

Report Title:	Annual Report: Section 106 Agreements 2019/20
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 2019 - March 2020).
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<p>Report 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 2019 and 31st March 2020, a total of 24 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £3,713,242.73. • As of 31st March 2020, the Council had £25,326,817.79 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, £645,455.54 was held for on-going maintenance costs. • The Council received financial contributions of £10,471,766.77 between April 2019 and March 2020. • £6,529,159.89 was spent on schemes during 2019/20, with Section 106 contributions supporting enhancements to public transport, walking and cycling networks, new school places and 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 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** 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 2019/20

- 2.1** In the 12 months between 1st April 2019 and 31st March 2020, a total of 24 legal agreements have been signed associated with planning permissions (refer to Appendix A). The value of the financial contributions in these legal agreements totals £3,713,242.73.
- 2.2** The financial contributions secured through these legal agreements will be used to provide or enhance facilities off site, such as sustainable transport services and infrastructure, public open space, community facilities, public art and educational facilities.
- 2.3** The planning obligation requirements secured this year have also included 'in-kind' obligations such as the provision of on-site affordable housing, on-site public open space and public art.
- 2.4** A number of the agreements signed this year have been Deeds of Variation to existing Section 106 Agreements. These Deeds of Variations have enabled Registered Social Landlords to amend the "chargee" provisions in the affordable housing schedule, to allow them to seek more generous terms on their re-financing.

Implementation of Planning Obligations in 2019/20 - Financial Obligations

- 2.5** As of 31st March 2019, the Council had £25,326,817.79 in the 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, £645,455.54 was held for on-going

maintenance costs for public open space etc. The total in the overall Section 106 account was **£25,972,273.33**.

- 2.6** The Council received financial contributions of £10,471,766.77 between April 2019 and March 2020. In particular, large contributions were received from the following developments:
- Land at Plasnewydd Farm, Llantwit Major - Persimmon Homes;
 - Land at Barry Waterfront - Taylor Wimpey, Persimmon Homes and BDW Trading;
 - Land adjacent to Llantwit Major Bypass - BDW Trading
 - Land to the north-west Cowbridge - Taylor Wimpey;
 - Land north of the Railway Line, Rhoose - Taylor Wimpey;
 - Land to the rear of Westgate - Charles Church Retirement Living.
- 2.7** A summary of income and spend on each planning obligation between April 2019 and March 2020 is attached at Appendix B.
- 2.8** £6,529,159.89 was spent on schemes during 2019/20, 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.
- 2.9** A summary list is provided below and a selection of photographs of schemes can be found in Appendix C:

Public Open Space

- Upgrading the play area at Twyn Yr Odyn;
- Upgrading the play area in Colwinston;
- Environmental improvements at the open space at Maes Dyfan;
- Implementation of a new concrete skate park at Cogan Playing Fields, Penarth;
- Upgrading and expanding the play area at the Murch, Dinas Powys;
- Commencement of works to upgrade and expand the play area at The Grange, Wenvoe - outbreak prevented the full completion of this scheme within 2019/20.;
- commencement of works on a new multi-use games area at King George V Playing Fields (also known as Lewis Playing Fields), Llandough - Covid-19 outbreak prevented the full completion of this scheme within 2019/20.
- new railings and biodiversity enhancements at The Dingle Open Space, Penarth (alongside Public Art entranceway project)

Consultation, feasibility and design work has also been undertaken for the following open spaces: Central Park, Barry; Sports Fields, Wick; Caerleon Road, Dinas Powys and The Knap Canal biodiversity enhancements.

