

**IMPROVING PLACES SELECT COMMISSION**  
**16th October, 2013**

Present:- Councillor Falvey (in the Chair); Councillors Andrews, Astbury, Atkin, Ellis, Gilding, Godfrey, Gosling, N. Hamilton, Jepson, Johnston, Read, P. A. Russell, Sims, Swift, Wallis and Whysall; together with co-opted members Mrs. P. Copnell and Mr. B. Walker.

Apologies for absence were received from The Mayor (Councillor Foden), Councillors Dodson, Pickering, Roche and Vines.

**21. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**22. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

There were no questions from members of the public or the press.

**23. COMMUNICATIONS**

There were no items to report.

**24. MINUTES OF THE PREVIOUS MEETING OF THE IMPROVING PLACES SELECT COMMISSION HELD ON 4TH SEPTEMBER 2013**

Resolved:- That the minutes of the previous meeting of the Improving Places Select Commission, held on 4th September, 2013, be approved as a correct record for signature by the Chairman.

**25. PLANNING OBLIGATIONS (SECTION 106 AGREEMENTS) - UPDATED ACCOUNTS INFORMATION**

Further to Minute No. 46 of the meeting of the Improving Places Select Commission held on 20<sup>th</sup> February 2013, consideration was given to a report presented by the Planning Manager providing an update of the agreements entered into by the Council in accordance with provisions of Section 106 of the Town and Country Planning Act 1990, the monies collected and the monies expended against the Section 106 account, in the period from 31st March 2012 to date.

Members noted that the earlier reports had detailed the comprehensive list of monies received by the Council, over the previous five years and had listed the monies received by individual Council services and the projects which Section 106 monies had been spent on during the same period.

The report stated that planning obligations (Section 106 agreements) are used as part of the grant of planning permission (normally major

developments) to secure community infrastructure to meet the needs of residents in new developments and/or to mitigate the impact of new developments upon existing community facilities. Benefits will be secured either in kind or via financial contributions, depending on the facilities which are required. The main areas to benefit are generally: affordable housing; primary and secondary education; urban green space; highways improvements; and public transport.

Reference was made to the work and role of the corporate group of officers which meets regularly to monitor, update and review the Section 106 policy and process and to consider any individual issues which have implications across the various directorates. In order that the group may also deal with the Community Infrastructure Levy in the future, it has been re-named the "Corporate Infrastructure Delivery Group".

The report detailed financial information, provided in three tables, in relation to the Section 106 requirements of recent planning permissions issued, monies recently received by the Council from Section 106 and monies spent from the corporate Section 106 account.

The Select Commission's consideration of this item included the following salient issues:-

: Section 106 contributions utilised by the South Yorkshire Passenger Transport Authority (which are also monitored by the corporate group of officers);

: the receipt of Section 106 monies, into the central account and the use of such funding;

: agreements made in accordance with the provisions of Section 278 of the Highways Act 1980 (which may be part of the development control and planning process, but are separate from Section 106 agreements).

Resolved:- (1) That the report be received and its contents noted.

(2) That a further report be submitted to a future meeting of the Improving Places Select Commission detailing the financial transactions of the corporate Section 106 account.

## **26. SCHOOL PLACE PLANNING**

Further to Minute No. 193 of the meeting of the Cabinet held on 10<sup>th</sup> April, 2013, consideration was given to a report presented by the Principal Officer, School Organisation, describing the recent and future projects being undertaken to increase the availability of school places within the Rotherham Borough area. The report stated that school pupil numbers are increasing within the Borough and creating a shortage of places available in certain areas. There is increasing pressure on school places due to the numbers of pupils and it is necessary to increase the number of

school places available to meet the demand.

The Select Commission noted that the capital cost of the school building projects is currently met from 'Basic Need' funding allocated to the Authority from the Department for Education. Basic needs funding is provided for the provision of sufficient school places. Agreements made in accordance with the provisions of Section 106 of the town and Country Planning Act 1990 are also in place for some current and future developments in schools.

Reference was made to the detailed circumstances affecting specific learning communities and schools listed in the submitted report. Members noted the length of time taken in respect of the statutory public consultation affecting changes to the capacity of schools.

Discussion took place on the following issues:-

: new housing development in the Waverley area (affecting schools in the Brinsworth learning community) and the possible implications of the proposed development of the HS2 high speed railway;

: proposals to construct larger primary schools (eg: in the Waverley area) which have three-form entry of pupils;

: the number of primary schools which are full or over-subscribed in the Foundation Stage 2 (FS2); Members requested details of these particular schools;

: the increasing number of pupils caused both by the increasing birth rate and also new arrivals into the Rotherham Borough area; it was clarified that a 'new arrival', for the purposes of the admission of pupils to schools, is a pupil settling in the Rotherham Borough area from outside the United Kingdom;

: the arrangements for the admission of pupils to schools and the statutory guidance issued by the Government Department for Education; it was noted that approximately 1,800 new places for pupils have been created in primary schools in the Rotherham Borough area during the past eighteen months;

: Section 106 funding may be utilised in respect of academies and free schools.

