

The Vale of Glamorgan Council

Cabinet Meeting: 17th June 2013

Report of Cabinet Member for Regeneration, Innovation, Planning and Transportation

Annual Report - Section 106 Legal Agreements 2012 - 2013

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 2012 - March 2013).

Recommendations

1. That Cabinet note the progress made on Section 106 matters between April 2012 and March 2013.
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 2012 and March 2013.
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 2012 and March 2013, a total of 12 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 £511,873.
5. In the previous financial year, 2011/12, a total of 18 planning permissions were signed with a financial value of £10,263,858.68, which was principally due to the major Barry Waterfront redevelopment, which represented 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 Regeneration, Innovation, Planning and Transportation, other 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 on site affordable housing, on site public open space and recreational facilities, and public art.

Implementation of Planning Obligations

8. Between April 2012 and March 2013 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 £2,213,336.69, with £406,938.86 having been spent this year through implementation of s106 projects. Details are attached at Appendix B. Where schemes are already identified and monies committed these are identified in grey in the table at Appendix B.
9. This year implementation has included works to improve steps from Main Street to Victoria Park in Cadoxton, improvements to local schools, delivery of affordable housing and provision of bus services.
10. Following the annual monitoring report for 2011/12, Members raised concerns about the time taken to implement s106 spend and at their meeting on 5th November 2012 Cabinet resolved to endorse an updated protocol for the implementation of s106 obligations. When financial obligations are received, the relevant service areas are notified and Member consultation is undertaken at the same time so that ideas for spend can be identified at the earliest opportunity.

Resource Implications (Financial and Employment)

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

Sustainability and Climate Change Implications

12. None arising out of this report, although planning obligations can be related to sustainability and climate change matters given that such matters are material considerations.

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

Contact Officer – Victoria Robinson, Principal Planner (Development Control) - Tel: 01446 704662

Officers Consulted

Director of Finance, I.C.T. and Property
Operational Manager – Legal Services
Operational Manager – Planning & Transportation Policy
Section 106 Contact List (see Appendix C)

Responsible Officer:

Rob Thomas - Director of Development Services