

Report Title:	Annual Report: Section 106 Agreements 2020/21
Purpose of Report:	To inform Elected Members and the Public about the progress on Section 106 (Planning Obligation) matters that have arisen in the last financial year (April 2020 - March 2021).
Responsible Officer:	Charlotte Raine, Senior Planner, Development Contributions (Section 106 Officer) Telephone number: 01446 704662 Email: planning@valeofglamorgan.gov.uk
<p>Report Summary:</p> <ul style="list-style-type: none"> • This report seeks to update Elected Members, Town and Community Councils and the public, on the Section 106 matters in the Vale of Glamorgan. • In the 12 months between 1st April 2020 and 31st March 2021, a total of 20 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £310,404.80. • As of 31st March 2021, the Council had £21,984,515.38 in the main account. The majority of these contributions have been committed to schemes within the Vale of Glamorgan, as agreed with Elected Members and Service Areas, or are pending further consultation. In addition, £754,438.14 was held for on-going maintenance costs. • The Council received financial contributions of £2,193,701.13 between April 2020 and March 2021. • £5,427,020.94 was spent on schemes during 2020/21, with Section 106 contributions supporting enhancements to public transport, walking, and cycling networks, new school places and open space and public art enhancements. • This report also provides an update on the Section 106 Education contributions supporting the Council's Band B 21st Century Schools Programme. 	

1. Background

- 1.1** The Council has the power to enter into legal agreements with developers under Section 106 of the Town and Country Planning Act 1990, to require developers to provide works, services or financial contributions to mitigate the impacts that arise as a consequence of the new development.
- 1.2** The Council's policies on affordable housing and planning obligations are set out in the Vale of Glamorgan Local Development Plan (LDP) (2011-2026) and the adopted Affordable Housing and Planning Obligations Supplementary Planning Guidance documents (SPGs).
- 1.3** LDP Policy MD4 sets out the over-arching policy for requesting community infrastructure and planning obligations, where appropriate and having regard to development viability. The Planning Obligations SPG provides further clarification of where, what, when and how planning obligations will be sought, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.
- 1.4** This report summarises the Council's progress on negotiating, monitoring and implementing planning obligations through Section 106 agreements, for the last financial year.
- 1.5** This report also provides an update on S106 contributions which support the 21st Century Schools Programme.
- 1.6** The Council has secured significant contributions for education facilities via section 106 legal agreements over recent years. The protocol for deciding how to spend these contributions (subject to the relevant legal framework) was agreed on 16 July 2018, when Cabinet approved the following recommendation (Minute C368):
- 1.7** "T H A T where the contribution was required to support the Council's 21st Century Schools Band B Programme, as set out in the Council's Band B Strategic Outline Programme, delegated authority be granted for the Head of Regeneration and Planning and Operational Manager for Planning and Building Control, in consultation with the Cabinet Member for Regeneration and Planning, the Director of Learning and Skills and Cabinet Member for Learning and Culture, to allocate Section 106 education contributions to support the Council's 21st Century Schools Band B Programme."

2. Key Issues for Consideration

Planning applications subject to Section 106 Agreements in 2020/21

- 2.1** In the 12 months between 1st April 2020 and 31st March 2021, a total of 20 legal agreements have been signed associated with planning permissions (refer to Appendix A). The value of the financial contributions in these legal agreements totals £310,404.80.
- 2.2** A number of the agreements signed this year have been Deeds of Variation to existing Section 106 Agreements. These Deeds of Variations have enabled Registered Social Landlords to amend the "chargee" provisions in the affordable

housing schedule, to allow them to seek more generous terms on their re-financing.

- 2.3** The amount secured this financial year through Section 106 Agreements is less than what the Council has been used to typically securing over the last few years (2020/21 = £3,713,242.73; 2019/20 = £3,538,708; 2018/19 = £8,109,968; 2017/18 =£9,794,952.16). This reflects the type of applications the Council has been receiving, such as proposed developments for 100% affordable housing where contributions would not be sought on sites <25 units, and sites where there are specific viability issues and where seeking contributions would render the site unviable.

