

**Committee:** PLANNING

**Date Of Meeting:** 10<sup>th</sup> March 2010

**Title of Report:** SECTION 106 MONITORING

**Report of:** Andy Wallis  
Planning and Economic Development Director

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This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) ..... of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

**Purpose of Report:**

To inform the Committee of progress on the preparation and implementation of Agreements under S106 of the Town and Country Planning Act 1990.

**Recommendation(s):**

- 1) Members note the recommendations and agree that the items should be reported to the relevant area committee shown in Annex B.

**Corporate Objective Monitoring**

Corporate Objective	Impact		
	Positive	Neutral	Negative
1 Creating A Learning Community		✓	
2 Creating Safe Communities		✓	
3 Jobs & Prosperity		✓	
4 Improving Health & Well Being	✓		
5 Environmental Sustainability	✓		
6 Creating Inclusive Communities		✓	
7 Improving The Quality Of Council Services & Strengthening Local Democracy	✓		
8 Children and Young People	✓		

**Financial Implications**

Members are recommended to support the recommendations as set out in Annex B.

**Departments consulted in the preparation of this Report**

Leisure Services

**List of Background Papers relied upon in the preparation of this report**

None

## Introduction

Members will be aware that Planning Committee normally receives a twice yearly update on progress in respect of Agreements made under Section 106 of the Town and Country Planning Act 1990. The last report was considered by the Planning Committee in September 2009. The S106 monies which have been received and the location of spend, which is supported by Planning Committee is then reported to the relevant Area Committee. The Area Committees receive a report twice a year and this will normally be in April/May or October/November subject to committee dates.

This report normally contains 3 annexes titled A, B and C, the content of each is described below. Annex A and C will now be presented on the intranet when the agenda is issued.

**Annex A** S106's that have been agreed by Planning Committee and Area Committee and where spend is underway, programmed or awaiting the development of a £50,000 pot.

**Annex B** S106's where money has been received since your last report in September 2009 and which need to be reported to Area Committee. Planning Committee is asked to approve the recommendation about location of spend.

**Annex C** A list of planning applications, which have outstanding S106 agreements.

Members, particularly at Area Committee, have queries about the scope of S106 contributions. The Council's statutory UDP lays down standards for the provision of tree planting and public greenspace required for new development. If this cannot be provided on site, a financial contribution is made in line with the charges set out in the recently approved SPD Greenspace trees and Development.

Progressing the implementation and management of S106 legal agreements is the responsibility of Planning Committee; the role of the Area Committee is to endorse the siting for tree planting monies, and to respond to recommendations for utilising public greenspace contributions. Projects can go beyond investing in parks and currently range from public realm improvements to allotments and a cemetery; other projects to improve accessibility or use of greenspace can be considered.

The whole S106 process is attracting scrutiny from the Government, developers and auditors; Considerable staff time is devoted to ensure the arrangements are clear and transparent and that progress is maintained in receiving agreed contributions and ensuring received contributions are available for spend. As Members will appreciate the impact of the current recession on the construction industry can make S106 progress both slow and uncertain.

In light of the level of local interest it is suggested that the order in which S106's are reported to Planning and Area Committee's is reversed. A report would firstly be submitted to Area Committees for members to comment on the recommendations of where to spend S106 monies, rather than just to note an approved area of spend. This would allow Planning Committee to consider the view of the Area Committee whilst still retaining the responsibility for the decision of where the S106 money should be spent.

## Summary of changes since last report in September 2009

Following the September 2009 Planning Committee meeting reports were taken to Southport and Linacre and Derby Area Committees. A report was prepared for the Litherland and Ford Area Committee but was taken off the agenda by the Chairman. This committee has not considered a S106 update report since October 2008. The Southport and Linacre and Derby Committees agreed all recommendations as set out.

Below is a table showing the number of outstanding applications subject to agreements and the number of agreements under which payment has been received in the last 6 months for each area committee. Members previously noted that the number of cases in Annex C seemed to be increasing. There are presently 25 sites which are paying their commuted sums in instalments. This is the highest number of installed payments ever managed due to the current economic climate. There are also 20 cases where work has commenced and officers are negotiating with the developer. A total of 101 sites have planning permission with a S106 condition attached but no works have commenced. These three elements create a substantial annex C.

Area Committee	Number of sites with Schemes outstanding	Number of sites where money received in the last 6 months
Crosby	36	3
Formby	7	0
Linacre/Derby	21	4
Litherland/Ford	4	1
St Oswald/Netherton	8	0
Sefton East	8	0
Southport	62	7
Total September 09 to March 2010	146	15
Total March 09 to September 09	131	16

## Public Greenspace

With regard to green space the intention is still to achieve "site pots" in the region of £50,000 before project development in order to allow meaningful improvement to take place and make best use of economies of scale. In some cases these monies will then be used as match funding for external bids and so may take longer to deliver.

