

Report Title:	Annual Report: Section 106 Agreements 2024/25
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 (1 st April 2024 – 31 st March 2025).
Responsible Officer:	Liam Jones, Operational Manager for Planning and Building Control Telephone number: 01446 704724 Lucy Butler, Senior Planner Telephone number: 01446 704665 Email: planning@valeofglamorgan.gov.uk
<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 2024 and 31st March 2025, a total of 8 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £1,410,896.24. • As of 31st March 2025, the Council had £17,771,298.10 in the main Section 106 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, £411,332.87 was held for on-going maintenance costs. • The Council received financial contributions equalling £903,791.62 between 1st April 2024 and 31st March 2025. • £3,840,566.71 was spent on schemes during 2024/25, 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** A Revised Delivery Agreement for the RLDP was approved by Welsh Government in November 2023 which contains the timetable for delivery of the new Plan. The RLDP is currently at the Deposit stage of the process. In September 2024, Full Council agreed that the Preferred Strategy should form the basis for the Deposit Plan. The Preferred Strategy contained 5 key sites which will deliver a significant part of the overall housing requirement for the Vale of Glamorgan. However, further assessment work raised concerns around the deliverability of the key site at north east Barry due to land ownership issues. Consequently, this site will not be progressed to the Deposit stage. An alternative key site in north west Barry has now been identified together with two smaller sites at Hayes Lane, The Bendricks and Neptune Road, Barry Waterfront. Consultation on these new sites took place between 16/6/25 and 14/7/25 and a report of consultation will be presented to full Council later in the year. Subject to approval by full Council, consultation on the Deposit Plan is now anticipated to take place in early 2026.

The Delivery Agreement will be updated to reflect the amendments to the timetable.

- 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 2024/25

- 2.1** In the 12 months between 1st April 2024 and 31st March 2025, a total of 8 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £1,410,896.24. A number of these legal agreements also include in kind obligations.

Implementation of Planning Obligations in 2024/25 – Financial Obligations

- 2.2** At 31st March 2025, the Council had £17,771,298.10 in the main Section 106 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, £411,332.87 was held for on-going maintenance costs. The total in the overall Section 106 account was £18,182,630.97.
- 2.3** The Council received financial contributions of £903,791.62 between 1st April 2024 and 31st March 2025. Large instalments were received from some developments including land off Cowbridge Road, St. Athan and the former Cowbridge Comprehensive School, Aberthin Road, Cowbridge.
- 2.4** A summary of income and spend on each planning obligation between 1st April 2024 and 31st March 2025 is attached at Appendix B.
- 2.5** £3,840,566.71 was spent on schemes during 2024/25, 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. It should be noted that for some schemes, alternative grants such as Shared Prosperity Funding and Social Housing Grant have been used to support schemes and to enhance the use of Section 106 funding.
- 2.6** A summary list is provided below and a selection of photographs of schemes can be found in Appendix C.

Public Open Space:

The Council has used section 106 contributions to provide / enhance public open spaces as follows:

- New community space at Murchfield, Dinas Powys including new basketball / netball court, seating incorporating exercise features, additional tree planting and shrubs (ongoing)
- Accessibility improvements at Station Road East recreation ground, Wenvoe

- Additional tree planting at Plassey Square, Penarth
- Additional tree planting and replacement benches at Alexandra Gardens, Barry
- Initial work on Sully linear park enhancements (including new play area)

Sustainable Transport:

The Council has used section 106 contributions to provide / enhance sustainable transport provision as follows:

- New toucan crossing on Ffordd Y Mileniwm (near East Quay), Barry Waterfront
- Barry wayfinding project
- Bilingual signage for Barry Docks transport interchange
- Pedestrian improvements in Clive Road, Barry
- Pedestrian improvements at St. Pauls Avenue, Barry
- Pedestrian improvements at Ramsey Road/ Skomer Road, Barry
- Pedestrian improvements at Gladstone Gardens, Barry
- New cycle shelter for The Engine Room, Barry
- Weycock Cross, Barry to Cardiff Airport active travel improvements
- Pedestrian improvements at Station Road, Rhose
- Pedestrian improvements near Sully Primary School
- New bus shelter near the Old School, Sully
- New bus shelter, Cosmeston
- Shared use signage on Penlan Road, Llandough
- Street lighting enhancements at Castle Close, Dinas Powys
- Accessibility improvements at Station Road East recreation ground, Wenvoe
- Pedestrian improvements in Borough Close, Cowbridge
- New cycle shelter Y Bont Faen Primary School, Cowbridge
- Upgrades to the boardwalk, Cowbridge
- New lighting near Town Hall, Llantwit Major
- New benches for St. Nicholas and Colwinston
- Funding of 303 bus service
- Cycle parking signage, Ogmore by Sea village hall
- Funding for Greenlinks and Community Transport

