

Area North Committee – 27 February 2013

## 10. Area North – Section 106 Obligations

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### Purpose of the Report

This is the regular update on the various obligations made under section 106 agreements for development completed, taking place or expected within Area North.

### Public Interest

Section 106 agreements are a key aspect of most major planning development approvals granted by the Council, as a way of mitigating the impact of the development. In other words the various provisions and obligations of a section 106 agreement help make a development acceptable in planning terms.

Section 106 agreements may also be necessary to provide additional control in relation to smaller scale development.

Obligations are usually placed upon the developer, and can include facilities or infrastructure within or near by the site development boundary, or by making contributions “off-site”. Types of facilities or infrastructure include affordable housing, highways improvements, sports, play, arts and education facilities, and public open space.

There can be a long delay between a consent being given and the development taking place, so it is important that the council maintains a system of recording and monitoring the various obligations.

### Recommendations

That members note and comment on the report and presentation

That members request a further report to be submitted in six month’s time (August or September 2013), including the progress to make commuted sums payments to third parties who have agreed to maintain facilities.

### 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 from developers are monitored.

## Report

Appendix A attached to this report gives a summary of current s106 agreements from development completed, taking place or expected within Area North.

Information on the status of the development itself, the receipt of payments and completion of schemes is included.

Further information on the detailed allocation and investment is available from the Section 106 Officer

Appendix B has been provided by the Community Health and Leisure Service and indicates the allocation of contributions received for strategic facilities from development in Area North.

Councillors may wish to note: -

Construction work on site is taking place in South Petherton (led by the parish council) and in Huish Episcopi, (led by the Memorial Playing Field Trust) using s106 funds collected for community facilities and improvements to public open space.

There are a number of commuted sum payments collected and due to be disbursed to third parties who have agreed to own and maintain new community facilities.

## 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.

## Council Plan Implications

The effective management of planning obligations will be beneficial in achieving many of the Councils priorities.

## Carbon Emissions & Adapting to Climate Change Implications (NI188)

None from this report

## 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:** *Relevant planning files including s106 agreements papers*