

Report Title:	Annual Report: Section 106 Agreements 2022/23
Purpose of Report:	To inform Elected Members and the Public about the progress on Section 106 (Planning Obligation) matters that have arisen in the last financial year (April 2022 - March 2023).
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<p>Executive Summary:</p> <ul style="list-style-type: none"> • This report seeks to update Elected Members, Town and Community Councils and the public, on the Section 106 matters in the Vale of Glamorgan. • In the 12 months between 1st April 2022 and 31st March 2023, a total of 11 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £3,794,564.09. • As of 31st March 2023, the Council had £18,118,531.49 in the main account. The majority of these contributions have been committed to schemes within the Vale of Glamorgan, as agreed with elected Members and Service Areas, or are pending further consultation. In addition, £531,009.95 was held for on-going maintenance costs. • The Council received financial contributions equalling £5,415,590.54 between April 2022 and March 2023. • £6,204,869.20 was spent on schemes during 2022/23, with Section 106 contributions supporting enhancements to public transport, walking, and cycling networks, new school places, public open space and public art enhancements. 	

1. Background

- 1.1** The Council has the power to enter into legal agreements with developers under Section 106 of the Town and Country Planning Act 1990, to require developers to provide works, services or financial contributions to mitigate the impacts that arise as a consequence of the new development.
- 1.2** The Council's policies on affordable housing and planning obligations are set out in the Vale of Glamorgan's adopted Local Development Plan (LDP) (2011-2026) and the adopted Affordable Housing and Planning Obligations Supplementary Planning Guidance documents (SPGs).
- 1.3** LDP Policy MD4 sets out the over-arching policy for requesting community infrastructure and planning obligations, where appropriate and having regard to development viability. The Planning Obligations SPG provides further clarification of where, what, when and how planning obligations will be sought, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.
- 1.4** To ensure LDPs are kept up to date, local planning authorities are required to review their Plan at least every 4 years from the date of adoption. The Council is currently preparing a new Local Development Plan to replace the existing adopted LDP. The new Plan will be called the Replacement Local Development Plan (RLDP) and will cover the period 2021 – 2036.
- 1.5** A Review Report was approved by Welsh Government in May 2022 which considered the effectiveness of the adopted LDP and confirmed the revision procedure to be followed in preparing the Replacement LDP. The report confirmed that the LDP policies in respect of affordable housing and infrastructure are working effectively and securing appropriate mitigation. The Review Report concluded that the LDP review shall provide the opportunity for the Council to undertake a review of development viability to ensure the most appropriate policy approach is taken by the Council to maximise affordable housing delivery, in addition to community infrastructure and facilities, and to consider any potential new policies in respect of green infrastructure and climate change.
- 1.6** The RLDP Delivery Agreement was approved by Welsh Government in May 2022 which contains the timetable for delivery of the new plan. The RLDP is currently at the pre-deposit preparation and participation stage of the process.
- 1.7** This report summarises the Council's progress on negotiating, monitoring and implementing planning obligations through Section 106 agreements, for the last financial year.

2. Key Issues for Consideration

Planning applications subject to Section 106 Agreements in 2022/23

- 2.1** In the 12 months between 1st April 2022 and 31st March 2023, a total of 11 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £3,794,564.09.

- 2.2 It is noted that the Section 106 agreement, dated 20 December 2022, associated with the former Cowbridge Comprehensive School, Aberthin Road, Cowbridge (planning application ref: 2018/01408/FUL) is currently subject to a Judicial Review. In addition, a number of the agreements signed in 2022/23 have been Deeds of Variation to existing Section 106 Agreements.

Implementation of Planning Obligations in 2022/23 – Financial Obligations

- 2.3 At 31st March 2023, the Council had £18,118,531.49 in the main account. The majority of these contributions have been committed to schemes within the Vale of Glamorgan, as agreed with Elected Members and Service Areas, or are pending further consultation. In addition, £531,009.95 was held for on-going maintenance costs. The total in the overall Section 106 account was £18,649,541.44.
- 2.4 The Council received financial contributions of £5,415,590.54 between April 2022 and March 2023. Large instalments were received from developments including: land at north-west Cowbridge, land off Cowbridge Road, St. Athan and Barry Waterfront.
- 2.5 A summary of income and spend on each planning obligation between April 2022 and March 2023 is attached at Appendix B.
- 2.6 £6,204,869.20 was spent on schemes during 2022/23, with Section 106 contributions fully (or partially) supporting enhancements to public transport, walking and cycling networks, new school places, public art and open space enhancements.
- 2.7 A summary list is provided below and a selection of photographs of schemes can be found in Appendix C:

