

## **9. Section 106 Obligations**

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### **Purpose of the Report**

The Section 106 Officer to provide information on signed Section 106 agreements relating to development within Area West. 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 towards 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 the 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**

That 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**

An Audit review of the 106 processes was carried out in early 2013. The outcome of this review was very positive and we received a “substantial assurance” for the areas tested.

Members may wish to note that the main projects delivered/under way as a result of appropriate collected S106 monies since the last report submitted before them are:

Chard: Provision of temporary changing rooms at Jocelyn Park. – Planning application received Dec 13.

Iminster: Master planning exercise taking place to look at the requirements for play, youth, pitch and changing facilities at Iminster recreation ground.

Misterton: MUGA opened in June 13.

## **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 and Climate Change Implications**

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