

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Improving Places Select Commission</b>
2.	<b>Date:</b>	<b>Wednesday 16 October 2013</b>
3.	<b>Title:</b>	<b>Planning Obligations Report – updated s106 accounts information</b>
4.	<b>Directorate:</b>	<b>Environment and Development Services</b>

### 5. Summary

Further to Minute No. 39 of the meeting of the Improving Places Select Commission held on 28<sup>th</sup> November, 2012, and minute 46 of the meeting of 20<sup>th</sup> February it was resolved that a further report detailing progress of S106 agreements be submitted.

### 6. Recommendations

- The contents of the report be noted
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## 7. Proposals and Details

### Introduction

Planning Obligations (s106 agreements) are used following the granting 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. They can also be used to restrict the development or use of the land in a specified way or require specific operations or activities to be carried out on the land.

Benefits will be secured either in kind or via financial contributions depending on what is required. The main areas to benefit are generally: Affordable Housing; Primary and Secondary Education; Urban Green Space; Highways Improvements; Public Transport etc. This list is not exhaustive and any other relevant and necessary matter may be included within a Planning Obligation that can not be secured through the normal planning process but is required in order for the development to be deemed acceptable in planning terms which would otherwise be refused.

Each development is judged on its own merits; however there are certain requirements that apply to most major applications e.g. Affordable Housing / Education Provision. The detail depends on the type, scale and location of the development and results from negotiation with developers and services who provide infrastructure across the Borough as part of the planning process

The use of planning obligations is governed by the fundamental principle that planning permissions cannot be bought or sold.

In order to ensure that the correct process is followed a corporate s106 policy is in place governing the procedure from planning application to grant of permission, invoicing and collection and spend of the contribution. The monies collected must be expended on the project required as mitigation for the development to comply with the legal agreement.

To ensure a coordinated approach to s106 across the authority a corporate group meets on a regular basis to monitor, update and review s106 policy and process and discuss any individual issues which have implications across the various directorates. In order that the group can also deal with Community Infrastructure Levy in the future it has been renamed the "Corporate Infrastructure Delivery Group"

### Update

Two previous reports on s106 have been brought to this commission, in November 2012 a report regarding the process and procedures was discussed followed by a report in February 2013 detailing the comprehensive list of monies received by the authority over the previous 5 years and braking down the list into monies received by individual services and the projects s106 monies had been spent on over the same period

This report provides an update of s106 agreements entered into, monies collected and monies expended against the s106 account in the period from 31 March 2012 to date.

**Table 1**

<b>Planning Permissions issued during the period 1<sup>st</sup> April 2012 to 1<sup>st</sup> September 2013 (which are subject to S106 Agreement with a financial contribution)</b>					
<b>Planning Ref</b>	<b>Date signed</b>	<b>Site address</b>	<b>Type of Contribution &amp; trigger point details</b>	<b>Financial contribution required</b>	<b>Recipient Service</b>
RB2006/1856	28/05/2012	The Former Croda Site Carlisle Street, Kilnhurst	Travel Agreement - 3rd Anniversary - 3 year after 1 <sup>st</sup> payment	£39,000.00	SYPTE
			Ecological Contribution - index linked - Commencement	£5,114.00	Leisure and Green spaces
			Education Contribution - index linked 25% occupation	£195,194.00	Education
			Education Contribution - index linked 50% occupation	£195,194.00	Education
			Travel Agreement Initial Payment - index linked – Upon completion of Agreement	£10,228.00	SYPTE
			Travel Agreement - "1st Payment" – Upon 50 <sup>th</sup> completion	£85,000.00	SYPTE
			Travel Agreement - 2nd Anniversary - 2 year after 1 <sup>st</sup> payment	£50,000.00	SYPTE
			Travel Agreement - 4th Anniversary - 4 year after 1 <sup>st</sup> payment	£30,000.00	SYPTE
			Travel Agreement - 1st Anniversary – 1 year after 1 <sup>st</sup> payment	£62,000.00	SYPTE
RB2011/1503	05/07/2012	Land at Field View, Brinsworth	Education Contribution - Index Linked from date of permission granted - as of 31/03/13 – prior to 25% occupation	£96,500.00	Education
			Education Contribution - Index Linked from date of permission granted – prior to 50% occupation	£96,500.00	Education
			Infrastructure Sum (Footpath & Car Park) – prior to 65 units occupied	£70,000.00	Highways
			Library Contribution - index linked from the date of permission granted – prior to occupation of 50 <sup>th</sup> unit	£70,000.00	Leisure and Green Spaces
RB2012/0037	16/08/2012	Land at Express Parks Waterfront off	Education Contribution – prior to 50% occupation	£86,654.00	Education

