



Subject:	S76 Planning Agreements Monitoring Report
Date:	20/01/2026
Reporting Officer:	Dermot O’Kane – Acting Development Planning & Policy Manager
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Restricted Reports

Is this report restricted?

Yes

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No

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Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report/Summary of Main Issues
1.1	The S76 Monitoring Report tracks developer contributions received and how they are used. Since the reform of local government and transfer of planning powers to councils in April 2015, Belfast City Council has secured over £4.3 million in financial Developer Contributions, required to mitigate the impacts of new development on the city and make it acceptable.
1.2	The first report was published in 2020 covering the period from April 2015 March 2020. The second report attached at APPENDIX 1 provides an overview of key information around financial Developer Contributions collected to date.
2.0	Recommendation
2.1	The Committee is asked to note the outcomes of the annual S76 Monitoring report for 2020/21 to 2024/25 contained at Appendix 1 ; and the intention to publish this summary document and accompanying online map viewer on the Council's website.
3.0	Main Report
	<u>Background</u>
3.1	<p>the main aims of the Annual Monitoring Report are:</p> <ul style="list-style-type: none"> • Track Financial Contributions: Monitor the amount of money collected through Section 76 agreements. • Assess Delivery of Infrastructure: Evaluate how developer contributions are being used to support infrastructure such as affordable housing, public realm. • Ensure Compliance and Stewardship: Confirm that contributions are spent in accordance with legal agreements and planning policies. • Improve Governance and Coordination: Align developer funding with broader capital programs and local development plans to maximize impact. • Inform Stakeholders: Provide communities, elected officials, and developers with clear insights into how contributions are managed and spent. • Support Strategic Planning: Help local authorities forecast future needs and refine policies for securing contributions in line with growth and development targets.
3.2	Planning Agreements are used to secure a planning obligation, such as developer contributions, where it is not possible to do so by a planning condition. Section 76 of the Planning Act (Northern Ireland) 2011 ("the Act") gives the Council, as the Planning Authority, the legislative power to enter into a Planning Agreement, which is a legally binding document between the Council and an applicant.
3.3	<p>Planning Agreements can be used to serve a variety of planning purposes, including securing financial payments to mitigate the impacts of development on the City's infrastructure (Developer Contributions); to facilitate or restrict the development or use of land; and require specific operations or activities to be carried out in relation to the land. A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions. If the impact of a development is complex or long-term, and can't be managed through simple conditions, a planning agreement provides a legally binding framework. A planning agreement may be considered appropriate where it:-</p> <ul style="list-style-type: none"> • is directly related to the development and to the use of the land after its completion, that the development ought not to be permitted without it; • is fairly and reasonably related in scale to the development. • is focused on addressing the specific, site-related impacts of a new development.

	<ul style="list-style-type: none"> • will contribute to meeting the costs of providing necessary facilities in the near future; • is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.
3.4	A developer will be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development. These agreements must be entered into as legal deeds and are enforceable by the Council. They're tailored to the specifics of each development and negotiated during the planning application process.
3.5	Developer Contributions may either be "in kind" or "financial", whether it is to facilitate the provision of infrastructure that is needed to support the development; or to manage the environmental effects of development to an acceptable level. "In kind" contributions are where the developer directly provides the infrastructure or environmental mitigation themselves. "Financial contributions" are where the developer pays a commuted sum to the council or a government department, which will then be used to deliver the infrastructure or environmental mitigation. The monies received will be ring-fenced solely for that purpose.
3.6	<p>All Planning Agreements, including those that secure financial Developer Contributions, are routinely monitored by the Council's Planning Service to ensure compliance. The Council has a dedicated Section 76 Monitoring Officer whose role is to record and monitor all signed Planning Agreements. The Council maintains a database which records and provides the financial information contained in this Annual Monitoring Report. The primary purpose of monitoring such agreements is:-</p> <ul style="list-style-type: none"> • Compliance Checks: The Council reviews whether developers are fulfilling the terms of their planning agreements, such as delivering affordable housing, infrastructure, or environmental improvements. • Timely Delivery: The Council tracks deadlines and milestones to ensure contributions are made or works are completed on schedule. • Charging Monitoring Fees: The Council charges a fee to cover the administrative costs of monitoring Section 76 obligations. These fees help fund staff time and systems needed to track compliance. • Reporting and Transparency: The Council publishes an annual Monitoring report detailing contributions received, spent, and allocated. This promotes transparency and public accountability and allows the public and developers to understand what community benefits have been secured in exchange for granting planning permission. S76 agreements are legally binding and publicly accessible documents, and the Council publishes them on its websites. • Enforcement: If developers fail to meet their obligations, councils can take enforcement action, including legal proceedings or withholding further permissions.
3.7	During the period from April 2020 to March 2025 Council entered into 96 Planning Agreements. The report generally focuses on total money secured, monies received, committed expenditure and actual expenditure. The triggers for implementing planning agreements is often based upon commencement of a development and so where a development has not started, monies generally are not draw down for spend. Notwithstanding this, it is important to monitor outstanding payment or commitments, and any monies received that have not yet been spent, as well as the delivery of projects themselves on the ground.
3.8	<p>For the purposes of clarity, the nature of the spend has been categorised into several broad areas to reflect those identified in the Developer Contributions Framework. These include</p> <ul style="list-style-type: none"> • Open Space, Sport and Outdoor Recreation • Local Neighbourhood Facilities

	<ul style="list-style-type: none"> • Public Realm • Employability and Skills • Sustainable Transport • Air Quality • Natural Heritage • Built Heritage • Flood Risk and Sustainable Drainage • Waste Management
3.9	<p>Most of the expenditure (74%) in Belfast has been on public realm infrastructure requirements. It is also important to highlight that significant levels of affordable housing have been secured through this process (1,738 dwelling units), although it is acknowledged that these are not through contributions per se but through identified housing association who are funded directly by the NIHE and their own funding processes. Nevertheless, process is helping to bring forward affordable schemes as an integral part of wider mixed tenure developments.</p>
3.10	<p>One of the key issues over the last ten years is that whilst a number of agreements have been secured and significant sums have been received, processes for spending were not put in place until the last two years and so spending on projects has been limited until recently. This process will undoubtedly continue to develop. Consequently, spend is likely to increase over the next few years whilst monies received are likely to decrease as developers now tend to opt for in-kind contributions which they deliver themselves.</p> <p><u>Financial and Resource Implications</u></p> <p>The Council has secured in principle over £4.3 million in financial Developer Contributions since 2015, of which £3.1 million has been received to date. Other services areas within the Council are responsible for managing and spending those monies.</p> <p>The Planning Service employs an Assistant Planning Officer to proactively monitor compliance with Section 76 planning agreements – the vehicle used to secure financial Developer Contributions. This post is currently temporary and funded by monitoring fees secured through the Section 76 planning agreement process. Those monitoring fees are ring-fenced for that purpose.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>The report presents factual information and makes no recommendations relating to the future allocation of land for development. There are therefore no relevant equality or good relations implications attached to the report.</p>
4.0	Appendices - Documents Attached
	APPENDIX 1 – Draft S76 Monitoring Report