

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 29 August 2019

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 **DEED OF VARIATION IN RELATION TO THE SECTION 106 FOR
WAVERLEY NEW COMMUNITY**

Item 1

DEED OF VARIATION IN RELATION TO THE SECTION 106 FOR WAVERLEY NEW COMMUNITY

RECOMMENDATION:

The following report is presented to Members for information. Members are asked to note the proposed amendments to the Section 106 Agreement which relate to School 2, Public Transport and Allotment provision.

BACKGROUND:

The original Section 106 agreement for Waverley New Community places a high number of obligations on Harworth Group (land owner) and the site has always faced significant infrastructure costs. Whilst Harworth Group are committed to providing the necessary infrastructure and facilities needed to support the development of Waverley New Community, it is important that these are phased appropriately, in a way that allows development to continue to come forward on the site in the most effective manner.

The principle of revisiting planning obligations is supported by Central Government both within the National Planning Policy Framework ('the Framework') and Planning Practice Guidance ('PPG') which states that planning obligations can be renegotiated at any point, where the Local Planning Authority and developer wish to do so.

PROPOSED AMENDMENTS:

1. Provision of Schools

There is an obligation under the current Section 106 agreement to provide an education contribution on a phased basis. The first phasing of payments has been triggered in respect of the first primary school which is currently under construction and due to open in September 2020.

As reported to Cabinet on 17 December 2018, the view of RMBC's School Planning Admissions and Appeals Service and the Strategic School Organisation group is that the current and long standing S.106 trigger points for the second school are too early on as the full pupil yield from housing will not be realised at that stage. This would have an adverse effect on Waverley Junior Academy on the basis that if the second Waverley primary school

opens too early, there would be significant surplus capacity across both schools until the pupil yield increases impacting on the Academy's ability to deliver a balanced budget as required statutorily (schools are funded from the Department for Education based on places taken up as of the annual October school census). As a result of this, it is proposed to change the trigger points for the next phasing of payments to avoid this. Accordingly, the following revised trigger points are proposed:

- First 5% of the education contribution – any time after occupation of 2,350 (from 1,550) no. dwellings; and
- 45% of the education contribution – any time after occupation of 2,600 (from 1,750) no. dwellings.

These were the triggers agreed by Cabinet on the 17 December 2019

2. Transport Contributions - Public Transport Infrastructure

The existing S.106 Agreement sets out that there is £824,000 to spend on Travel Plan measures and at such times that may be approved by the Travel Plan Steering Group. The Steering Group agreed at its 9 July 2019 meeting to allow a sum of £224,000 to be used from the Travel Plan Funding against the provision of the bus station infrastructure.

Additionally, there is £1.46 million of money remaining in the S.106 to be used if necessary, over Phases 2-4 (next 15 years) of the Waverley New Community development for public transport improvements and infrastructure. This money is to be paid to the Management Company and used if necessary. Each phase of development is approximately 5 years and therefore this money equates to approximately £100,000 per year for the next 15 years for public transport improvements or infrastructure, if necessary.

It has been determined via the Travel Plan Steering Group (meeting of 9 July 2019) that the best option moving forward is to divert the £1.46 million towards the provision of public transport infrastructure, namely the bus station which is planned as part of the new mixed use centre development, with payment to be made upfront. This would ensure maximum benefits for the local community over the 30-year development period. South Yorkshire Passenger Transport Executive (SYPTe) have been party to these discussions and raise no objections subject to clarity that buses can reverse out of the bus station without having to negotiate cars entering into the staff car park. To address this point, an amended layout has been submitted which results in a minor alteration to the location of the car park entrance but prevents any bus/car conflicts (this will be regularised via a separate application). Accordingly, and subject to their final agreement, they are content that bus operators will utilise the bus station and the diversion of funds will benefit the community and AMP as a whole.

The expenditure of S.106 monies on these facilities and infrastructure and their ongoing operation and maintenance is wholly in line with the S.106 aims

set out in Schedule 3 of the S.106 Agreement which seeks to invest in necessary public transport improvements and infrastructure.

Additionally, the Deed of Variation provides for the option of the £1.46 million to be spent on the construction of the bus station and associated infrastructure and their ongoing management by Harworth Group.

3. Allotments

There is a requirement in the original S.106 agreement to provide 30 allotments on land to the east of the River Rother. Following further review, the proposed location of allotments on this land is not considered to be a suitable location and would not serve a useful purpose. It is divorced from the residential community and with poor access, particularly by vehicles which would be required for maintenance and transporting bulky items. In line with the recent study with Sheffield Hallam University and as part of the wider greenspace strategy for the Waverley site, including the Well Rotherham initiative, Harworth Estates propose to provide raised planters in the centre of the Waverley New Community site which are much more accessible to the local community and can be tended by residents, whilst also ensuring better security through improved natural surveillance. On this basis, the Deed of Variation seeks to remove the requirement to provide the allotments.

CONCLUSION

The proposed amendments to the S.106 Agreement do not fundamentally alter the provision of supporting community facilities and public transport at Waverley. Given the length of time required to build out this site, changes to the agreement are inevitable to take into account the constant evolution of the site.

Revisions to the trigger points towards the payment of costs to support school 2 have been previously agreed by Cabinet and the diversion of funds to contribute towards the cost of a new bus station will secure a long lasting public transport facility. The loss of the allotments is regrettable, however the identified site was never ideal given its physical constraints and the provision of a community garden is considered to be a suitable alternative.

On balance therefore, the LPA consider that the proposed amendments will not negatively impact on the provision of services but instead contribute towards the ongoing success of the site and provide existing and future residents with supporting facilities that they would expect from a development of this nature.