

The Vale of Glamorgan Council

Cabinet 3rd November 2014

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

Annual Report - Section 106 Legal Agreements 2013 - 2014

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 2013 - March 2014).

Recommendations

1. That Cabinet note the progress made on Section 106 matters between April 2013 and March 2014.
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 2013 and March 2014.
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 2013 and March 2014, a total of 22 planning permissions have been issued, which have been subject to section 106 legal agreements. A list is attached at Appendix A.
5. The value of the financial contributions in these legal agreements totals £5,431,630.24. Members should note that six of these agreements relate to major schemes for residential development at Ferm Goch, Rhoose, St. Athan, Culverhouse Cross, Ystradowen and Llandough. The value of these schemes alone is £4,785,490.23.
6. The planning obligation requirements secured this year have also included 'in-kind' obligations such as provision of on site affordable housing, on site public open space and recreational facilities, and public art.
7. In the previous financial year, 2012/13, a total of 12 planning permissions were signed with a financial value of £511,873. Prior to this, (in respect of the 2011/12 financial year), 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.
8. The financial contributions secured through these legal agreements will be used to provide or enhance facilities off site, such as sustainable transport services/infrastructure, highway improvements, public open space, community facilities, public art and educational facilities.
9. When such contributions are received consultation is undertaken with all relevant service areas, the Cabinet Member for Regeneration, Innovation, Planning and Transportation, other relevant Cabinet Members and local ward Members, to establish how the contributions can be best spent, in accordance with an established and agreed s106 protocol.

Implementation of Planning Obligations

10. Between April 2013 and March 2014 the Council has received financial and in-kind obligations in respect of a number of previously outstanding planning agreements, including interest payments where applicable.
11. The Council's Section 106 account as of 31/03/14 currently holds £2,238,408.41. In addition £173,179.75 is held for ongoing maintenance costs.
12. The Council received financial contributions of £632,818.64 between April 2013 and March 2014.
13. Areas of spend between April 2013 and March 2014 are attached at Appendix B. A number of schemes have been delivered this financial year by the Council with enhancements to walking and cycling, provision of public art, open space enhancements and children's play areas.

Sustainable Transport

- The Herberts footpath project
- Dropped kerbs in Llantwit Major
- Durell Street Traffic Calming

Public Art

- Pencoedtre Park Public Art, Barry
- Anchor Memorial project, Barry Waterfront

Public Open Space

- Enhancements to Bell Vue Park, Penarth
- Enhancements to Victoria Park, Barry
- Heol Collen Play Area, Culverhouse Cross

14. In addition a number of Sustainable Transport contributions held on account have been “top sliced” by 25% in order to assist in funding public transport services and the Greenlinks community bus service, for the 2014/15, financial year. For 2013/14, the sum amounted to £144,122.66.
15. Moreover “in kind” obligations have also been delivered as an integral part of developments.
16. Furthermore, a number of schemes have also been progressed during the 2013/14 financial year but have yet to be completed. One such suite of proposals that commenced in 2013/14 and will be concluded in 2014/15 is the Central Barry Public Open Space Areas project, which will see investment in a range of park areas within Central Barry. These are fully detailed under Appendix B.

Resource Implications (Financial and Employment)

17. The financial implications are as set out in the attached appendices.

Sustainability and Climate Change Implications

18. The planning obligations sought through Section 106 Legal Agreements are an important mechanism to mitigate against the impacts of new developments. In terms of sustainability, contributions can assist in allowing for the needs of walking and cycling as well as enhancements to public transport all of which can contribute to a reduction in the carbon footprint.

Legal Implications (to Include Human Rights Implications)

19. 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

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

Equal Opportunities Implications (to include Welsh Language issues)

21. None arising out of this report, although contributions to various community enhancements and public transport services do improve accessibility to such persons and other services for the benefit of those who otherwise do not have access to facilities.

Corporate/Service Objectives

22. 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

23. This report is a matter for Executive decision.

Consultation (including Ward Member Consultation)

24. 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

25. Economy and Environment.

Background Papers

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

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

Responsible Officer:

Rob Thomas - Director of Development Services