



**PLANNING COMMITTEE**

**4<sup>th</sup> February 2021**

**REPORT OF HEAD OF PLANNING & BUILDING CONTROL**

**S106 Planning Obligations Update Report**

**1. PURPOSE OF REPORT**

i) To advise Members in relation to completed Planning Obligations (section 106 agreements/unilateral undertakings/supplemental deeds of variation) that have been negotiated with planning permissions.

ii) To show a breakdown of the number of affordable houses negotiated and the level of contributions collected and due to be collected subject to the commencement of developments related to education, open space, health and other requirements.

**2. RECOMMENDATIONS**

That the Committee notes the report

**3. FINANCIAL IMPLICATIONS**

None arising directly from this report. The briefing of members as to the outcome of individual Planning Obligations together with the total sums collected within the year will help inform and assure members of the accounting probity and monitoring that is being followed by officers.

**4. POLICY IMPLICATIONS**

Within Council policy. All planning applications relate to local and national planning policy and guidance.

**5. LEGAL IMPLICATIONS**

Planning Obligations are primarily negotiated as part of the determination of planning applications in accordance with the National Planning Policy Framework 2012 (NPPF), Community Infrastructure Levy Regulations 2010 (Regulation 122)(as amended), policy DEL1 of the Black Country Core Strategy, policy GP3 of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

**6. EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report. The Development Management service is accredited by an Equality Impact Assessment.

**7. ENVIRONMENTAL IMPACT**

The impact of planning decisions on the environment are required to consider environmental issues where material to the proposed development in accordance with local and national planning policies.

**8. WARD(S) AFFECTED**

All.

**9. CONSULTEES**

Officers in Legal Services have been consulted in the preparation of this report.

**10. CONTACT OFFICER**

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**11. BACKGROUND PAPERS**

All published.

**Alison Ives**  
**Head of Planning and Building Control**

## **S106 Planning Obligations Update Report**

1. This is an amalgamated report updating on progress with legal obligations for the period from start Q3 in 2019/20 to end Q4 2019/20. The report will subsequently be made available to all members for information. It provides a summary of all Planning Obligations (Section 106 Agreements/ Unilateral Undertakings/ Supplemental Deeds) that have been secured as part of the determination of planning applications in accordance with adopted policies of the Council. These details are set out in the attached appendices and Members will note that the information has been broken down into the various types of contributions.
2. Section 106 of the Town & Country Planning Act 1990 enables developers to submit unilateral undertakings, or local authorities to reach agreements with developers, for certain works to be carried out in association with a development. The Community Infrastructure Levy Regulations 2010 (Regulation 122) sets out a statutory requirement that Planning Obligations must be necessary to make the proposed development acceptable in planning terms; relevant to planning; and directly related in scale and kind to the proposed development. They must also be reasonable in all other respects.
3. The Council is required to comply with the National Planning Policy Framework (NPPF) 2019, Community Infrastructure Levy Regulations 2010 (as amended), policy DEL1 of the Black Country Core Strategy (BCCS) and policy GP3 of the Unitary Development Plan (UDP) when seeking developer contributions. The NPPF encourages Local Planning Authorities to be flexible when seeking Planning Obligations to prevent development being stalled, an approach that Walsall Council's Development Management service has already been taking over the last few years to facilitate development in the Borough and will continue to do so where necessary.
4. The Government views planning obligations as useful instruments where they are necessary to a proposed development to overcome obstacles that would otherwise result in the refusal of planning permission. They must not be used to effectively buy planning permissions.
5. Under the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an infrastructure funding statement at least annually. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure funding statements must cover the previous financial year from 1 April to 31 March.
6. This S106 Planning Obligations update report forms the basis of the infrastructure funding statement and covers the financial period 1 April 2019 to 31 March 2020.

7. It can be noted that out of nearly £3.5m received in contributions, approximately one third of these contributions have now been expended. The majority of the remaining balance comprises of a series of contributions for development that has either recently been approved or the target dates for expenditure are yet to be reached.

8. The recent audit of agreements has though highlighted a small number of applications where a target date has now been reached. These agreements are being reviewed and further details will be provided in a future update.

9. Summary details of all expenditure is provided below.

<b>Service Area</b>	<b>S106 Contribution received as at 31/03/2020</b>	<b>Spent to 31/03/2020</b>	<b>Committed/ Allocated</b>	<b>Balance Remaining</b>
Affordable Housing	£1,539,078	£0.00	£254,801	£1,284,277
Children's Services	£275,505	£0.00	£275,505	£0.00
Clean & Green	£1,616,973	£823,109	£660,392	£133,472
<b>TOTAL</b>	<b>£3,431,556</b>	<b>£823,109</b>	<b>£1,190,698</b>	<b>£1,417,749</b>

10. The latest expenditure of received contributions is provided in the attached table – Appendix 1.