

Certificate of Section 106

This certificate confirms the availability of Section 106 funds and sets out the specific spend governance principles, however it does not directly approve the use of those funds. See next steps at the end of the certificate for further guidance on approval.

Project Manager/Lead Officer to complete

In the case of unknown fields, values or references, please contact the City Planning Team on 304154 or 305614 for advice and/or assistance

Project Manager/Lead Officer: Richard Bara	Directorate: Place
S106 Project Code (refer to City Planning Team if not known): 1A38/2K68	Service: SP&I
Project Name/Title: Millbay Boulevard (inc District Energy)	Has this project already received s106 monies? Yes



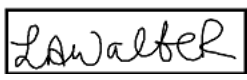
Project description: Millbay Boulevard consists of transforming the former narrow Bath Street into the Council's long standing Millbay Boulevard concept for a new wide linking street between the City Centre and Millbay Waterfront, primarily to encourage walking and cycling. The project incorporates:

- A series of integrated holistic benefits which attempts to address some of challenges we face with the current acknowledged Climate Emergency,
- Much needed sustainable transport infrastructure which improves the link between the City Centre and Waterfront at Millbay, focusing on walking and cycling providing a highly distinctive and attractive widened street of average width 8.5 metres and 0.27km in length,
- An important setting to future new development sites east and west of Bath Street which would include up to 600 new residential units, employment in the form of offices, a 200 bed hotel, new leisure, cultural and community uses and small scale retailing,
- A significant gain in Green Infrastructure through the planting of 26 new pine trees, and 600 sqm of new coastal planting within rain gardens,
- The first phase of this City's Sustainable Urban Drainage system which has capacity of 250 cum (equivalent to the volume of seven standard shipping containers) and which protects 1.7 sq km of this locality from flooding, providing key links to what will be the city's future new storm water sewer system,
- The first phase of this City's District Heating Network, comprising 1260 linear metres of pipework and two thermal boreholes tapping into Plymouth's warm water aquifer, and capable of distributing this heat to the future developments that will be built around the Boulevard, providing low cost energy to this part of Plymouth that can be rolled out across the city centre in the future
- A new public square in the north of the Boulevard equipped with power for local events
- Extension to the city's CCTV system,
- Ducting for future 5G network,
- Infrastructure for two on-street electrical vehicle-charging stations.

Old business case decision reference: L14 18/19. Additional S106 funding sought to meet additional costs. This spend certificate seeks to redirect and allocate further S106 funds due to increased project costs, and to implement a SPIMPT decision (project closedown approval – note some figures were rounded) on 17/06/2021. The proposed S106 allocations/redirections to support the SPIMT direction are laid out below:

9990/xxxx/1300688/FUL	20,301.71	Capital - new allocation of funds to meet the Council's costs for the inspections of Millbay Boulevard.
9990/xxxx/1300688/FUL	299,534.88	Capital - replaces previous draft spend cert signed 14/04/2021 – due to finalised Governance
9990/xxxx/1100750/FUL	56,373.16	Capital. redirection of unspent funds in spend cert signed 26/07/2012 for Plymouth Energy Service Co (ESCO). Jon Selman approved. Note £110k total agreed to be released
9990/0114/1602303/FUL	52,000.00	Capital. replaces previous draft spend cert signed 14/04/2021 – due to finalised Governance
Total	428,209.75	
Start and delivery dates (projected if not started): July 2019. Revised completion date early June 2021		
Is this project part of a bigger over-arching one (if yes please name): Millbay Boulevard & Associated Works		
Total Project Cost: £6.2m		
Ward/s in which the project will be delivered: St Peter & the Waterfront		
Project Finance:		
Is this project already in the Capital Programme? Highlight:		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Total S106 monies requested: £428,209.75		
Please indicate how monies will be spent, split by capital and revenue:		
CAPITAL	£428,209.75	REVENUE £NIL
Proposed s106 spend in this financial year: £428,209.75		
Proposed s106 spend in future years: £0		
Capital Project Ledger Code (for future fund transfer/journals)	8345/xxxx/5989	
Revenue Project Ledger Code (for future fund transfer/journals)	N/A	
City Planning Team (CPT) to complete		
S106 Funding Detail. Proposed project commitment and spend must be directly related to the original planning obligation).		
Planning application Ref/s Clause No/s and obligation wording must be listed		
Application ref and clause No	Obligation wording (inc. pertinent definitions)	Spend timescale restrictions (if any)
13/00688/FUL Plot A1 Millbay (Clause 4.4.4)	Technical and on-site inspection of the Design and the construction of the Interim Boulevard	None

