

## **Enquiry CFT/1599: 15 May 2015 and response 3 August 2015**

Keywords: Derwenthorpe outstanding S106 payments and FOI request

(i) All correspondence between CYC officers and the Joseph Rowntree Housing Trust/Joseph Rowntree Foundation regarding payment of s106 contributions from May 2011 to the present day.

(ii) All internal correspondence between CYC officers regarding s106 contributions from the Derwenthorpe scheme.

I hope it concerns you as much as it does me that the last published reference to the outstanding sum detailed £1.164 million outstanding, obviously the councils financial position must be considerably better than previously reported if such sums can be allowed to remain outstanding but the main question that arises is one of consistency in dealing with other planning schemes/applications can all other applicants safely assume that CYC will take a similarly relaxed stance when recovering their s106 contributions?

Thank you for your assistance in this matter.

In relation to the S106 obligations I enclose for your information a copy of the agreement dated 4 October 2006.

*Please see attached*

In relation to the payments required and received I enclose information provided by finance team.

*Please see attached*

You will note that CYC has received payment of £285,830 from JRHT towards education and off-site recreation facilities, triggered by the occupation of the first 60 dwellings. You will see from the S106 agreement and the table provided that subsequent payments are triggered by the occupation of the 150<sup>th</sup>, the 400<sup>th</sup> and 500<sup>th</sup> dwellings. I understand that these trigger points have not been reached as yet and these payments are therefore not "outstanding". For your information I also understand that transport colleagues have been in discussion with

the developer about sustainable travel requirements and that during this period of dialogue the £60,000 payment has not been received.

In relation to your FOI request, points (i) and (ii), colleagues in IT have, at my request, searched all CYC staff email accounts from May 2011 to July 2015. However disclosure of this information is exempt under Section 12 of the Freedom of Information Act (2000) (the Act) as we have calculated it will take over 18 hours to respond as we would have to check through all of the retrieved correspondence for relevant information. However, we have an obligation under the Act to help you narrow down your search in order for you to get the information sought within the reasonable timescales. For example by reducing the time period and or by changing the search criteria. I am happy to meet with you to talk through the search options if it would be of assistance