Area/ site	Amount of Section S106	Have the funds reached £50,000 level	An update from Leisure Services
<b>Crosby</b>			
Chaffers Playing Field (inc Brook Vale Playing Fields)	£84,465.00	Yes	Approximately £8000 spent to date on screen planting, Remainder now programmed for play area at Brook Vale due 2010.
Victoria Park	£116,000.00	Yes	First phase of work to start on site spring 2010: on the area around the Pavilion and the children's play area (natural style play area on site Feb 10, funded via Playbuilder programme)
Alexandra Park	£20,484.56	No	Annex to new park complete.
Moorside Park	£17,485	No	Vision plan for the future of the site being developed with the new Friends Group.
Potters Barn	£17,715.00	No	Monies will be used to carry out works following repair of the barn (awaiting resolution of lease)
Crosby Coastal Park	£26,879.00	No	Coastal path works now complete. Remaining £9000 to contribute to Coastal Park Masterplan
Church Ward	£5,000	No	Shrub management works complete at Marine Gardens Spring 2009.
Blundelsands Ward	£5,000	No	Leisure services awaiting view of members
Manor Ward	£5,000	No	Leisure Services awaiting view of members
Victoria Ward	£5,000	No	Leisure Services awaiting view of members
Priority 1* sites (excluding Victoria Park)	£21,888	No	Leisure services will consult with Crosby Area Committee when a priority 1* site requires work
<b>Formby</b>			
Duke Street Park	£7,510.00	Yes	Maintenance for play area funded by S106.
Deansgate Lane, Duke Street Park & Smithy Green	£14,292.00 £4,764.00 Per park.	Yes	Waiting for £50,000.00 level to be reached.

## Linacre & Derby

South Park	<b>£293,591.72</b> (increase of <b>£165,765.00</b> since <b>09/2009</b> )	Yes	Vision Plan development to commence early 2010.
Bowersdale Park	<b>£31,309.30</b> (increase of <b>£14,292.00</b> since <b>09/2009</b> )	No	Waiting for the £50,000 level to be reached
North Park	<b>£122,398.00</b> (increase of <b>£71,463.00</b> since <b>09/2009</b> )	Yes	£50,000.00 level only recently achieved. Vision plan development (in line with Green Flag Management Plan) and decisions on next priorities in 2010
Derby Park	£46,562.00	No	Phase 5 of Derby Park Vision plan to be delivered during 2010.

## Litherland & Ford

Hornby Flats	£33,776.16	No	Waiting further instruction from Litherland and Ford Area Committee
Hatton Hill Park	£68,068.00	Yes	Phase 2 consultation complete. Works to create terraced garden area to commence Spring 2010.
Mellenear Park	£58,170.00	Yes	Part of contribution for greenspace in HMRI area.

## Southport

Southport Action Plan Area	<b>£52,816.13</b> (increase of <b>£7,816.13</b> since <b>09/2009</b> )	N/A	Lord Street phase 2 completed October 2008. Next phase could include Kings gardens/Market Hall public realm/Scarisbrick Avenue
Bedford Park	<b>£39,583.00</b> (increase of <b>£10,710.00</b> since <b>09/2009</b> )	No	Phase II works with Friends of Bedford Park currently on site: monies used in conjunction with other funding for: natural style play area, outdoor gym, amphitheatre, furniture, youth and community gardens, and planting of approx 50 trees
Meols Park	<b>£89,507.96</b> (increase of <b>£10,141.44</b> since <b>09/2009</b> )	No	£39,000.00 to provide match to Portland Street changing facility – due for completion on site summer 2010

Devonshire Rd & Canning Rd	£6,425.00	No	£42,000.00 recently spent on play facility
Portland Street Playing Fields	£350,000.00	Yes	New changing facility to be completed on site Summer 2010
Hesketh Park	<b>£142,858.30 (increase of £33,858.30 since 09/2009)</b>	Yes	To be added to major HLF works/ further phases of improvements
Queens Jubilee Trail	£10,984.00	No	Waiting for the £50,000 level to be reached
Rotten Row	£11,776.80	N/A	Vision plan developed with Birkdale Civic Society and Heritage Lottery Fund application submitted
<b>St Oswald, Netherton And Orrell</b>			
Abbeyfield Park	£107,461.84	Yes	Anticipate preparatory works to begin 2010.
Aspinalls Fields (Menai Park)	£52,630.00	Yes	Part of Klondyke HMRI project; retained to layout area to be taken into park
Browns Lane Allotments	£50,000.00	Yes	Consultation and scheme development works complete. Clearance works commenced 2009. Allotments to be made available spring/ summer 2010 (dependant on adoption of Allotment Strategy)
Killen Green Park	£26,315.00	.No	Waiting for £50,000 level to be reached
<b>Sefton East Parishes</b>			
Harrow Drive	£19,137.00	No	Waiting for £50,000 level to be reached
Rainbow Drive	£14,720.80	No	Waiting for £50,000 level to be reached
Old Hall	£8,584.00	No	Waiting for £50,000 level to be reached
Maghull Town Square	£20,000.00	N/A	Ongoing discussions with centre owner on opportunities for potential works