Sustainable Transport

- Implementation of a new bus stop and shelter in Ystradowen;
- Enhancements to footways in Ystradowen, including dropped kerbs and uncontrolled crossings.
- Funding for Greenlinks and Community Transport;
- Footpath enhancement scheme in Fferm Goch, Llangan;

- Pedestrian improvements on Old Port Road outside of Gwenfo Primary School to improve crossing, and new ramped access to The Grange play area;
- Improvements to footways throughout Ogmore by Sea;
- Safety improvements at bus stop outside of St. Bride's Major Primary School;
- Improvements at Windsor Road/Plassey Street roundabout junction for walking and cycling;
- Partial implementation of a cycle hire scheme in Penarth - Covid-19 outbreak prevented the full completion of this scheme within 2019/20;
- Implementation of a footpath link on Pen Y Turnpike Road, Dinas Powys.

Initial feasibility, design and consultation has also been undertaken for schemes in Wick and Rhoose.

Educational Facilities:

- Completion of new nursery at St. Joseph's RC Primary School and Education Intervention Base Unit;
- a new demountable classroom at St. Andrews Primary School, Dinas Powys;
- improvements at Dinas Powys Primary School;
- Completion of a new nursery at Wick Primary School and internal remodelling;
- Significant progress has been made and S106 has been spent on several 21st Century Band B Projects, including the proposal to reconfigure primary education in the Western Vale; the proposal to expand and re-build St David's Church in Wales Primary School; the proposal to expand and re-build a new school at St Nicholas Church in Wales Primary School.

Community Facilities:

- Implementation of the Community POD, Penarth;
- Works undertaken to Wick Pavilion;

The Council has also submitted a bid to Lottery for funding to increase the budget available for Belle Vue Pavilion and await the result.

Public Art:

- Implementation of art works, "Penarth Skytown" at the entranceway to The Dingle Open Space;
- Implementation of art works as part of the new concrete skate park at Penarth Leisure Centre;
- Artists have been commissioned for community art works at Arcot Triangle and Paget Road, and consultation and feasibility is underway, with implementation expected in 2020/21.
- The participative arts activities for older people, being managed by the Culture and Community Learning Manager, has commenced.

Implementation of Planning Obligations in 2019/20 – 'In Kind' Obligations

2.10 In addition to financial contributions, the Council has also worked with developers to deliver 'in kind' obligations on development sites. For example,

199 new build affordable housing units were delivered in 2019/20 via Section 106 Agreements.

Section 106 Grant funding - Update

- 2.11** It is recognised that Community Groups, the Voluntary Sector, and Town and Community Councils are providing invaluable community facilities and services.
- 2.12** The Strong Communities Grant fund allows such organisations to apply for grant funding to assist with projects across the Vale of Glamorgan. It also provides another mechanism to spend Section 106 contributions.
- 2.13** In 2019/20, Members granted approval for Section 106 contributions to support numerous applications, including:
- Wild About Nature, Dinas Powys - a further £1,910 towards equipment and apparatus;
 - Murch Bowls Club - £1,806.87 to provide equipment at the bowls club;
 - Llantwit Tennis Club - £15,000 towards new flood lighting;
 - Barry Uniting "The Bridge Between" Community Centre - £145,000 towards a new community centre at Barry Waterfront;
 - Cowbridge Town Council - £6,077 towards the installation of a lift at the town hall
 - Ogmere Village Hall Association - £335,157.83 towards a new village hall and play area in Ogmere by Sea
 - Newydd Housing Association and St. Paul's Church Community Group - £50,000 the Section 106 Public Art monies from Penarth Heights towards a public art stained glass window display, at the affordable housing and community facility scheme at St. Paul's Church, Penarth.
- 2.14** Furthermore, a two stage process has been launched for the allocation of Section 106 for community facilities in Rhoose, inviting third sector organisations to submit an Expression of Interest, by 1st June 2020. Projects will be considered by Elected Members and necessary departments.

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. Resources and Legal Considerations

Financial

- 4.1** 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

- 4.2** There will not be any staffing issues which arise as a result of the recommendations.

Legal (Including Equalities)

- 4.3** 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.
- 4.4** 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.

5. Background Papers

Town and Country Planning Act 1990

The Community Infrastructure Levy Regulations 2010

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

Supplementary Planning Guidance 'Affordable Housing'

Supplementary Planning Guidance 'Planning Obligations'