Educational Facilities:

Section 106 funding has contributed towards several Sustainable Communities for Learning projects in 2024/25. An update is provided below:

- Ysgol Y Deri Expansion – New school development project for 150 pupil places. Project started on site in April 2024. Main contractor originally appointed went into administration in September 2024. New contractor now appointed and works re-commenced on site in April 2025.
- St. Richard Gwyn Roman Catholic Comprehensive School – redevelopment project. New school building to provide 1050 pupil capacity plus 60 place

Specialist Resource Base. Planning permission granted in April 2024. Main contractor appointed. Works commenced on site in August 2025.

- Ysgol Iolo Morganwg – new school development for Welsh medium provision in north west Cowbridge for 420 pupil places and 96 part-time nursery places. Land transfer completed. Main contractor appointed for delivery of stage 1 works.

Outside of the Sustainable Communities for Learning rolling programme, Section 106 funding has been used towards enhancements at the following schools:

- Llantwit Major Comprehensive School - main reception area improvement works (completed)
- St. Cyres School – Physical and Medical Resource (PMED) Base (ongoing)
- Ysgol Pen Y Garth – entrance improvements (completed)
- Dinas Powys Junior School – new modular classroom (completed)
- Wick and Marcross CIW Primary School – extension (ongoing)
- Ysgol Dewi Sant, Llantwit Major – new external canopy (ongoing)

Community Facilities

The Council has used section 106 contributions to provide / enhance community facilities as follows:

- New play area and biodiversity enhancements at Celtic Way Park, Rhoose
- New outdoor gym near Lougher Place, St. Athan
- Enhancements to changing rooms and toilets at Llantwit Major Leisure Centre
- New flooring in main hall at Cowbridge Leisure Centre (match funding)
- Kitchen enhancements at Glyndwr Hall, Penarth
- New and enhanced facilities at Parish Hall, Dinas Powys
- New and enhanced facilities at Lee Hall, Dinas Powys
- New and enhanced facilities at the Old Library, Dinas Powys

Public Art

Section 106 public art contributions have been used to provide the following public art schemes:

- New artist designed basketball / netball court and community seating at Murchfield Community Space, Dinas Powys (ongoing public art / public open space scheme)
- Artist designed totems at St. Nicholas Primary School (ongoing)
- New public art works at Clare Gardens, Cowbridge (ongoing)
- New public art sculpture incorporating seating and planting together with separate artist designed seating to be installed within public open spaces at Gwel Yr Ynys, Sully (ongoing).

Implementation of Planning Obligations in 2024/25 – ‘In Kind’ Obligations

- 2.7 In addition to financial contributions, the Council has also worked with developers to deliver ‘in kind’ obligations on development sites. For example, 67 affordable housing units completed/handed over during this financial year were secured via Section 106 agreements.

Section 106 Grant funding - Update

- 2.8 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.
- 2.9 In 2024/25, Section 106 contributions to support several applications have progressed, including:
- Dinas Powys Community Council - new and enhanced facilities at Parish Hall, Lee Hall and the Old Library, Dinas Powys
 - Dinas Powys Library and Activity Centre – additional items to supplement existing art hanging system
 - Match funding towards additional solar array with battery storage at Margaret Alexander Community Centre, Barry (Strong Communities Grant Application).
 - Cowbridge Town Council – new accessible play equipment, new surfacing and new benches at Twt Park, Cowbridge.
 - Cowbridge Town Council – footpath / drainage improvement works near Twt Park, Cowbridge.

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 existing communities
- 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. Work on Placemaking Plans is also helping to inform the need for further investment in Barry, Cowbridge, Llantwit Major and Penarth.

- 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 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 Sustainable Communities for Learning Rolling 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. Public art projects also contribute towards enhancing the cultural well-being of Wales.

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'