		Manvers Way, Manvers	Off-site Play Area Contribution – prior to 50% occupation	£40,000.00	Leisure and Green Spaces
RB2011/1244	24/10/2012	Land at Laughton Road Sawn Moor Road, Thurcroft	Library Contribution Index linked – prior to commencement	£10,000.00	Libraries
			Public Open Space Contribution - Index linked - 2nd payment – prior to 182 units occupied	£26,668.00	Leisure and Green Spaces
			Public Art Contribution - Index Linked – prior to 124 units occupied	£37,300.00	Leisure and Green Spaces
			Public Open Space Contribution - Index linked - 1st payment – prior to commencement	£26,668.00	Leisure and Green Spaces
			Flood Detention Basin Maintenance Bond (Expiration 30 years from date of receipt) – before transfer to RMBC of POS and basin	£34,500.00	Leisure and Green Spaces
			Public Open Space Contribution - Index linked - 3rd payment – prior to 280 units occupied	£26,666.00	Leisure and Green Spaces
RB2012/1049	02/11/2012	Land at Bawtry Road, Wickersley	Education Contribution provision of classrooms at Wickersley Comprehensive School – within 28days of commencement	£20,077.00	Education
RB2012/0842	19/11/2012	Land at Manvers Way, Manvers	Education contribution - Index linked – prior to 50% site completion	£86,654.00	Education
			Affordable Housing Contribution - 50% of 3 open market value houses - EH confirmed expecting stated amount by email 03/06/12 – prior to 50% site completion	£67,500.00	Neighbourhoods
RB2012/1548	17/01/2013	Land off Monksbridge Road, Dinnington	Bus Stop Contribution – prior to commencement	£6,000.00	SYPTTE via RMBC
RB2012/1778	27/03/2013	land off Denham Road, Wath	Education Contribution – prior to commencement	£42,156.00	Education
RB2012/0607	26/04/2013	land Hall Croft, Lindum Drive, Wickerlsey	Education Contribution (50%) – prior to 10 units completed	£20,077.20	Education
			Education Contribution (50%) – completion of last unit	£20,077.20	Education

RB2012/1409	18/06/2013	Bradgate Quarry, Fenton Road, Kimberworth	Education Contribution (50%) – prior to commencement	£105,390.00	Education
			Education Contribution (50%) – prior to occupation	£105,390.00	Education
			Outdoor Gym Contribution – prior to occupation	£35,000.00	Leisure and Green Spaces
RB2013/0606	26/07/2013	Land off Monksbridge Road, Dinnington	Bus Stop Contribution (Max amount) - index linked – prior to commencement	£6,000.00	SYLTE
RB2013/0098	29/07/2013	land at Former Brampton Centre Brampton Road, Wath-upon-Dearne	Transport Contribution – prior to commencement	£12,000.00	Highways
			Affordable housing contribution – prior to commencement	£65,000.00	Neighbourhoods
			Education contribution – prior to commencement	£50,000.00	Education
			Public Open Space contribution – prior to commencement	£20,000.00	Leisure and Green Spaces
			<b>Total</b>	<b>£1,954,507.40</b>	

The information in **Table 1** shows only new agreements that have a financial element attached to them, it is important to note that the monies will only be paid to the Council IF the planning permission is implemented and will only be due once the relevant trigger point has been reached, requiring the contribution to be paid. In addition to financial requirements s106 agreements have been used to commit developers to the provision of a further 354 residential units.