Implementation of Planning Obligations in 2020/21- Financial Obligations

- 2.4** As of 31st March 2021, the Council had £21,984,515.38 in the account. The majority of these contributions have been committed to schemes within the Vale of Glamorgan, as agreed with Elected Members and Service Areas, or are pending further consultation. In addition, £754,438.14 was held for on-going maintenance costs for public open space etc. The total in the overall Section 106 account was **£22,738,953.52**.
- 2.5** The Council received financial contributions of £2,193,701.13 between April 2020 and March 2021. Large contributions were received from the following developments:
- Former St. Cyres Lower School, Murch Road, Dinas Powys
 - Land off Subway Road, Barry
 - Land at North-West Cowbridge
 - White Farm, Barry
- 2.6** A summary of income and spend on each planning obligation between April 2020 and March 2021 is attached at Appendix B.
- 2.7** £5,427,020.94 was spent on schemes during 2020/21, with Section 106 contributions fully (or partially) supporting enhancements to public transport, walking and cycling networks, new school places, public art and open space enhancements.
- 2.8** A summary list is provided below and a selection of photographs of schemes can be found in Appendix C:

Public Open Space

- New interactive unit in Central Park, Barry;
- Upgraded play area at The Grange, Wenvoe;
- A new multi-use games area at King George V Playing Fields (also known as Lewis Playing Fields), Llandough;
- A new multi-use games area at Wick Playing Fields;
- Tree planting scheme across Penarth.

Feasibility and design work has also been undertaken for further works at Central Park; Belle Vue Play Area; Clos Tyniad/Clos Peiriant Play Area, Barry; Windmill Lane Play Area and The Knap Gardens.

Sustainable Transport

- A new traffic-light controlled crossing in Wick;
- Active Travel enhancements in St. Athan;
- New crossings and footpath improvements in Dinas Powys (Murch Road/Castle Drive)
- Funding for Greenlinks and Community Transport;
- Improvements to footways and to the Coastal Path in Ogmore by Sea;
- Pedestrian improvements along Treharne Road, Barry;
- New bus shelters on A48 near Culverhouse Cross.
- Design and feasibility being undertaken for works in Rhoose

Educational Facilities:

Significant progress has been made and S106 has been spent on several 21st Century Band B Projects, including works starting on site to reconfigure primary education in the Western Vale; the proposal to expand and re-build St David's Church in Wales Primary School and expansion of Ysgol Gymraeg Bro Morgannwg.

Community Facilities:

The Council has been successful in a bid to Lottery for funding to increase the budget available for Belle Vue Pavilion. Planning application submitted and design work on-going.

Public Art:

- Artists have been commissioned for community art works at Arcot Triangle, Paget Road and the Dingle Park (Phase II). COVID19 halted the projects at the start of 2020/21, however, the projects have now moved towards online consultation, and detailed design is being undertaken. Installation will be in 2021/22.

Implementation of Planning Obligations in 2020/21 – ‘In Kind’ Obligations

2.9 In addition to financial contributions, the Council has also worked with developers to deliver ‘in kind’ obligations on development sites. For example, 113 affordable housing units were completed during this financial year. A further example is public art, whereby developers have completed works on site, such as the trail which has been completed at the development on land north-west of the railway line, in Rhoose, by Taylor Wimpey.

Section 106 Grant funding - Update

2.10 Several Section 106 grants have been issued to Community Groups, the Voluntary Sector, and Town and Community Councils, who are providing invaluable community facilities and services.

2.11 In 2020/21, Section 106 contributions to support numerous applications have progressed, including:

- Wild About Nature, Dinas Powys - an educational and biodiversity enhancement initiative. Ongoing.
- Barry Uniting "The Bridge Between" Community Centre - a new community centre at Barry Waterfront. Near completion.

- Wenvoe Community Library - a new library building - due to start on site in 2021.
- Ogmore Village Hall Association - a new village hall. Near completion.
- St Peter's Church, Rhose - a new community hub in the village under construction.

