

Public Document Pack

MEETING:	Penistone Area Council
DATE:	Thursday, 22 July 2021
TIME:	10.00 am
VENUE:	Reception Room and Room 2, Barnsley Town Hall

SUPPLEMENTARY AGENDA

4 Section 106 - Laura Sharman (Pac.22.07.2021/4) *(Pages 3 - 14)*

To: Chair and Members of Penistone Area Council:-

Councillors Barnard (Chair), Greenhough, Hand-Davis, Kitching, Lowe-Flello and Wilson

Area Council Support Officers:

Matt Bell, Penistone Area Council Senior Management Link Officer
Elaine Equeall, Penistone Area Council Manager
Rachel Payling, Head of Service, Stronger Communities
Peter Mirfin, Council Governance Officer
Cath Bedford, Public Health Principal - Communities

Please contact Peter Mirfin on email governance@barnsley.gov.uk

Wednesday, 14 July 2021

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Section 106 Update – Penistone

**Laura Sharman
Section 106 Programme Manager**



Section 106 Obligations

- Planning obligations, commonly known as Section 106 Agreements, are legal agreements negotiated between a Local Authority and developers. They are intended to make a development proposal acceptable which would be unacceptable without such an agreement, thus allowing planning permission to be granted. An agreement must be fairly and reasonably related in scale to the proposed development and be relevant to planning and should only be used where planning conditions attached to a planning permission would not provide an alternative approach.
- Planning obligations/Section 106 agreements (based on that section of the 1990 Town & Country Planning Act) are used for three purposes:
 - **Prescribe** the nature of development (for example, requiring a given portion of housing is affordable)
 - **Compensate** for loss or damage created by a development (for example, loss of open space)
 - **Mitigate** a development's impact (for example, through increased public transport provision).



Section 106 agreements - Barnsley

- In Barnsley, Section 106 Agreements have been used for a wide range of developments. Generally, it is possible to classify planning obligations in Barnsley into the following specific categories:
- **Affordable Housing** – where a developer is not providing all the required affordable housing on site, we sometimes accept a contribution to enable us to secure affordable housing elsewhere (e.g. Berneslai Homes new builds, buying up empty properties)
- **Education** – provision of additional primary and secondary school places where we can demonstrate there will be a shortage of places in the area the development is taking place
- **Public Open Space** – we accept contributions where a developer is not providing all the required open space on site (e.g. children's play equipment, sports pitches)
- **Sustainable Transport** – we require a modest sum per new house to be used on walking/cycling/public transport infrastructure/initiatives