Resolved:- That the report be received and its contents noted.

## **27. DEVELOPER CONTRIBUTIONS FOR OPEN SPACES**

Consideration was given to a report, presented by the Leisure and Green Spaces Manager, providing an outline of current and planned development of new policy governing developer contributions for open

spaces using the Community Infrastructure Levy and/or agreements made under the provisions of Section 106 of the Town and Country Planning Act 1990.

The report stated that, currently, there is no formal policy regarding the use of Section 106 contributions for open space and play. However, the adopted Green Space Strategy (2010) recommended that planning policy should be introduced to help achieve proposed standards of green space provision through contributions from developers. Subsequently, draft open space policy (SP38) has been prepared and published as part of the consultation on the Draft Local Plan Sites and Policies document. This draft policy includes a recommendation that all residential development proposals will be expected to make a contribution to green space provision in line with the specified approach (as detailed in the report).

Members noted that the introduction of the Community Infrastructure Levy (CIL) is a new way of securing financial contributions from developers towards the cost of providing associated infrastructure. As part of this new method, consideration has been given to the possible roles of CIL and Section 106 agreements in the enhancement of existing open space and ancillary facilities (such as play areas) and new provision where required, and their maintenance. A preferred approach was detailed in the submitted report, with a proposal that the green space contributions ought to be identified on the Regulation 123 List which will identify Rotherham's priorities for spending of CIL monies.

The Select Commission's discussion of this matter included the following salient issues:-

: the use of Section 106 and/or CIL funding both for the provision and maintenance of green spaces and public open space;

: the different needs of a new housing development (eg: in respect of education, transport and open space facilities) and the way of prioritising the use of Section 106 and/or CIL funding for the provision of such facilities;

: the identification of significant unmet demand for open space facilities, throughout the Borough area and the acknowledgement that Section 106 and CIL funding is unlikely to be sufficient to fund the provision of facilities which will meet that demand;

: the provision of funding for new play areas for children and young people.

Resolved:- (1) That the report be received and its contents noted.

(2) That the progress in respect of the introduction of a new policy requiring developers to make financial contributions towards the provision and improvement of open space and ancillary facilities be noted.

**28. ROTHERHAM COMMUNITY INFRASTRUCTURE LEVY - VIABILITY AND INFRASTRUCTURE STUDY**

Consideration of this item was deferred until the next meeting, to be held on Wednesday 27<sup>th</sup> November, 2013.

**29. SYPTE AND UTILISATION OF SECTION 106 FUNDING FROM ROTHERHAM**

Consideration was given to a report presented by David Allatt (SYPTE) concerning the representations made by the South Yorkshire Passenger Transport Executive (SYPTE) in respect of applications for planning permission. Such representations ensured that new developments are incorporated within the public transport network and that use of public transport is made as attractive and easy as possible. The requirements of each planning application differ depending on the nature of development and the location and characteristics of the site. Therefore, a specific assessment and response is provided for each significant planning application.

Contributions from agreements made under the provisions of Section 106 of the Town and Country Planning Act 1990 are secured, as appropriate, to provide the necessary interventions to mitigate the impact of new development. Without this valuable mechanism, it is unlikely that developments could be delivered sustainably, or without placing a burden on public funds. The submitted report summarised the way in which the SYPTE has utilised the Section 106 contributions received.

Reference was made to:-

: the use of Section 106 funding to 'pump-prime' new bus service, or fund extensions to existing services, for new developments (sometimes involving a private agreement between the developer and the bus service provider);

: specific bus services in the Borough area which are funded by Section 106 monies;

: Section 106 funding is utilised for the construction of bus shelters and for the provision of Travelmaster bus tickets for residents; the aspiration is to introduce 'smart' travel cards (learning from the success of the London 'Oyster' travel card), which could enhance the monitoring of ticketing products;

: the need to maintain the surveys and monitoring of the use of the Travelmaster cards (which are provided to residents for a period of twelve months), in order to ensure the effect use of the Section 106 funding for this purpose; Members noted that, after the initial twelve months of free travel, a discounted ticket rate is offered for a further year; it was noted

that the SYPTE should monitor residents' continuing use of public transport;

: the desirability of extended research into the use of Travelmaster bus tickets; examples were cited of residents being provided with Travelmaster tickets (which are a South Yorkshire-wide product), even though bus services in their localities were relatively sparse.

Resolved:- (1) That the report be received and its contents noted.

(2) That a further report be submitted to a future meeting of the Improving Places Select Commission detailing the outcome of the survey and monitoring of the use of the Travelmaster tickets.