

Section 106 Obligations

Director Service Delivery

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Purpose of the Report

Section 106 & Compliance Officer to provide information on signed Section 106 agreements relating to development within Area South. Agreements containing financial contributions will be presented within the monitoring report (Appendix A), **however if any further detail was required on any other agreement it was agreed that this would be undertaken directly with the officer.**

Public Interest

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with a Section 106 Obligations can be considerable.

This may take the form of changes to highways, contributions toward increased schools provision, creation/maintenance of open spaces, recreational areas and so on. The costs arising from these are often significant and require negotiation and settlement between officer and the developer, through the use of nationally agreed formulae.

There is a variety of ways in which these requirements can be delivered. Normally the developer makes a payment to allow the relevant authority to provide the requirement e.g. Schools or Play areas. Alternatively, the developer may be charged with completing the work directly for example a new highway junction.

By their very nature Section 106 Obligations require specified actions/payments to take place within a pre-defined timescale or event (known as 'triggers') and it is essential that the Section 106 officer has a system and processes in place that ensures the agreements are effectively managed.

Members will appreciate that the level of contribution that was secured from each development was dependent upon several factors, particularly the 'formula' that was being used for calculating the Sports, Arts and Leisure, Education and Highway contributions at the time of each application. It is also important to emphasise that it is very difficult to make meaningful comparisons between obligations that were sought on different developments, as each scheme has to be considered on its own merits.

Recommendation

Members note and comment on the report and verbal update and endorse the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

Background

A Section 106 Officer was appointed on 1 April 2010. This post sits within the planning team with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions are monitored and managed.

General Update

Since the adoption of CIL in April 2017, we can no longer seek S106 obligations towards facilities and projects which are included on the Council's Regulation 123 list.

S106 obligations can still be sought for those applicable elements of Community Health & Leisure, Affordable Housing, Education, Open Spaces and specific Highway related infrastructure in addition to CIL subject to viability as long as they are site specific and make the development acceptable in planning terms.

S106 obligations are also still subject to the pooling restrictions in that no more than 5 obligations that have been entered into since April 2010, can be collected for a specific project.

S106 obligations can therefore still be sought using our usual procedure (as long as there are already no more than 5 secured) towards:

- Equipped Play
- Youth Facilities
- Playing Pitches
- Changing Rooms

However, obligations cannot be sought for:

- Community Hall improvements or provision
- Arts & Entertainment facilities/improvements in Yeovil
- Swimming pool, sports halls, artificial grass pitch improvements or provision in Yeovil or primary and local market towns.

SSDC Playing Pitch Strategy

Community Health and Leisure are in the final stages of producing a new playing pitch strategy for the district. Once adopted any future requests for S106 contributions for playing pitch and changing rooms will normally be identified in the strategy action plan.

Projects

Members may wish to note that the main projects delivered/under way or priorities as a result of appropriate collected S106 monies are:

- Land transferred to SSDC and consultation on designs and layout of play area due to start at Harbin Heights/Land rear of Pen Mill Hotel.
- Enhancements and improvements to the Monksdale play area completed February 2017.
- Westland sports hall, changing rooms and pavilion completed this year.

- Proposals and obtaining quotes to floodlight MUGA at Milford park continuing.
- Play area at West Coker improvements/enhancements completed spring 2017.

Members will have noted the presentation received in relation to the progress of the key strategic sites. A further update will be given in spring 2018.

Financial Implications

No direct financial implications from this report however members will be aware that ineffective management of planning obligations does have the potential to require the district council to refund contributions to developers.

Corporate Priority Implications

The effective management of planning obligations will be beneficial in achieving all of the Councils Corporate Priorities

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby contributing to a reduction in carbon emissions and helping to adapt to climate change.

Equality and Diversity Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

Background Papers: None