

- 4.2 Over £1.2M of contributions were received in 2016/17, almost all coming from the former Contract Chemicals / St. Gobains site on Bristol Road, where development has commenced. The majority of these payments have been forwarded to Gloucestershire County Council as education, library and sustainable transport contributions. A breakdown of payments is provided in Appendix 2.

5.0 FUTURE ARRANGEMENTS

- 5.1 As part of the Council restructure changes are to be made to the monitoring of s106 agreements. While details are to be established once officers are appointed into the new structure, the following changes are likely to be made:

- S106 monitoring will no longer to be undertaken by the newly created Planning Officer (Enforcement) post
- Receipting of s106 funds to be undertaken by the Council's Business Support team
- On receipt of contribution, management of the Council's s106 obligations will be the responsibility of project managers or various other Council staff depending on the nature of the obligation.
- No decision has yet been made as to how remaining s106 monitoring functions, including overall co-ordination, is to take place. This includes identifying obligations due to the Council, monitoring site progress, and working with developers to ensure payments are received and other obligations met.

- 5.2 The Senior Planning Compliance Officer will work to ensure as an effective handover as possible, before his departure from the Council on the 21st May, to best ensure that.

- Over £3.3M of contributions received but not yet spent by the Council are expended strictly as required by respective s106 Agreements, including by the spend deadline stated.
- Just under £0.5M agreed but unclaimed contributions are collected, where they are due.
- Non-financial requirements on both the Council and developers are observed (e.g. provision of high quality public open space as part of a development)
- An annual s106 monitoring report continues to be presented to the Council for member's information.

6.0 CONCLUSION

- 6.1 Section 106 Agreements continue to provide a valuable source of funding towards the provision of public benefits and 'infrastructure' to offset the impacts of development. This is in addition to a large amount of other benefits provided by the

developer, most notably but not exclusively affordable housing, and public open space.

- 6.2 Changes to the way s106 Agreements are monitored are to take place as part of the Council's staff restructure. These changes will need to ensure that the Council is not placed at risk of repayment of developer contributions through failing to meet its obligations, but also that developers meet their own requirements, to achieve good quality development and public infrastructure for the City and its residents.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The cost to the Council is officer time in carrying out monitoring duties. Some of these costs are reclaimed through the imposition of a monitoring fee on new Agreements. Other income received from Developers is put towards various schemes.

8.0 LEGAL IMPLICATIONS

- 8.1 Section 106 obligations are legal agreements between the Council, the developer or landowner and, on occasions, third parties. Obligations contained in the agreements are registered as local land charges and can be enforced against the developer or their successors in title. Legal action is a last resort but is necessary in some circumstances. The Council is also legally bound by some of the obligations contained within agreements.

9.0 RISK MANAGEMENT IMPLICATIONS

- 9.1 There is no risk to the authority connected with the recommendation on this report as it is for information only.

10.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION

- 10.1 There are no risks for customers and staff, in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion as this report is for information only.

11.0 OTHER CORPORATE IMPLICATIONS

- 11.1 It is considered that there are no other corporate implications as this report is for information only.

Background Papers :

Published Papers :

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APPENDIX 1 - AGREEMENTS SIGNED 2016/17 FINANCIAL YEAR - SUMMARY DETAILS

DEVELOPMENT	REF	DEVELOPER / OWNER	DATE SIGNED	SUMMARY	WHEN DUE	£	REC'D	LATEST POSITION
Baker's Quay	15/01144/FUL	Rokeby Merchant (Gloucester) Ltd	11-Aug-16	Contributions towards affordable housing projects within Westgate Ward	Payable prior to 60th residential occupation index linked	52,810		No commencement to date
				Contribution towards improvements to the play area at Gloucester Park and improvements to the youth sports area at Bakers Field adjacent to Gloucester Park	Payable prior to 60th residential occupation index linked	10,000		No commencement to date
				Monitoring fee	Payable on commencement of development	2,250		No commencement to date
University Of Gloucestershire Oxstalls Campus	15/01190/OUT	University Of Gloucestershire	26-Jul-16	Establishment of on site student management team and Community Liaison Group, to produce and ensure compliance with Taxi Management Drop Off plan and Noise Operational Plan Monitoring fee	Prior to occupation of new build bedrooms Payable on sign off agreement	2,250		REM submitted for consideration Payment deferred pending outcome of REM
Land Adjacent 2 Hemmingsdale Road	14/00848/FUL	Middleton Panels Paint	26-Aug-16	Contribution towards flood compensation works at Alney Island, adjacent to Over Causeway	Payable prior to commencement of development	3,000		No commencement to date
Former 1 - 3 Wellington Street	15/01407/FUL	Two Rivers Housing Association	27-Apr-16	Erection of 22 affordable units with associated access and external amenity space Monitoring fee	Payable on sign off agreement	750		Construction under way Received

Former Kwik Save, 103 Northgate Street	16/00142/FUL	Rooftop Housing Group Ltd	29-Sep-16	Erection of 95 affordable units Monitoring fee	Payable prior to commencement of development	750	Site clearance Site clearance
Blackbridge	14/01317/OUT	New Dawn Homes	17-Oct-16	Off site play space contribution to be used for the improvement of play facilities in the Podsmead area of Gloucester Laying out of allotment, including lighting and security measures to private access drive	Payable prior to commencement of development, index linked On adoption	20,000 10,097	REM now approved
GLOSCAT - Brunswick Road frontage	16/00088/FUL		21-Nov-16	Affordable housing within the administrative area of Gloucester City Library contribution Public Open Space contribution Tree planting contribution	Payable prior to commencement of development, index linked Payable prior to commencement of development, index linked Payable prior to commencement of development, index linked Payable prior to commencement of development, index linked	38,500 3,204 1,786 758	Start anticipated April 2017 Start anticipated April 2017 Start anticipated April 2017 Start anticipated April 2017
Norville Optical Co Ltd, Paul Street	16/00815/FUL	Rooftop Housing Group/Markey Construction	08-Feb-17	Erection of 63 affordable units			No commencement to date

SUD and drainage scheme submission before commencement, no occupations until implementation	Prior to commencement of development, no occupations until implementation of scheme			No commencement to date
Monitoring fee	Payable on commencement of development	750		No commencement to date

146,905

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APPENDIX 2 – CONTRIBUTIONS RECEIVED 2016/17 - SUMMARY DETAILS

DEVELOPMENT	DEVELOPER / OWNER	£ REC'D	DATE	SUMMARY	INTENDED USE	OTHER COMMENTS
Former Contract Chemicals / St Gobains Site	Matthew Homes Limited	168877	20-Jun-16	Contribution for off-site public open space for improvement of POS in the vicinity of the site		
		728449	20-Jun-16	Contribution for primary and early years improvements to local schools		
		47141	20-Jun-16	Contribution for improvements to the local library		
		110760	20-Jun-16	Contribution for 'Residential Travel Plan'		
		2000	20-Jun-16	POS inspection costs		

	7500	20-Jun-16	Monitoring fee		
	112584	20-Jun-16	Public Open Space maintenance - commuted sum		
	25587.64	20-Jun-16	Play Equipment commuted sum		
Land At The Junction Of Trier Way And 161 Southgate Street	1500	14-Jun-16	Monitoring fee		
Former 1 - 3 Wellington Street Gloucester	750	20-Oct-16	Monitoring fee		

TOTAL

£ 1,205,149