The process followed, from a grant of planning permission, is that this s106 contributions list is constantly monitored and updated; noting when a development is commenced and a trigger point is reached in order that the relevant invoice can be raised. The developer is required, through the terms of the s106 agreement, to inform the Council once a trigger point has been reached.

In summary the S106s listed in Table 1 relate to applications granted between 1<sup>st</sup> April 2012 and 1<sup>st</sup> September 2013 and require contributions totalling £1,954,507.40 for infrastructure relating to Education, Public Transport and Highways, Culture and Leisure and Affordable Housing provision.

**Table 2**  
**S106 Monies spent/committed in the period 1 April 2012 to 1 September 2013**

Application	Description	Area	Amount
RB2004/0428	OS/Play facilities/Sculpture Trail - committed	Laughton Common	17,340.30
RB2008/0553	Barrier at Alexander Park - spent	Swallownest	19,825.00
RB2004/1346	Wheels to work/ Cycle ways - committed	Dinnington	67,105.87

RB2010/0675	Highways Safety Feature - spent	Town Centre RCAT	20,000.00
RB2011/1136	Highways – work completed	Waverley	£853,492.19
		<b>Total expended</b>	<b>£977,763.36</b>

**Table 3**

<b>S106 Income received 1 April 2012 to 1 September 2013</b>			
<b>Application</b>	<b>Description</b>	<b>Area</b>	<b>Amount</b>
RB2004/1991	Public Open Space	Bramley	11,555.00
RB2006/2210	Footpath/Cycleway	Templeborough	5,825.00
	Bus Service Contribution		24,500.00
RB2002/1657	Education Contribution	Bramley Grange Primary	50,000.00
RB2001/1136	Highways Contribution	Waverley	853,492.19
RB2002/1304	Landscaping and street lighting	Broom	12,500.00
RB2008/0524	Bus Service	Manvers	90,909.00
	Bus Service		81,818.00
	Education Places		178,000.00
	Education Places		124,000.00
	Bus Service		67,794.41
	Education Places		65,000.00
RB2008/0553	Play Area Contribution	Swallownest	70,000.00
	Play Area Maintenance Contribution		10,000.00
	Sculpture Park Contribution		35,000.00
	Barriers to Park		19,825.00
RB2008/1403	Bus Stop Contribution	Brampton Bierlow	11,004.58
RB2008/1404	Education Places	Rawmarsh	159,570.00
	Bus Service		10,000.00
RB2012/1778	Education Contribution	Wath-Upon-Dearne	42,156.00
RB2010/0675	Safety Feature	Town Centre	20,000.00
RB2011/1244	Public Open Space	Thurcroft	26,668.00
	Library Contribution		10,000.00
RB2006/1856	Ecological Contribution	Kilnhurst	5,114.00
	Travel Agreement		10,000.00
		<b>Total Income</b>	<b>1,994,731.18</b>

These payments have been received into the s106 account as a development has either commenced, requiring payment or a trigger point reached.

The total balance of the s106 account (i.e. monies collected but not yet spend) previously reported in February 2013 was £1,404,835. The current balance of the account is £1,384,361.

Spending from this account is monitored as part of the corporate procedure and any monies approached the deadline (usually 5 years from receipt) for spending are highlighted to the recipient service.

The accounts are constantly monitored and updated and further information will be provided to this Commission at Financial year end.

#### 8. Finance

A corporate procedure is in place to ensure sound financial governance of the s106 process

#### 9. Risks and Uncertainties

Risk has been reduced by the adoption of the corporate s106 procedure

#### 10. Policy and Performance Agenda Implications

The work is part of Planning Services role of ensuring infrastructure is in place to support new development.

#### 11. Background Papers and Consultation.

Legislation: Section 106 of the Town and Country Planning Act 1990 & Section 12 (1) of the Planning and Compensation Act 1991

Guidance: Circular 05/2005

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