Public Open Space:

- Windmill Lane, Llantwit Major – an upgraded play area completed.
- The Grange Public Open Space, Wenvoe – bulb planting completed.
- St. Cyres Park / St. David’s Crescent, Penarth – upgraded play area completed.
- Pencoedtre playing fields – new tree planting completed.

Preliminary work has been undertaken in 2022/23 on the Murchfield Sports Facilities in Dinas Powys. Initial surveys were undertaken in 2021/22. Landscape / Public Art consultants were appointed in Spring 2023 and further community consultation was undertaken in Summer 2023.

Sustainable Transport:

- Comprehensive pedestrian / cycling improvement scheme in Rhoose - completed.
- New footpath installed in Colwinston, providing a link between village hall, play area, and St. David’s Primary School – completed.
- Pavement improvement works near Premier Inn, Barry - completed.
- New bus shelter on Pen Y Lan Road, Llandough – installation completed.
- Footpath improvements near St. Cyres Park, Penarth – completed.

- Dropped kerb / tactile paving scheme in the vicinity of Woodlands Road, Barry and replacement bench near Barry library - completed.
- New footpath to provide access to new play area at Caerleon Road, Dinas Powys - completed.
- Installation of new bike pump / repair station, Ogmere by Sea – completed.
- Street lighting improvement schemes, Llantwit Major- completed.
- Bus stop enhancements, Llantwit Major – completed.
- Funding for Greenlinks and Community Transport.

Feasibility and design work has also been undertaken in areas including Sully and Cowbridge, with further consultation and installation anticipated in future financial years.

Educational Facilities:

- S106 has contributed towards several 21st Century Band B (renamed Sustainable Communities for Learning – Band B) projects in 2022/23. Schemes have been completed at Whitmore High School, Pencoedtre High School, Ysgol Bro Morgannwg, St. David’s C/W Primary School and South Point Primary School. An update is provided below of the schools near completion/under construction: Barry Waterfront/Ysgol St Baruc (primary school being delivered by development consortium) – New school development for Welsh Medium provision for 420 pupil places and 96 part-time nursery places.
- Cowbridge Primary – New school development for 210 pupil capacity and 48 part-time nursery places. Project completed end of June and will be operational for September 2023.
- St. Nicholas C/W Primary – Redevelopment project for 126 pupil capacity and 24 part-time nursery places. Planning permission granted. Project under construction and building to be completed by October 2023 with phase 2 work to be completed by March 2024.
- Ysgol Y Deri Phase II – New school development project for 150 places. Project started on site in July 2023.
- Centre for Learning and Wellbeing – New school development for ALN provision for 60 places. Project completed in July 2023.

Outside of Band B, internal alterations have also been undertaken at Wick and Marcross C/W Primary School to accommodate growth in the area.

Community Facilities

- Replacement of Belle Vue Pavilion in Penarth completed in July 2023.
- New outdoor sports facility at Barry Leisure Centre completed.
- Improvements to St. Athan Community Centre – completed.
- A community consultation on a proposed outdoor gym facility at Station Road East, Wenvoe was undertaken in 2022/23. Work is due to commence on site in August 2023.

- A community consultation on a new outdoor fitness equipment at Lougher Place, St. Athan was undertaken in Spring 2023. The tender for the supply and installation of new equipment is due to be undertaken in Summer 2023. Completion of this project is anticipated in 2023/24.
- A community consultation on Celtic Way Park, Rhoose improvements was undertaken in June 2023. Completion of this project is anticipated in 2024/25.

Public Art

- New replacement shelter, Cliff Hill, Penarth - completed.
- New bench incorporating public art at Dingle Park, Penarth completed in Summer 2022.
- New bespoke play area with integrated art works at Seel Park, Dinas Powys completed.
- Paget Road interpretation panels completed.

