

Area West Committee – 15th December 2010

## 7. Section 106 Obligations

*Strategic Director:* Rina Singh (Place & Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* Neil Waddleton, Section 106 Monitoring Officer  
*Contact Details:* neil.waddleton@southsomerset.gov.uk or 01935 462603

### Purpose of the Report

It was agreed at the regular meeting of the Area Chairs that it was necessary for the newly appointed Section 106 Officer to introduce himself to each of the Area Committees and provide information in relation to Section 106 agreements that have been signed in the last 3 years for each area (see monitoring report attached at pages 6-10).

### 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 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 contribution 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.

### Recommendations

- (1) Members note the report and endorse the actions taken in respect of the monitoring of Section 106 Planning Obligations and;
- (2) Comment on the report detail required for future Area West Committee meetings.

## **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. The S106 Officer has already undertaken the following:

### ***Data Management***

Formerly, data relating to S106 agreements has been held within a number of different services across the Council. Work has been carried out to cross-reference these with the data held in the main legal database. We are now in a position where we have captured in one-list, details of agreements to be entered into one system ahead of the monitoring process beginning.

### ***Monitoring System***

A monitoring system has been developed with the required functionality to enable the S106 Officer to effectively manage the legal agreements and the obligations within them. Management and monitoring reports can be designed and extrapolated from the system. The population of the database is well underway.

### ***Agreement Pro-forma***

In conjunction with the Principal Solicitor and Assistant Director (Legal and Corporate Services) a pro-forma has been produced for all Planning Officers to complete detailing requirements to be covered when drawing up the legal agreements. This will allow consistency in capturing details and hopefully help the agreements to be produced more efficiently.

## **Additional Information**

In addition to the above the new 106 Officer has been working with officers from other services, investigating agreements where triggers have been reached and actively sought and distributed contributions where appropriate.

It is anticipated that a training workshop event will be held as part of the member training to be held after the local elections in May next year to provide members with a greater understanding of 106 agreements and an update on the proposed changes to the system.

## **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