

**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**6 April 2023**

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

**Children's Services Capital Allocations 2022-23 S106  
Children's Services - 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 developer contributions received pursuant to agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended) and to seek approval for the allocation of those contributions to projects in line with the individual Section 106 agreements.

**4. Information and Analysis**

- 4.1 Appendix 2 details the S106 contributions that have been received by the Authority or are available to claim.  
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.

## **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

## **9. Appendices**

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

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

That Cabinet:

- a) Notes the receipt of recent developer contributions received pursuant to agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended); and
- b) Approves the allocation of those contributions to projects in line with the individual Section 106 agreements as 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

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**Implications**

**Financial**

- 1.1 The contributions are mainly S106 Developer Contributions. Appendix 2 summarises the funds received. The total S106 to allocate is £4,696,365.34. The total SCA 2020-21 to allocate is £13,763.91. The total S106 to reimburse basic need and SCA is £584,786.30.

**Legal**

- 2.1 The projects are agreed in line with the individual S106 legal agreements

**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
Sharley Park Primary School	Land at 20-24 Broadley's, Clay Cross	21,497.37	The development of additional external hard play spaces.
	19/01085/FL		
	<b>Total</b>	<b>21,497.37</b>	
Grassmoor Primary School	Windwistle Farm, Southend, Grassmoor	188,030.50	Internal remodelling to create Group Spaces. Creation of additional Toilet facilities
	14/00184/OL		
	<b>Total</b>	<b>188,030.50</b>	
Middleton Primary School	Porter Lane, Middleton	102,591.09	Creation of Breakout Pod. A scheme has been costed at £116,355. An additional £13,763.91 is required to progress the scheme and this can be met from SCA 2020-21
	12/00261/OUT		
	<b>Total</b>	<b>102,591.09</b>	

John Port School – Sixth Form	Land off the Mease 9/2013/1044	310,364.75	On 10 January 2020 the Executive Director for Childrens Services approved £50,000 to commence design works on a project to expand the sixth form. On 9 September 2021 S106 totalling £1,736,351.56 and school condition funding of £80,380.29 was approved to fund the project. The scheme is now progressing and has a revised cost of £2,361,007.15 which requires an additional £764,274.30. These identified receipts can meet the cost of the increase and reimburse the SCA contribution of £80,380.20.
	New House Farm (Post 16) 9/2014/1136	690.48 48,429.25 48,429.25	
	Ladybank Road, Mickleover 9/2015/0768	161,060.86	
	Derby Road, Hatton 9/2015/1108	100,254.31	
	Willington Road, Etwall 9/2013/1040	11,167.70 1,517.00 67,006.20 3,966.99	
	Derby Road, Hilton 9/2017/1293	91,767.00	
	<b>Total</b>	<b>844,654.59</b>	

John Port School	Land off the Mease 9/2013/1044	720,323.31 538,925.48	On 10 January 2020 the Executive Director for Childrens Services approved £50,000 to commence design works on a project to expand the Science block. A scheme has now been agreed and costed at £2,727,458.56. The balance of £2,677,458.79 from the identified S106 receipts can be allocated to the project.
Science Block Expansion	Clayton Works, Hatton 9/2014/0644	34,352.34	
	New House Farm 9/2014/1136	690.48 111,637.52 111,637.52	
	Milton Road, Repton 9/2016/1118	57,424.63	
	Ladybank Road, Micklegate 9/2015/0768	376,236.98	
	Derby Road, Hatton 9/2015/1108	231,103.21	
	Etwall Road Willington 9/2013/0745	220,503.35	
	Willington Road, Etwall 9/2013/1040	25,764.10 3,487.00 154,585.20 9,151.96	
	Mercia Marina 9/2014/1137 9/2013/0733	10,134.60 22,700.94	
	Askew Lodge Milton Road Repton 9/2017/0194	28,680.96	
	Derby Road, Hilton 9/2017/1293	20,119.12	

	<b>Total</b>	<b>2,677,458.79</b>	
Queen Elizabeth's Grammar School	Old Derby Road 13/00911/FUL 17/00337/FUL	371,376.65 163,623.45	On 5 October 2017 members approved £516,158.56 towards a new teaching block. Further S106 allocations were approved on 13 February 2020 along with a basic need contribution of £629,506. The scheme is now nearing completion and has a projected total cost of £3,000,824 which leaves a shortfall of £30,593, with the remaining S106 balance of £504,407.10 reimbursing basic need.
	<b>Total</b>	<b>535,000.10</b>	



The Curzon CE Aided Primary School	Kedleston Road AVA/2014/0928	911,920 *Plus indexation	This funding will be used to carry out an expansion scheme at the school to provide two additional classrooms and internal remodelling to provide a hall extension.
	<b>Total</b>	*911,920	
<b>Total S106 to allocate</b>		<b>4,696,365.34</b>	
<b>Total SCA to allocate</b>		<b>13,763.91</b>	
<b>Total S106 to reimburse Basic Need and SCA</b>		<b>584,786.30</b>	

#### Report Sign Off and Version Control

Report Title	Children's Services Capital Programme 2022-23 – S106 allocations
Author	Jenny Webster
Meeting and Date	Cabinet – 6 <sup>th</sup> April 2023

Version	1
Key Decision (published)	No
Exempt item (notice of private meeting published)	No

Implications	Name and Comments	Date Approved
Finance		
Legal		
Human Resources		
Information Technology		
Equalities		
Corporate Objectives and priorities for change		
Consultation		
Other – please specify		

Author's Directorate Sign Off

		Date
Managing Executive Director/Executive Director		
DMT – if applicable		
CMT – if applicable		
Cabinet Member briefed		
Other – please specify		