13/00688/FUL Plot A1 Millbay (Clause 4.5.2)	4.5.2 In the event that the Appraisal as agreed between the Owners and the Council (or in the absence of such agreement as determined by the Valuer in accordance with the provisions of clause 5) identifies that the final development profit (on cost) exceeds the Required Development Profit then 50% of the Additional Profit up to and not exceeding the Total Cap shall be paid to the Council in lieu of the Infrastructure Contributions	None
11/00750/FUL Land N Yard EFW (Clause 4.1)	<p>4.1 The Developer hereby covenants with the Council so as to bind the Site and its successors in title that the Developer shall comply with the obligations set out in Schedules 2 to 8 1.1 Within twenty-eight (28) days of commencement of the Preliminary Works MVV shall pay to the Council the First Low Carbon Infrastructure Contribution</p> <p>"Low Carbon Infrastructure Contribution" The First Low Carbon Infrastructure Contribution the Second Low Carbon Infrastructure Contribution the Third Low Carbon Infrastructure Contribution the Fourth Low Carbon Infrastructure Contribution and any one or more of them "First Low Carbon Infrastructure Contribution" The sum of five hundred thousand pounds (£500,000) towards the Low Carbon Infrastructure Purposes</p> <p>"Low Carbon Infrastructure Purposes" To facilitate and enable the delivery of low carbon infrastructure which may include: (i) Education, advice, services and/or equipment designed to lower the energy demands of individuals and Micro Businesses including but not limited to insulation double glazing solar panels and photovoltaics; and (ii) A Future District Heating Network including implementation and delivery costs of the distribution network but for the avoidance of doubt excluding any costs related to heat generation including the generation of heat from the Plant</p>	20/04/2022
16/02303/FUL Runway Road (Clause 4.1.1)	<p>4.1 The Owner hereby covenants with the Council so as to bind the successors in title as follows:</p> <p>4.1.1 to pay the Infrastructure Contributions in the following instalments:</p> <p>a) not to Commence Development until 40% of the Infrastructure Contributions have been paid to the Council;</p>	None

	"Infrastructure Contributions" means contributions of 130,000 (one hundred and thirty thousand pounds) payable towards the cumulative impacts of the Development on both local and strategic infrastructure and the provision of off-site Affordable Housing within the City of Plymouth																															
CPT and Finance to complete and sign																																
<p>I confirm that the above project(s) have given acceptable reasoning to comply with Section 106 principles and the wording of the original obligation:</p> <div style="text-align: center; margin: 20px 0;">  </div> <p>Signed (electronic signature): _____ Date: 16/08/2021</p> <p>Lead Planning Officer for CIL and S106 Name: Ruth Willcox</p>																																
<p>Proposed S106 spend authorised:</p> <div style="text-align: center; margin: 20px 0;">  </div> <p>Signed (electronic signature): J A Bell Date: 16/08/2021</p> <p>Head of Development Planning Name: Jonathan Bell</p>																																
<p>I confirm that the above monies have been paid and are under the following ledger code:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Ledger Code(s):</th> <th style="text-align: right;">Sum: £</th> <th></th> </tr> </thead> <tbody> <tr> <td>9990/xxxx/1300688</td> <td style="text-align: right;">20,301.71</td> <td>Capital</td> </tr> <tr> <td></td> <td></td> <td>Capital Allocated in 2020/21</td> </tr> <tr> <td></td> <td></td> <td>Spend Cert signed</td> </tr> <tr> <td>9990/xxxx/1300688</td> <td style="text-align: right;">299,534.88</td> <td>14/04/2021</td> </tr> <tr> <td>9990/xxxx/1100750</td> <td style="text-align: right;">56,373.16</td> <td>Capital</td> </tr> <tr> <td></td> <td></td> <td>Capital Allocated in 2020/21</td> </tr> <tr> <td></td> <td></td> <td>Spend Cert signed</td> </tr> <tr> <td>9990/xxxx/1602303</td> <td style="text-align: right;">52,000.00</td> <td>14/04/2021</td> </tr> <tr> <td>Total (£)</td> <td style="text-align: right;">428,209.75</td> <td></td> </tr> </tbody> </table> <p>Total Section 106 Spend on this project to date including these contributions: £774,210</p> <div style="margin-top: 20px;"> <div style="display: flex; justify-content: space-between;"> <div> <p>Signed: </p> <p>Finance Rep Name: Lynn Walter</p> </div> <div> <p>Date: 18/08/2021</p> </div> </div> </div>			Ledger Code(s):	Sum: £		9990/xxxx/1300688	20,301.71	Capital			Capital Allocated in 2020/21			Spend Cert signed	9990/xxxx/1300688	299,534.88	14/04/2021	9990/xxxx/1100750	56,373.16	Capital			Capital Allocated in 2020/21			Spend Cert signed	9990/xxxx/1602303	52,000.00	14/04/2021	Total (£)	428,209.75	
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This certificate, once signed by the Obligations Officer and Finance confirms:

- The funds are currently available in the cost centre - a further certificate will not normally be issued for these same funds.

This certificate does not:

- Fully approve direct use of funds. You will need to follow the process below in order to formally approve and authorise the proposed spend.

NEXT STEPS - obtaining further approval to spend resources:**CAPITAL project with total project cost £10,000 plus:**

You will need to liaise with the Capital Finance Team for support and guidance through the Capital Programme Process. Email @capitalaccountants@plymouth.gov.uk.

For larger projects over £200,000.00 further Corporate Governance consideration is likely to be required. Further guidance is here:

<https://www.plymouth.gov.uk/democracyandgovernance/governancetemplates>

If the value of your project is under 200k, business cases can be signed off via the Section 151 Officer process. For project values over £200k, Leader approval is required.

Capital project with total project cost under £10,000 or Revenue project:

Capital: seek 151 Officer approval. Revenue: please liaise with your Revenue Finance Partner (within your directorate) to agree an approval route for your spend proposals.

Spend not covered by above:**Monies paid to a THIRD PARTY:**

You may need to form an agreement with the organization that is benefitting. Including (but not necessarily limited to):

- a) How, when and on what the money will be spent.
- b) Statutory regulation consideration
- c) Provision for supply of evidence to demonstrate how, when, and on what funds have been spent.

IMPORTANT NOTE: This is for you, corporate governance and information, in case of enquiry.

Advice at an appropriate level should be sought. Legal advice may also be required.