

# Communities, Homes, and Regeneration Scrutiny Committee

19<sup>th</sup> December 2022

## Planning Obligation (Section 106) - Update

**Purpose: To provide an update and overview on the collection and use of planning obligations (Section 106).**

### THE SCRUTINY COMMITTEE IS ASKED TO:-

- To note the process/governance arrangements in relation to the collection and use of monies through planning obligations.
- To consider the financial update contained within the report.

### Reason(s)

- To consider that monies are used in a timely and effective way in accordance with the legal agreements.
- To provide an update and overview on the collection and use of s106 and associated processes.
- To provide an overview of funds/monies available through s106.

### CABINET MEMBER PORTFOLIO HOLDER:-

Cllr. Ann Davies, Rural Affairs and Planning Policy

#### Directorate

Place and Infrastructure

Designations:

Tel Nos. 01267 246270

#### Name of Head of Service:

Rhodri Griffiths

Head of Place and Sustainability

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# EXECUTIVE SUMMARY

## Planning Obligations (Section 106) - Update

### 1. BRIEF SUMMARY OF PURPOSE OF REPORT.

The report builds on a commitment to present a report to Community Scrutiny to provide an overview of the developer contributions received, through planning obligations (also known as Section 106 Agreements), during the 2021/2022 financial year.

The report outlines the background information relating to planning obligations, the process of applying for developer contributions and an overview of the income and expenditure during 2021/2022 as well as an update on the position for 2022/23 financial year to date.

It should be noted that this report relates solely to the financial contributions received through Section 106 Agreements (these are the Agreements made under Section 106 of the Town and Country Planning Act 1990) and does not refer to other contributions such as the provision of affordable dwellings and onsite provision of parks and open space. The report also excludes those agreements secured under Section 278 of the Highways Act 1980.

**DETAILED REPORT ATTACHED ?**

**YES**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Rhodri Griffiths

Head of Place and Sustainability

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The purpose of S106 contributions are to pay for the infrastructure needed to make an otherwise unacceptable development acceptable. To this end, they support the aims and objectives of the Local Development Plan's and its Policies and provisions as well as other corporate objectives.

They allow for proposals to make provision of, and to facilities which support the Well-being Goals set out within the Well-being of Future Generations Act 2015 and the Councils own Well-being objectives.

## 2. Legal

The Local Planning Authority secures planning contributions (or Planning Obligations) as governed by Section 106 of the Town and Country Planning Act 1990. The Planning Act 2008 makes provision for local authorities to prepare a Community Infrastructure Levy.

On the 6<sup>th</sup> April 2010 the Community Infrastructure Levy Regulations 2010 came into force in England and Wales which further informed the legislative process associated with the collection and use of Planning Obligations. Reference is also had to the provisions of the Environment (Wales) Act 2015 and the requirements emanating from it in respect of the need to enhance the Environment.

## 2. Finance

The collection, monitoring, and use of monies through S106 is undertaken through established financial procedures.

<b>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</b> <b>YES</b>		<b>Include any observations here</b>
<b>Section 100D Local Government Act, 1972 – Access to Information</b> <b>List of Background Papers used in the preparation of this report:</b> <b>THESE ARE DETAILED BELOW</b>		
Title of Document	File Ref No.	Locations that the papers are available for public inspection
Adopted Carmarthenshire Local Development Plan		<a href="http://www.cartogold.co.uk/CarmarthenshireLDP/index.html">http://www.cartogold.co.uk/CarmarthenshireLDP/index.html</a>
Planning Obligations Supplementary Planning Guidance		<a href="https://www.carmarthenshire.gov.wales/media/3701/planning-obligations-spg.pdf">https://www.carmarthenshire.gov.wales/media/3701/planning-obligations-spg.pdf</a>
Caeau Mynydd Mawr Supplementary Planning Guidance		<a href="https://www.carmarthenshire.gov.wales/media/3699/caeau-mynydd-mawr-spg-adopted.pdf">https://www.carmarthenshire.gov.wales/media/3699/caeau-mynydd-mawr-spg-adopted.pdf</a>
Affordable Housing Supplementary Planning Guidance		<a href="https://www.carmarthenshire.gov.wales/media/1214942/affordable-housing-june-2018.pdf">https://www.carmarthenshire.gov.wales/media/1214942/affordable-housing-june-2018.pdf</a>
Leisure and Open Space Requirements for New Developments Supplementary Planning Guidance		<a href="https://www.carmarthenshire.gov.wales/media/1213721/adopted-leisure-open-space-requirements-for-new-developments-sep-2016.pdf">https://www.carmarthenshire.gov.wales/media/1213721/adopted-leisure-open-space-requirements-for-new-developments-sep-2016.pdf</a>