ERE/0115/0018	19,541.14	
	<b>Total</b>	<b>407,107.48</b>	

Ashbourne Primary School	Old Derby Road, Ashbourne 13/00911/OUT	331,187.46	On 24 May 2016 and 21 February 2017 Cabinet approved £760,000 towards two additional classrooms and internal remodelling carried out as part of the Ashbourne Primary reorganisation, which would be reimbursed by S106 payments when received. The total cost of the scheme was £770,704.06 so this S106 receipt will be used to reimburse the capital programme.
	Total	<b>331,187.46</b>	
<b>Total S106 to allocate</b>		<b>1,745,279.53</b>	
<b>Total S106 to repay</b>		<b>18,717.00</b>	