Preliminary work has also been undertaken in 2022/23 for the following project:

- Preparatory works for Upper and Lower Gladstone Gardens Murals undertaken in 22/23. Murals completed in May 2023.
- Murchfield Sports Facilities, Dinas Powys – see Public Open Space section above.

Implementation of Planning Obligations in 2022/23 – ‘In Kind’ Obligations

- 2.8** In addition to financial contributions, the Council has also worked with developers to deliver ‘in kind’ obligations on development sites. For example, 83 affordable housing units were completed/handed over during this financial year, the majority were secured via Section 106 agreements.

Section 106 Grant funding - Update

- 2.9** Several Section 106 grants have been issued to Community Groups, the Voluntary Sector, and Town and Community Councils, who are providing invaluable community facilities and services.
- 2.10** In 2022/23, Section 106 contributions to support numerous applications have progressed, including:
- Rhoose Library – a grant was issued for a new extension to the library to enable additional meeting space – extension now completed.
 - Wenvoe library – new shelving completed.
 - Former St Paul's Church, Penarth – new stained-glass window – installation completed.
 - Llantwit Major Tennis Club – a contribution towards new LED flood lighting – now completed.
 - Caerleon Road Play Area, Dinas Powys – the Council agreed to fund a new play area at Caerleon Road, Dinas Powys with Dinas Powys Community Council responsible for future maintenance – now completed.

- Wild About Nature Dinas Powys – a grant was issued for new planters and wildflowers. The scheme was previously delayed due to the pandemic, but significant progress was made on this scheme in 2022/23.
- War memorial, Dinas Powys – cleaning of stonework and plaques – completed.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** Long Term - Section 106 contributions seek to ensure that sustainable communities are developed within the Vale of Glamorgan, providing equal opportunities for living, learning, working and socialising for all.
- 3.2** Prevention - The use of contributions to increase the number of sustainable, affordable homes delivered within the Vale of Glamorgan will prevent homelessness and provide decent homes and safe communities.
- 3.3** Integration - The delivery of planning obligations seeks to ensure that new communities integrate with
- 3.4** Collaboration - The Council works collaboratively with Elected Members, internal departments and external organisations such as Registered Social Landlords to deliver schemes using Section 106 contributions.
- 3.5** Involvement - Multiple internal departments and external organisations work together to deliver schemes using Section 106 contributions in a holistic way.

4. Climate Change and Nature Implications

- 4.1** The adopted Local Development Plan (LDP) and supporting SPGs provide the local planning policy framework for delivering sustainable development.
- 4.2** Planning obligations are used to mitigate and secure enhancements as a result of new developments. Section 106 agreements can secure investment in environmental and sustainable transport measures.
- 4.3** The Council uses Section 106 contributions where appropriate to enhance the biodiversity within public open spaces by planting new wild-flower, bulbs and trees.
- 4.4** Section 106 contributions have also financially supported the delivery of Wales' first net-zero carbon primary school (in operation) – South Point Primary School.
- 4.5** The Replacement LDP will enable the Council to consider any potential new policies in respect of planning obligations, such as green infrastructure and climate change.

5. Resources and Legal Considerations

Financial

- 5.1** Financial contributions are secured via Section 106 Agreements. A Section 106 agreement is a legally binding agreement between a land owner, developer and the Council. Financial contributions have a positive impact on many of the Council's functions including education, community facilities, open spaces, highways and public transport. Financial contributions can also be used as match-funding to lever in additional funds, such as the Council's 21st Century Schools Programme.

Employment

- 5.2** There are no staffing issues.

Legal (Including Equalities)

- 5.3** Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), provides the legislative framework for planning obligations. The Council has acted in accordance with this legislation when securing these contributions.
- 5.4** The Well-being of Future Generations Act has put in place that we must work towards achieving a more equal Wales of cohesive communities. The delivery of affordable housing and planning obligations will ensure that the Council is responding to this duty.

6. Background Papers

Town and Country Planning Act 1990

The Community Infrastructure Levy Regulations 2010

The Vale of Glamorgan adopted Local Development Plan (2011-2026)

Vale of Glamorgan Council's Local Development Plan - Review Report (May 2022)

Supplementary Planning Guidance 'Affordable Housing'

Supplementary Planning Guidance 'Planning Obligations'