

Report Title:	Annual Report: Section 106 Agreements 2023/24
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 2023 - March 2024).
Responsible Officer:	<p>Liam Jones, Operational Manager for Planning and Building Control</p> <p>Telephone number: 01446 704724</p> <p>Lucy Butler, Senior Planner</p> <p>Telephone number: 01446 704665</p> <p>Email: planning@valeofglamorgan.gov.uk</p>
<p>Executive 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 2023 and 31st March 2024, a total of 16 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £518,368.80. • As of 31st March 2024, the Council had £20,705,749.03 in the main Section 106 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, £469,009.95 was held for on-going maintenance costs. • The Council received financial contributions equalling £3,262,141.73 between 1st April 2023 and 31st March 2024. • £1,497,085.56 was spent on schemes during 2023/24, with Section 106 contributions supporting enhancements to public transport, walking, and cycling networks, new school places, public open space and public art enhancements. 	

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's adopted 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** To ensure LDPs are kept up to date, local planning authorities are required to review their Plan at least every 4 years from the date of adoption. The Council is currently preparing a new Local Development Plan to replace the existing adopted LDP. The new Plan will be called the Replacement Local Development Plan (RLDP) and will cover the period 2021 – 2036.
- 1.5** A Review Report was approved by Welsh Government in May 2022 which considered the effectiveness of the adopted LDP and confirmed the revision procedure to be followed in preparing the Replacement LDP. The report confirmed that the LDP policies in respect of affordable housing and infrastructure are working effectively and securing appropriate mitigation. The Review Report concluded that the LDP review shall provide the opportunity for the Council to undertake a review of development viability to ensure the most appropriate policy approach is taken by the Council to maximise affordable housing delivery, in addition to community infrastructure and facilities, and to consider any potential new policies in respect of green infrastructure and climate change.
- 1.6** A Revised Delivery Agreement for the RLDP was approved by Welsh Government in November 2023 which contains the timetable for delivery of the new Plan. The RLDP is currently at the pre-deposit preparation and participation stage of the process. Consultation on the Preferred Strategy along with the Initial Integrated Sustainability Appraisal and Habitats Regulation Assessment took place between 6/12/23 and 14/2/24. Consultation on the Deposit Plan is anticipated to take place in Spring 2025.
- 1.7** This report summarises the Council's progress on negotiating, monitoring and implementing planning obligations through Section 106 agreements, for the last financial year.

2. Key Issues for Consideration

Planning applications subject to Section 106 Agreements in 2023/24

- 2.1 In the 12 months between 1st April 2023 and 31st March 2024, a total of 16 legal agreements have been signed associated with planning permissions. The value of the financial contributions in these legal agreements totals £518,368. It should be noted that a number of the agreements signed in 2023/24 have been Deeds of Variation relating to existing Section 106 agreements.

Implementation of Planning Obligations in 2023/24 – Financial Obligations

- 2.2 At 31st March 2024, the Council had £20,705,749.03 in the main Section 106 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, £469,009.95 was held for on-going maintenance costs. The total in the overall Section 106 account was £21,174,758.98.
- 2.3 The Council received financial contributions of £3,262,141.73 between 1 April 2023 and 31 March 2024. Large instalments were received from some developments including land at north west Cowbridge, land off Cowbridge Road, St. Athan and land to the south of Cog Road, Sully. A summary of income and spend on each planning obligation between April 2023 and March 2024 is attached at Appendix B.
- 2.4 £1,497,085.56 was spent on schemes during 2023/24, 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. It should be noted that for some schemes, alternative grants such as Shared Prosperity Funding and Social Housing Grant have been used to support schemes and to enhance the use of Section 106 funding.
- 2.5 A summary list is provided below and a selection of photographs of schemes can be found in Appendix C:

Public Open Space:

The Council has used section 106 contributions to provide / enhance public open spaces as follows:

- Replacement benches and bin on Dinas Powys Common.
- Extension to footpath at Seel Park play area, Dinas Powys
- Additional tree planting at Central Park, Barry
- Additional tree planting at Pencoedtre Park, Barry
- Replacement benches at Chickenwood Park, Barry
- Interpretation panels and entrance signs at Upper and Lower Gladstone Gardens, Barry

Preliminary work has been undertaken in 2023/24 on the Murchfield Courts project in Dinas Powys. This is a combined public open space and public art project. Initial surveys were undertaken in 2021/22. Landscape / Public Art consultants were appointed in Spring 2023 and further community consultation was undertaken in Summer 2023. Vegetation management and clearance work was undertaken in February 2024 and the tender opportunity was advertised on Sell2Wales in July 2024. It is anticipated that the scheme will commence on site in early Autumn 2024.

Sustainable Transport:

The Council has used section 106 contributions to provide / enhance sustainable transport provision as follows:

- £1 fare scheme on 303 bus service during Summer school holidays 2023
- Pedestrian improvements to rear of Jenner Park, Barry
- Pedestrian improvements within and adjoining Lower Gladstone Gardens, Barry
- Pedestrian improvements on Gladstone Road near The Memo, Barry
- New benches in various locations in and around St. Nicholas
- New bike pump / repair stations in St. Nicholas and Llanmaes
- Additional street lighting on Llanmaes Road, Llantwit Major
- Repairs to the Boardwalk, Cowbridge
- New timber bus shelter near Cosmeston Country Park
- Funding for Greenlinks and Community Transport

Feasibility and design work has also been undertaken in 2023/24 in relation to new controlled crossings in Barry Waterfront and Westgate, Cowbridge. The latter is currently on hold pending the Placemaking Plan work that is currently in progress for Cowbridge.