Section 106 and 21st Century Schools Programme

- 2.12** The 21st Century Schools Programme is jointly funded by the Council and Welsh Government, based on an intervention rate assigned to each scheme. A key objective of the programme is to meet future demand for education in the Vale to meet projected demand for school places as a result of housing developments included with the Council's adopted Local Development Plan (LDP) 2011-26.
- 2.13** On 16 July 2018, Cabinet approved a recommendation in relation to S106 Education contributions required to support the Band B of the Council's 21st Century Schools Programme. (Minute C368)
- 2.14** The purpose of this recommendation was to ensure S106 contributions could be strategically invested to support the delivery of the programme which will benefit pupils across the Vale of Glamorgan and increase capacity at schools which are impacted as a result of new developments. S106 contributions are obtained to meet additional demand because of the development. By considering the contributions strategically, the Council is able to take a holistic view enabling the opportunity to maximise investment across the education estate and address condition and suitability of existing school buildings, whilst creating additional provision to meet demands created by new developments.
- 2.15** A comprehensive review has been undertaken by the Local Planning Authority and Local Education Authority, looking at the needs arising from each development and the contributions secured and received.
- 2.16** To ensure a consistent methodology across Vale-wide educational facilities, in the main the contributions have been calculated having regard to growing pupil demand and local and national policies at the following schools:
- Ysgol Bro Morgannwg
 - Special Education – Ysgol y Deri Expansion
 - Special Education – Centre of Learning and Well-Being
- 2.17** The number of pupils this equates to will vary from site to site, and the percentage of the overall Section 106 contribution allocated for these 'Vale-wide' educational facilities set out in the reports will be different for each one depending on the size of the overall contribution which varies from site to site.
- 2.18** Further, some section 106 agreements are more restrictive than others (for example, some are legally defined for specific local schools) and in these cases contributions have not been allocated to 'Vale-wide' educational facilities.
- 2.19** Each Section 106 Education contribution has been considered individually and allocations have been determined to support the Council's 21st Century Schools Band B Programme. Individual reports can be found in Appendix D.
- 2.20** In addition to financial contributions received, the Council has also been working with the Consortium for Barry Waterfront to deliver a new primary school as part of the comprehensive mixed-use development, in accordance with the Section 106 Agreement dated 02/03/2012. The Council has elected that the new

primary school to be provided will be a two-form entry school. On 4 July 2020, the Council's Managing Director approved a revised implementation date for the proposal to increase the capacity of Ysgol Sant Baruc from 210 places to 420 places, which is to be relocated to Barry Waterfront.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** Long Term - Section 106 contributions seek to ensure that sustainable communities are developed within the Vale of Glamorgan, providing equal opportunities for living, learning, working and socialising for all.
- 3.2** Prevention - The use of contributions to increase the number of sustainable, affordable homes delivered within the Vale of Glamorgan will prevent homelessness, and provide decent homes and safe communities.
- 3.3** Integration - The delivery of planning obligations seeks to ensure that new communities integrate with
- 3.4** Collaboration - The Council works collaboratively with Elected Members, internal departments and external organisations such as Registered Social Landlords to deliver schemes using Section 106 contributions.
- 3.5** Involvement - Multiple internal departments and external organisations work together to deliver schemes using Section 106 contributions in a holistic way.

4. Resources and Legal Considerations

Financial

- 4.1** Financial contributions are secured via Section 106 Agreements. A Section 106 agreement is a legally binding agreement between a land owner, developer and the Council. Financial contributions have a positive impact on many of the Council's functions including education, community facilities, open spaces, highways and public transport. Financial contributions can also be used as match-funding to lever in additional funds, such as the Council's 21st Century Schools Programme.

Employment

- 4.2** There will not be any staffing issues which arise as a result of the recommendations.

Legal (Including Equalities)

- 4.3** Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), provides the legislative framework for planning obligations. The Council has acted in accordance with this legislation when securing these contributions.

- 4.4** The Well-being of Future Generations Act has put in place that we must work towards achieving a more equal Wales of cohesive communities. The delivery of affordable housing and planning obligations will ensure that the Council is responding to this duty.

5. Background Papers

Town and Country Planning Act 1990

The Community Infrastructure Levy Regulations 2010

The Vale of Glamorgan adopted Local Development Plan (2011-2026)

Supplementary Planning Guidance 'Affordable Housing'

Supplementary Planning Guidance 'Planning Obligations'