COMMITTEE	**Planning**
DATE	**12 July 2011**
SUBJECT	**S106 Database and Monitoring**
REPORT OF	**Leigh Palmer Development Manager within Planning Department**
Ward(s)	**All**
Purpose	**To inform and update Members of the current position in respect Planning Obligations received since 1990.**
Contact	Leigh Palmer leigh.palmer@eastbourne.gov.uk 01323 415 215
Recommendation	That Planning Committee note the content and conclusions of the report

1 Background

1.1 As Members will be aware new development may place additional pressure on existing social, physical, economic and community infrastructure and without such infrastructure provision the new development could have a detrimental impact upon local amenities and the quality of the environment.

1.2 In some circumstances Planning Obligations are used, where supported by Borough and County policies, to ensure that new development supports and does not harm local infrastructure and or the quality of the local environment.

1.3 The terms 'planning agreement', 'planning obligation', 'unilateral obligation' and 'planning gain' are often used interchangeably. However, technically, a planning agreement, also known as a Section 106 Agreement (a reference to the relevant section of the Town and Country Planning Act 1990), is the overarching legal agreement which results from the planning obligations process. Planning gain is merely a generic term used to describe the community benefits achieved through this process.

2 Context (What are planning obligations)

2.1 Planning obligations are legal agreements entered into generally between the local planning authority and the applicant, developer and

or any others who have an interest in the land. As outlined above they are mechanisms to ensure that matters required to make a development acceptable are secured.

2.2 From the 700 – 800 planning applications per year that are determined by Eastbourne Borough Council only a handful require planning obligations.

2.3 Once completed, obligations are registered as a Local Land Charge and are typically enforceable against those persons – organisations who have entered into the obligation as well as any subsequent owner of the site.

2.4 Planning obligations can be in a unilateral or mutli-lateral form, and all types of agreement as outlined above are entered into under Section 106 of the Town and Country Planning Act 1990.

2.5 Planning obligations can cover any number of topic areas but the main ones for Eastbourne tend to relate to

a) Affordable Housing:
• Affordable Housing on site provision
• Affordable Housing off site provision in lieu

b) Education
• Primary School Place Contributions
• Secondary School Place Contributions

c) Community Facilities
• Health
• Libraries
• Leisure and Sports Building
• Local Community and Youth Facilities
• Policing resources and other emergency services
• Community facilities: revenue contributions

d) Public Realm
• Parks and Open Spaces
• Streetscape
• Public Art
• Community Safety & Visitor Management
• Public realm: revenue

e) Transport
• Public Transport
• Traffic and Highway Works
• Parking Restrictions
• Car Clubs
• Travel Plans

f) Sustainability

g) Employment & Training Measures
• Local Labour in Construction
• Employment & Training Contributions
• Securing Employment Premises

(h) Flood attenuation
• New infrastructure to mitigate localised flooding (Lakes in Eastbourne Park)

(i)Land Transfers

3. Monitoring of the Planning Obligations

3.1 With a starting date of 1990 officers within the Planning Department researched all of the relevant planning files for Planning Obligations with a view of quantifying the relevant applications and also understanding the extent and value of the monies received.

3.2 This is considered to be important so that a robust monitoring regime could be adopted and also to ensure that the monies received and the infrastructure promised was actually spent and or provided, otherwise there may be a requirement to refund the applicant.

3.3 Within the survey period a number of the relevant applications to which S106 had applied had been completed with the monies also being spent and the infrastructure being implemented. The survey work has therefore only analysed those Planning Obligations where payments that had not yet been received by the Council and also those that had been received but not yet spent.

3.4 These agreements have been summarised and entered onto a database.

3.5 This database includes a number of key criteria, covering:-

1. Affordable Housing
2. Flood drainage
3. Highways
4. Lsiac (sustainable highway infrastructure)
5. Open space
6. Public Access and
7. Other

3.6 All of these criteria are further split by ward.

3.7 By way of an illustrative example and across the 7 key criteria the relative totals as at April 2010 are outlined below.

3.8 It should be noted that the amount of monies listed below is only a snapshot in time to give an indication as to the nature of the monies received over the survey period.

3.9 It is the intension of the Development Manager to report to Planning Committee on a quarterly basis in order to update Members with the information about monies received and monies still to be spent and also monies yet to be collected.

Criteria	Ward	Monies received & or Left To be Spent
Affordable Housing	Devonshire	0
	Hampden Park	0
	Langney	0
	Meads	861,446
	Ocklynge	0
	Old Town	0
	Ratton	0
	Roselands	0
	Sovereign Harbour	0
	St Anthony's	0
	Upperton	0
TOTAL		861,446
Flood drainage	Devonshire	0
	Hampden Park	31,324
	Langney	1,465
	Meads	0
	Ocklynge	66,964
	Old Town	0
	Ratton	23,088
	Roselands	97,205
	Sovereign Harbour	0
	St Anthony's	24,374
	Upperton	7,589
TOTAL		252,009
Highways	Devonshire	0
	Hampden Park	0
	Langney	0
	Meads	0
	Ocklynge	0
	Old Town	0
	Ratton	0
	Roselands	0
	Sovereign Harbour	0
	St Anthony's	0
	Upperton	0
TOTAL		0
Lsiac (sustainable highway infrastructure)	Devonshire	9,305
	Hampden Park	12,900

	Langney	11,920
	Meads	36,685
	Ocklynge	0
	Old Town	1,260
	Ratton	2,210
	Roselands	0
	Sovereign Harbour	2,460
	St Anthony’s	7,500
	Upperton	13,655
TOTAL		97,895
Open space	Devonshire	389,915
	Hampden Park	47,587
	Langney	0
	Meads	35,657
	Ocklynge	0
	Old Town	0
	Ratton	0
	Roselands	0
	Sovereign Harbour	27,303
	St Anthony’s	0
	Upperton	48,307
TOTAL		548,769
Public Access	Devonshire	0
	Hampden Park	0
	Langney	0
	Meads	0
	Ocklynge	0
	Old Town	0
	Ratton	0
	Roselands	0
	Sovereign Harbour	0
	St Anthony’s	0
	Upperton	0
TOTAL		0
Other	Devonshire	135,362
	Hampden Park	4,500
	Langney	0
	Meads	0
	Ocklynge	0
	Old Town	0
	Ratton	47,300
	Roselands	1,268
	Sovereign Harbour	0
	St Anthony’s	0
	Upperton	0
TOTAL		188,430

4. Human Resources

4.1 There are no financial-resource implications for this monitoring as it can be delivered within the existing staffing establishment.

5 Legal

5.1 There are instances whereby by S106 agreement may not be honoured by a particular party and in these circumstances the Council would investigate appropriate legal action to secure the necessary payments and or the provision of the necessary infrastructure.

5.2 Members should also note that a significant number of S106 Agreements are time limited which means that if the monies are not spent within a given time then the monies have to be given back to the relevant party.

5.3 The Planning Manager will, at the quarterly update, inform of those cases where it is urgent that the monies are spent.

6 Environmental/Community Safety/Human Rights/Anti Poverty

6.1 There are no adverse impacts on these implications as a direct result of this report.

7 Conclusions

7.1 That Members agree to endorse this report and acknowledge that there will be a quarterly update on S106 issues starting at the end of quarter 2

Background Papers:

S106 Access Database

Leigh Palmer
Development Manager