Educational Facilities:

Section 106 funding has contributed towards several 21st Century Band B (renamed Sustainable Communities for Learning – Band B) projects in 2023/24. An update is provided below:

- Barry Waterfront (primary school delivered by development consortium) – New school development for Welsh medium provision with 420 pupil places and 96 part-time nursery places. Project now completed.
- St. Nicholas Church in Wales Primary School – Redevelopment project for 126 pupil capacity and 24 part-time nursery places. Project now completed.
- Ysgol Y Deri Expansion – New school development project for 150 pupil places. Project started on site in April 2024.
- St. Richard Gwyn Roman Catholic Comprehensive School – redevelopment project. New school building to provide 1050 pupil capacity plus 60 place Specialist Resource Base. Planning permission granted in April 2024.

- Ysgol Iolo Morganwg – new school development for Welsh medium provision in north west Cowbridge for 420 pupil places and 96 part-time nursery places. Land transfer completed.

Outside of the Sustainable Communities for Learning rolling programme, a new modular classroom unit has been constructed at Dinas Powys Junior School during 2023/24. This project is now completed.

Community Facilities

The Council has used section 106 contributions to provide / enhance community facilities as follows:

- New outdoor fitness equipment and new tennis court fencing at Station Road East, Wenvoe
- Renewal of tennis court fencing and refurbishment of posts at Station Road East, Wenvoe
- New outdoor fitness equipment at Lougher Place, St. Athan
- New tree, bulb and wild flower planting at Celtic Way Park, Rhoose
- New play equipment installed at Drylla play area, Dinas Powys

The tender opportunity for the new play area at Celtic Way Park, Rhoose was advertised on Sell2Wales in June 2024. It is anticipated that the works will commence on site in early Autumn 2024.

Work is also currently ongoing at Llantwit Major leisure centre to upgrade the existing toilets and changing rooms.

Public Art

The Council has used section 106 contributions to provide new public art as follows:

- New flower and sport themed murals completed in Lower and Upper Gladstone Gardens, Barry
- New artist designed stained glass windows installed in the façade of the former St. Paul's Church, Penarth
- 'Bee Hapus' living public art community garden completed at Heritage Gate development, Llantwit Major.
- New public art works installed at Clare Gardens, Cowbridge

Preliminary work has also been undertaken in 2023/24 for the Murchfield Courts project in Dinas Powys. This scheme will include new public art installations as well as new hard and soft landscaping elements - see Public Open Space section above.

Implementation of Planning Obligations in 2023/24 – ‘In Kind’ Obligations

- 2.6 In addition to financial contributions, the Council has also worked with developers to deliver ‘in kind’ obligations on development sites. For example, 221 affordable housing units were completed/handed over during this financial year, the majority of which were secured via Section 106 agreements.

Section 106 Grant funding - Update

- 2.7 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.
- 2.8 In 2023/24, Section 106 contributions to support several applications have progressed, including:
- Newydd Housing Association - new stain glass windows at the former St Paul's Church, Penarth — installation completed July 2023.
 - St. Nicholas with Bonvilston Community Council - new accessible picnic bench for St. Nicholas village green
 - Dinas Powys Community Council – replacement benches and bin for Dinas Powys Common

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. Ongoing work on Placemaking Plans is also helping to inform the need for further investment in communities.
- 3.5 Involvement - Multiple internal departments and external organisations work together to deliver schemes using Section 106 contributions in a holistic way.

4. Climate Change and Nature Implications

- 4.1 The adopted Local Development Plan (LDP) and supporting SPGs provide the local planning policy framework for delivering sustainable development.

- 4.2 Planning obligations are used to mitigate and secure enhancements as a result of new developments. Section 106 agreements can secure investment in environmental and sustainable transport measures.
- 4.3 The Council uses Section 106 contributions where appropriate to enhance biodiversity within public open spaces by planting new wild-flower, bulbs and trees e.g. 'Bee Hapus' living public art community garden in Llantwit Major.
- 4.4 Section 106 contributions have also financially supported the delivery of Wales' first net-zero carbon primary school (in operation) – South Point Primary School.
- 4.5 The Replacement LDP will enable the Council to consider any potential new policies in respect of planning obligations, such as green infrastructure and climate change.

5. Resources and Legal Considerations

Financial

- 5.1 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 Sustainable Communities for Learning Rolling Programme.

Employment

- 5.2 There are no staffing issues.

Legal (Including Equalities)

- 5.3 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.
- 5.4 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. Public art projects also contribute towards enhancing the cultural well being of Wales.

6. Background Papers

Town and Country Planning Act 1990

The Community Infrastructure Levy Regulations 2010

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

Vale of Glamorgan Council's Local Development Plan - Review Report (May 2022)

Supplementary Planning Guidance 'Affordable Housing'

Supplementary Planning Guidance 'Planning Obligations'

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg