

The Vale of Glamorgan Council

Cabinet Meeting: 23 July, 2012

Report of the Cabinet Member Business Innovation, Regeneration, Economic Development, Planning and Transportation

Annual Report - Section 106 Legal Agreements 2011 - 2012

Purpose of the Report

1. The purpose of this report is to inform Cabinet about progress on Section 106 (Planning Obligation) matters that have arisen in the last financial year (April 2011 - March 2012).

Recommendations

1. That Cabinet note the progress made on Section 106 matters between April 2011 and March 2012.
2. That Cabinet refers the report to Planning Committee, Scrutiny Committee (E&E) and Community Liaison Committee for information.

Reasons for the Recommendations

1. To inform Cabinet of the progress made on section 106 matters between April 2011 and March 2012.
2. To inform the Planning Committee, Scrutiny Committee (E&E) and Community Liaison Committee.

Background

2. Members will be aware that the Council has the power to enter into legal agreements with developers under Section 106 of the Town and Country Planning Act 1990, to seek contributions from developers to mitigate negative development impacts and facilitate development which might otherwise not occur.
3. In accordance with the Section 106 protocol, this report summarises the Council's progress on negotiating, monitoring and implementing planning obligations through section 106 agreements, for the last financial year.

Relevant Issues and Options

Planning Applications subject to s106 agreements

4. In the 12 months between April 2011 and March 2012, a total of 18 planning permissions have been issued, which have been subject to section 106 legal agreements. A list is attached at Appendix A. The value of the financial contributions in these legal agreements is £10,263,858.68.
5. In the previous financial year, 2010/11, a total of 15 planning permissions were signed with a financial value of £5,700,691.50. Comparatively this year has seen a significant increase in the total value of planning gain, principally due to the major Barry Waterfront redevelopment, which represents a £8,093,600.00 financial obligations package.
6. The financial contributions secured through these legal agreements will be used to provide or enhance facilities off site, such as sustainable transport facilities, public open space, community facilities and more. When such contributions are received consultation is undertaken with the relevant service areas, the Cabinet Member for Planning and Transportation, relevant Cabinet Members and local ward Members, to agree how the contributions can be best spent, in accordance with an established s106 protocol.
7. The planning obligation requirements secured this year have also included 'in-kind' obligations such as a Primary School at Barry Waterfront, on site affordable housing was secured on the major residential developments, on site public open space and recreational facilities, public art and ecology mitigation works.

Implementation of Planning Obligations

8. Between April 2011 and March 2012 the Council has received financial and in-kind obligations in respect of a number of previously outstanding planning agreements, including interest payments where applicable. The Council's Section 106 account currently holds £1,524,498.90. Details are attached at Appendix B.
9. When financial obligations are received, the relevant service areas are notified and options for spend are considered before consultation is undertaken in accordance with the Council's protocol. This year implementation has included works to local schools, recreational facilities in Barry, delivery of affordable housing and provision of bus services.

The Community Infrastructure Levy Regulations 2010

10. The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. At their meeting of 21st February 2011, Cabinet resolved in principle to commence preparation of a Community Infrastructure Levy (CIL) for the Vale of Glamorgan. Once in place, the CIL will replace section 106 agreements in many respects, in particular in respect of financial contributions. CIL will therefore become the main mechanism for providing infrastructure in connection with new development.
11. Work has now commenced on the levy, which will take several years to prepare. The Council's lead officer is coordinating input from service areas across the Council to prepare the CIL. The Council is also represented on the South-East Wales regional planning sub-group (SEWSPG) which is focussing on the implications of CIL in the region.

Resource Implications (Financial and Employment and Climate Change, if appropriate)

12. The planning obligations sought through Section 106 legal agreements are an important mechanism to mitigate against the impacts of new developments.

Legal Implications (to Include Human Rights Implications)

13. The planning obligations system is covered by Section 106 of the Town and Country Planning Act 1990 (as amended) and The Community Infrastructure Levy Regulations 2010.

Crime and Disorder Implications

14. None arising out of this report, although planning obligations can be related to crime and disorder matters given that such matters are material considerations.

Equal Opportunities Implications (to include Welsh Language issues)

15. None arising out of this report.

Corporate/Service Objectives

16. The contributions paid by Developers under the planning obligations system have a wide impact on many of the Council's functions including education, community facilities, highways and public transport.

Policy Framework and Budget

17. This report is a matter for Executive Decision by the Cabinet.

Consultation (including Ward Member Consultation)

18. No Ward Member consultation has been undertaken as the report has implications for the Vale as a whole rather than specific wards. Consultation has been undertaken with the representatives of the relevant service areas.

Relevant Scrutiny Committee

19. Economy and Environment.

Background Papers

Town and Country Planning Act 1990
The Community Infrastructure Levy Regulations 2010
Planning Obligations SPG

Contact Officer

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Officers Consulted

Director of Finance, I.C.T. and Property
Operational Manager – Legal Services

Operational Manager – Planning & Transportation Policy
Section 106 Working Group

Responsible Officer:

Rob Thomas - Director of Development Services