

Gloucester City Council

Meeting:	Planning Committee	Date:	7th August 2018
Subject:	Section 106 Monitoring – Progress Report		
Report Of:	Tina McCausland, Planning and Section 106 Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Tina McCausland, Planning and Section 106 Monitoring Officer		
	Email:	tina.mccausland@gloucester.gov.uk	Tel: 396848
Appendices:	1. Schedule of signed agreements 17/18		
	2. Schedule of contributions received 17/18		

1.0 Purpose of Report

- 1.1 To provide Members with information on new Section 106 (S106) agreements entered into, and contributions received, during the 2017/2018 financial year.

2.0 Recommendations

- 2.1 The Committee is asked to RESOLVE that progress in relation to S106 agreements during the 2017/18 financial year be noted.

3.0 Background and Key Issues

- 3.1 The S106 Monitoring Officer undertakes a full review of all outstanding s106 obligations (on agreements signed since 2000), at the end of each financial year and subsequently reports on progress to members. More urgent or pending matters are dealt with on a more immediate basis throughout the year.
- 3.2 Comprehensive monitoring of s106 agreements has taken place since 2006.
- 3.3 Nine new agreements were signed during 2017/18, securing £1,572,645 for the City Council and £3,673,472 for the County Council. These new agreements also secured 233 new affordable housing units and secured £50,459 of Affordable housing contributions for Gloucester City. Payments will be received when trigger points have been reached. In addition, four Deeds of Variation were received during 2017/18. Details of all signed agreements received in 2017/18 are provided in Appendix 1.
- 3.4 A total of £223,800 S106 contributions were received by the City Council in 2017-18. £17,800 of these contributions were secured for tree planting as part of the

Kingsway development (of which £11,046.57 has been spent leaving £6,753.43 which are in the process of being spent). In addition, £200,000 of S106 contributions were received for community facility contributions for St Aldates to be used at the venture site as well as £1,500 in flood compensation measures and £4,500 in monitoring fees.

A total of £389,557.73 in S106 contributions were received by the County Council in 2017/18. £3,542.14 of these contributions were secured for library contributions, £25,299.57 were secured for primary and secondary education contributions and £360,716.02 for highways contributions.

Details of all S106 contributions received by both the City Council and the County Council are provided in Appendix 2.

4.0 Asset Based Community Development (ABCD) Considerations

4.1 The contribution for St Aldates will be used to provide improved community facilities at the venture community facility project in White City.

5.0 Alternative Options Considered

5.1 None – this report is for information purposes only.

6.0 Reasons for Recommendations

6.1 To provide members with an update on S106 for 17/18.

7.0 Future Work and Conclusions

7.1 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.

7.2 The Community Infrastructure Levy (CIL) public examination has now taken place.

The CIL public examination was held in May 2018 and the JCS authorities are currently awaiting the final report. Assuming this is issued in a timely fashion the intention is that the JCS authorities will seek adoption of CIL in September 2018. Tentatively implementation is anticipated from January 2019.

8.0 Financial Implications

8.1 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 the schemes identified in the relevant S106 obligations.

(Financial Services have been consulted in the preparation of this report.)

9.0 Legal Implications

9.1 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.

(One Legal have been consulted in the preparation of this report.)

10.0 Risk & Opportunity Management Implications

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

11.0 People Impact Assessment (PIA) and Safeguarding:

11.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

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

Sustainability

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

Staffing & Trade Union

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

Background Documents: the application numbers of the relevant planning permissions are included in appendices 1 and 2.