



Utttoxeter Town Council S106 Agreement –

As considered and Adopted by Council on 11 July 2023

Purpose of Report

To review the amended S106 Policy to be issued to ESBC in due course.

~~~~~

#### **S106 Agreements – Proposal as previously considered by the Policy & Planning Committee**

##### **Proposal**

*That on behalf of the residents of Utttoxeter the Town Council work with East Staffordshire Borough Council to set out the mechanism for ensuring S106 contributions are secured from future major\* developments to provide enhanced civic, community facilities and services for Utttoxeter.*

#### **Purpose of Report**

To review the contributions from S106 Agreements and look at how Utttoxeter Town Council can be involved in the process to mitigate the impact of major planning applications to the community.

#### **Background**

Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal and must meet the three tests set out in the National Planning policy Framework (NPPF).

Planning obligations must only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

This can be via a planning agreement entered into under section 106 of the Town and Country Planning Act 1990 or via the Community Infrastructure Levy (CIL).

The planning authority for this Council is East Staffordshire Borough Council which was to consider introducing CIL in 2015 but has not done so as yet (per ESBC website 14.06.21). Therefore, developer contributions are currently via S106 agreements. (full government guidance can be found at <https://www.gov.uk/government/publications/planning-obligations-good-practice-advice/planning-obligations-good-practice-advice>)

#### **Reasons for Recommendations**

Whilst current ESBC S106 agreements seek to mitigate the impact of new developments on affordable housing, schools, GP services and open spaces there are other consequences from introducing substantial increases in population to an existing residential infrastructure.

There are issues around increased volumes of traffic, insufficient sports and leisure services, including the lack of civic amenities and youth hubs and ultimately an increase in the need for local cemetery services.

## **Proposed Process for Agreement of Contributions**

For every planning application where a S106 Agreement can be applied the Planning Authority will look to negotiate and secure a S106 contribution on behalf of the Uttoxeter Town Council so that developments can help fund community facilities and support the provision of local infrastructure. The level of the contribution will need to be agreed between Uttoxeter Town Council and East Staffordshire Borough Council prior to negotiations with each Developer.

## **Application of S106 Contributions**

The contributions secured in this way will form a Uttoxeter S106 Civic Grant Scheme which will benefit projects within the Town and can be used by the Town Council to help fund a local project. Such projects could include the enhancement of community facilities such as (but not limited to): -

- Local road safety improvements e.g. purchase of Speed Indicator Devices (SIDs)
- Provide green modes of transport such as cycle tracks and walkways joining housing estates to places of work and schools to help alleviate strain on the already congested highways.
- Facilities to promote the health and well-being of the general population of Uttoxeter
- Youth Hubs including facilities identified by the Youth Council
- Costs of increased usage of Cemetery
- Projects within open spaces promoting biodiversity
- Civic amenities including street scene/kerb appeal/floral enhancement

The S106 Civic Grant Scheme will be solely funded by S106 contributions which will only arise as and when planning applications are received for major developments\*. These funds may also be time limited in application and Council will need to monitor this and consider the criteria for the use of the funds which will differ from the criteria employed for S137 grants funded by the precept.

## **Conclusion**

This proposal forms part of the initiatives we are putting in place to manage and monitor S106 agreements and ensure that they fulfil their objective which is to help mitigate the impact of developments in the immediate Uttoxeter area. This is of great concern to the residents of Uttoxeter and questions are constantly asked about where monies from certain developments have been spent. For the sake of good governance, it is imperative that the process is transparent and easily accessible to the general public. It will also help ensure that funds are spent on the community that is directly affected by those developments.

\*For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.