### Tree Planting 2009/10

With regard to the expenditure of S106 monies, proposals for tree planting will usually be identified as close to the application site as reasonably possible and in line with the strategic need for tree planting identified by the Leisure Director.

Details are now available for tree planting in all parts of the Borough. This information will be provided to Area Committees.

The table below sets out the tree planting and money available for 2009/10.

Area Committee	Total £ available	Tree Planting Sites	Arboreal Officer Comments
<b>Crosby</b>	£22,700	Warren Rd, Hall Rd East, Spinney Cres, St Michaels Rd, Dowhills Rd, Sussex St, Crosby Rd North, Esplen Ave, Newborough Ave, Liverpool Rd, Everest Rd	
<b>Formby</b>	£300	Monks Dr	
<b>Linacre &amp; Derby</b>	£122,000	Seaforth Rd, Marsh Lane, Bank Rd, Derby Rd, Rimrose Rd, Strand Rd, Merton Rd/Irlam Rd, Peter Mahon Way, Knowsley Rd, Hawthorne Rd, Aintree Rd, Linacre Lane	Intention to plant larger trees on Rimrose Rd and Derby Rd to make an impact on main route from Sefton to Liverpool
<b>Litherland &amp; Ford</b>	£7,800	Knowsley Rd, Linacre Lane, Gorsey Lane	
<b>Sefton East</b>	£11,300	Liverpool Rd North, Robbins Bridge, Southport Rd, Sandy Lane, Northway (A59), Liverpool Rd, Dodds Lane, and Bleasdale Ave	
<b>Southport</b>	£71,900	Guildford Rd, Aughton Rd, Carr Lane, Liverpool Rd, Manchester Rd, Cambridge Rd, Rufford Rd, Bankfield Lane, Cambridge Rd, Beresford Dr, Norwood Ave, Welwyn Ave, Cornwall Way	
<b>St Oswalds, Netherton and Orrell</b>	£21,300	Bridle Rd, Manor Dr Linacre Lane, and Park Lane	
<b>Total</b>	<b>£257,300</b>		

## Successes to date in 2009 to 2010

### Tree Planting

During the last planting season (November 2008 to March 2009), 239 standard trees were planted in Sefton's streets, at key locations in the Borough. These sites included Liverpool Rd North, Maghull, Crosby Rd North/South, Waterloo and Stanley Road Bootle.

In addition, more than 1400 smaller woodland trees were planted in Buckley Hill



Playing Fields.

S106 funding paid for 62% of this tree planting. The S106 funding was also used as match funding to draw down grants from Mersey Forest, thereby obtaining additional benefit from the planning money.

### **Greenspace Improvements**

A conglomerate project has been undertaken to Bedford Park, Birkdale (funded from a variety of sources incl PCT, Playbuilder, area committee, Tesco's and revenue budgets). Improvements have included a new natural style play area, an outdoor gym, an amphitheatre, a youth and community garden, furniture and tree planting.

### **The Future**

The Council continues to be adversely affected by a downturn in number of schemes coming forward for planning permission. Those sites which have already have got planning permission are not commencing work, many of the sites are being 'mothballed' as landowners and developers wait for an upturn in the market. This will have a direct impact on the income from S106 agreements in the following years. Alongside this impact those developers which owe commuted sums are asking to pay reduced sums, delay payment by introducing clauses in new agreements or pay in instalments. A number of Breach of Condition Notices have been served and cases passed to the legal debt recovery team. A greater amount of time and effort by monitoring staff is being taken to pursue payment.

This is highly likely to be the position for some time to come.

### **Conclusion**

Annex B is attached for members to approve the recommended location of spend. Annex A and C are available on the intranet for members to view. Any specific concerns prior to the meeting can be raised by contacting [mandy.biagetti@planning.sefton.gov.uk](mailto:mandy.biagetti@planning.sefton.gov.uk).