

TRAFFORD COUNCIL

Report to: Planning Development Control Committee
Date: 12 May 2016
Report for: Information
Report of: Head of Strategic Growth

Report Title

Section 106 and CIL Update: October 2015 – March 2016

Summary

This report is to inform Planning Development Control Committee about the latest set of monitoring data for S106 agreements and CIL notices.

Recommendation

That Planning and Development Control Committee note the contents of this report.

Contact person for access to background papers and further information:

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1.0 Introduction

- 1.1 The Community Infrastructure Levy (CIL) was created under the terms of the Planning Act 2008, and established a new system for collecting developer contributions, charged on a pounds (£) per square metre basis, to fund essential infrastructure. Trafford's Community Infrastructure Levy (CIL) was implemented on 07 July 2014.
- 1.2 Although the mechanism for securing contributions to deliver infrastructure to support growth has changed, there remains a large number of existing signed Section 106 agreements (S106) that require on-going monitoring. Going forwards, although the number of new legal agreements will be reduced, S106s will continue to be used to secure site-specific mitigation and the provision of affordable housing.
- 1.3 This report details S106 and CIL activities over the period 01 April 2015 to 31 March 2016, together with contextual and historic information.

2.0 S106 update

2.1 S106 legal agreements involve lengthy negotiations between planning case officers and developers, often involving complex viability issues or land transfers, on top of the more usual planning considerations such as heritage, highways or amenity issues. Contributions have historically been secured to deliver a variety of infrastructure, including:

- affordable housing
- highways and active travel
- public transport
- specific green infrastructure (Red Rose Forest)
- spatial green infrastructure (open space / outdoor sports)
- education facilities

2.2 The amount of S106 contributions received to date and the amounts spent or committed to schemes is summarised in table 1 below. The financial year end figures are based on the draft outturn position for 2015/16 which is a provisional position, so figures may be subject to small changes. The final figures will be reported on in due course.

2.3 Overall contributions of around £19.5m have been received to date. Of this, £7.6m has been spent, and circa £4.3m is committed to schemes in the Capital Investment Programme. Of the balance available, approximately £3.6m has been earmarked to delivering the Metrolink expansion, and feasibility work is ongoing to commit the remainder to appropriate infrastructure projects in line with the requirements of the legal agreements.

Table 1: S106 contributions received and committed to spend

	Open Space/ Outdoor Sports £000	Education £000	Red Rose Forest £000	Affordable Housing £000	Highways £000	Public Transport £000	Total £000
Amounts Received							
Pre 2012	2,699	0	359	1,224	2,621	3,878	10,781
2012/13	358	101	143	534	326	718	2,180
2013/14	407	22	40	0	1,059	374	1,902
2014/15	212	63	95	0	1,695	1,000	3,065
2015/16	197	229	271	284	130	413	1,524
Total Received	3,873	415	908	2,042	5,831	6,383	19,452
Amounts Applied							
Less Already used	(2,678)	(32)	(296)	(984)	(2,398)	(1,170)	(7,558)
Less Committed	(804)	(220)	(12)	(108)	(1,602)	(1530)	(4276)
Balance Available	391	163	600	950	1831	3683	7618

2.4 It should be noted that prior to February 2012, there was no requirement for contributions to be secured to support the provision of education facilities, this was introduced with the adoption of a new Supplementary Planning Document on Planning Obligations at the time (SPD1).

- 2.5 SPD1 was further revised and adopted in July 2014 to support the introduction of CIL. SPD1 (2014) provides greater clarity for when the use of S106 legal agreements will be appropriate to mitigate the negative impacts of development, as there should be no circumstances where a developer is paying CIL and S106 for the same infrastructure in relation to the same development
- 2.6 In addition to the figures set out in table 2, there are a number of outstanding s106 agreements; as of April 2016 these amount to £31m, of which around £17m is related to Barton Square. Caution is advised when considering these figures as there is no guarantee that developments which have planning permission will definitely come forwards. However, there will continue to be an on-going need to monitor those developments, especially the larger schemes, as these typically have complex trigger points which are linked to the various phases of implementation, which can take several years to deliver.

3.0 Community Infrastructure Levy update

- 3.1 Between the introduction of Trafford's CIL on 07 July 2014 and 31 March 2016, CIL Liability Notices to the value of £3m have been issued for around 85 developments. CIL monies only become due after a development commences, so predictions about future income should be mindful of the fact that some planning consents never go on to be implemented.
- 3.2 The Council is now starting to see an increase in the amount of CIL monies coming in, as recently approved developments begin on site. Actual CIL monies received to date total £302k, and a breakdown of what these receipts can be applied to is shown in table 2 below.

Table 2: CIL monies received

	Total Monies Received	Admin slice	Local slice	Strategic slice
07-Jul-14 to 31-Mar-15	£5,060.00	£253.00	£759.00	£4,048.00
01-Apr-15 to 31-Mar-16	£297,370.23	£14,868.51	£43,541.06	£238,960.66
Total	£302,430.23	£15,121.51	£44,300.06	£243,008.66

- 3.3 A document is currently being prepared that sets down the process for spending CIL monies, describing the protocol for engaging with communities on how the local slice will be spent, and providing further details on the statutory requirements for spending the strategic slice of CIL receipts.

4.0 Recommendation

- 4.1 That Planning and Development Control Committee note the contents of this report.