

## **Section 106 Obligations**

*Strategic Director:* Rina Singh (Place & Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris (Development Manager)  
*Lead Officer:* Neil Waddleton  
*Contact Details:* Neil.Waddleton@southsomerset.gov.uk or (01935) 462603

### **Purpose of the Report**

Section 106 Officer to provide information on signed Section 106 agreements relating to development within Area East. 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.

## **Additional Information**

Since my last report there have been two significant legislation changes that will affect the way that we are able to seek financial planning obligations in the future:

### Contributions from schemes of 10 dwellings or less

National Planning Policy Guidance was released in November 2014 stated that financial planning contributions should not be sought from developments of 10 units or less, and which have a combined gross floor space of no more than 1000sqm. Some planning obligations may still be required to make a development acceptable in planning terms. For schemes where a threshold applies, planning obligations should not be sought to contribute to affordable housing or to pooled funding "pots" intended to fund the provision of general infrastructure in the wider area. Authorities can still seek obligations for site specific infrastructure, such as improving road access and the provision of adequate street lighting where this is appropriate to make a site acceptable in planning terms. There is also potential to request specific items of play and youth facility equipment if it can be clearly evidenced and demonstrated that it can be delivered solely by that scheme.

### CIL Regulations (2011, amended 2013 & 2014)

From April 2015, no more contributions may be sought/collected in respect of a specific infrastructure project or a type of infrastructure through a S106 agreement if 5 or more obligations have been entered into since April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

In Area East this legislation change will mean that no more contributions will be sought for swimming pool enhancements at Wincanton Sports Centre or funding towards a new AGP in Wincanton through future application processes.

## **Projects**

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

### Bruton

- Play Area at Frome Road, land adopted July 2015.
- Project to improve youth facilities at Jubilee Park.
- Monies spent on drainage of senior football pitch at Jubilee Park and future plans progressing to level and drain youth pitches and provide new changing facilities.

### Milborne Port

- New cricket pavilion opened July 2014

### Ansford/Castle Cary

- Town Council and CHL progressing plans to deliver new changing cricket/football changing facilities at Donald Pither playing fields. Monies also received to enhance play and youth facilities at the same location.
- Project to support new floodlighting at Castle Cary RFC ongoing,

### Henstridge

- Henstridge Parish Council currently developing a project proposal for the improvement to the changing facilities at the Ash Walk Recreation Ground.
- Parish Council in receipt of monies to refurbish youth facilities at the local recreation ground.

### Templecombe

- Improvements/enhancements to the equipped play facilities at the recreation ground.

### Barton St David

- Improvements and enhancements to the play area and village hall.

### Babcary

- Monies received for the youth and “the hut” project.

### **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**