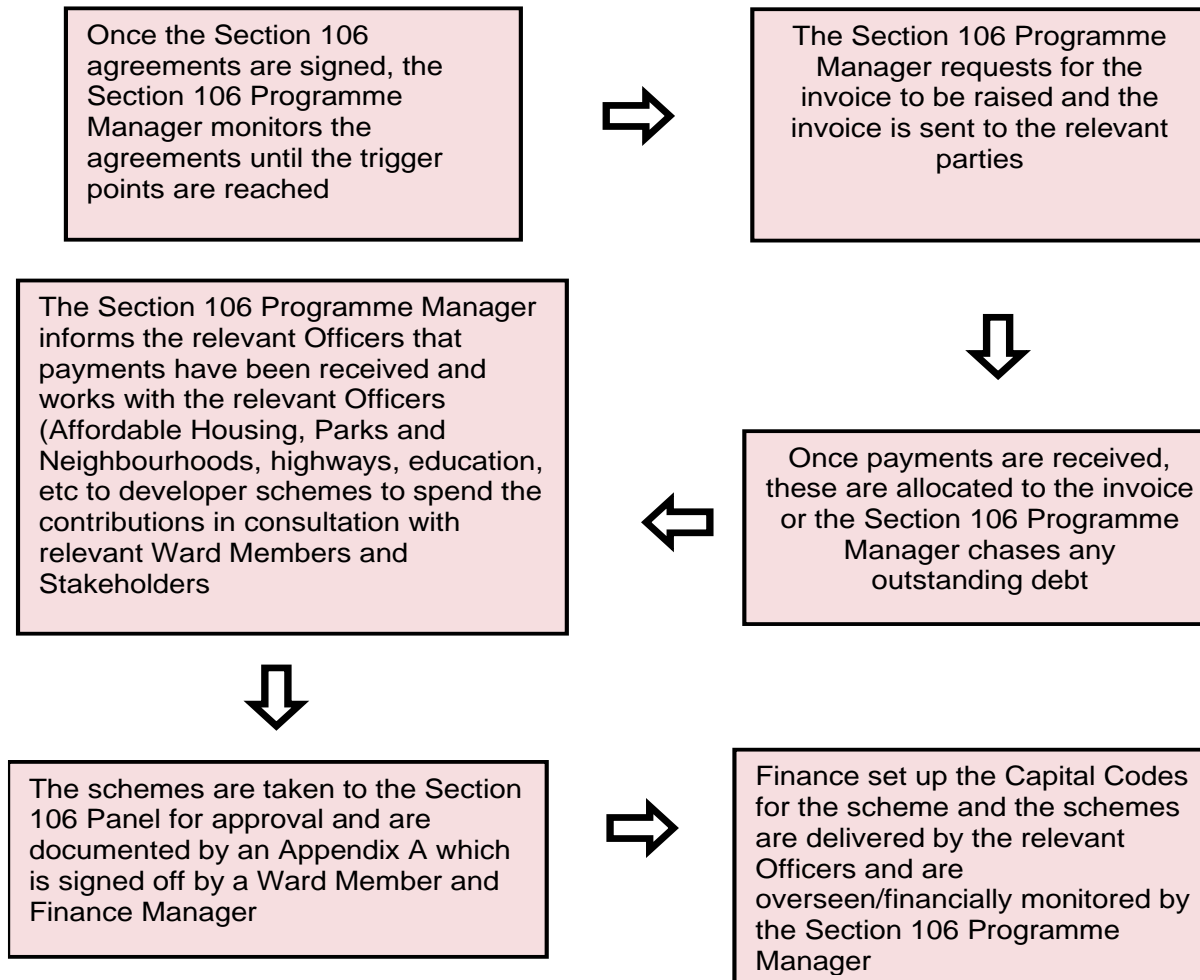


The Section 106 Process For Spend of financial contributions

- Financial contributions are requested through Section 106 obligations when on-site infrastructure or affordable housing required by policy is not appropriate.
- Once the Section 106 has been signed, it will only come into effect if the planning permission is implemented and reaches the trigger point for payment such as on commencement or prior to occupation. When the Section 106 is signed, it is registered as a land charge which stays with the land, obligating any future landowners until the terms are met.



- The flow chart below shows the process of the monitoring/spend of Section 106 monies:



Current Section 106 monies – Penistone 1/3

- **Public Open Space**
- **Penistone East**
- **Church Lane, Hoylandswaine (2014/0754)** – the current balance available is **£1,643** and the wording in the Section 106 agreement is to be spent on improvements to public open space within the vicinity of the development
- **Land Off Lidgett Lane Pilley (2019/1464)** – the current available balance is **£19,020** and the wording in the Section 106 agreement is to be spent on the provision and/or improvement of public open space within 5 miles of the site
- **Cote Lane, Thurgoland (2019/0377)** – there is a current invoice raised for **£37,063** which relates to £22,377 relating to the Community Projects contribution and £14,686 relating to the off-site open space contribution. I can confirm that all the monies received/due in from this development are already committed to a scheme for Oxsping MUGA (£27,000) and the remainder is committed (£65,000) to finishing the Thurgoland Welfare scheme that Jo Birch and Lisa Billingham are leading on with Thurgoland Parish Council.
- **Penistone West**
- **Hartcliffe Road, Penistone (2013/0785)** – the current balance available is **£10,962** and the wording in the Section 106 agreement is to be spent on the provision or improvement of public open space within Penistone
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Current Section 106 monies – Penistone 2/3

- **Affordable housing**
- **Penistone East**
- Church Lane, Hoylandswaine (2014/0754) - £463,694
- Cote Lane, Thurgoland (2019/0337) - £62,685 (current outstanding invoice of £31,341)
- **Penistone West**
- Hartcliffe Road, Penistone (2013/0785) - £690,667

The housing team are currently looking at schemes to spend these balances on affordable housing in the Housing investment programme within Penistone Ward.

- **Sustainable Travel**
- There are currently no sustainable travel monies available to be spent within Penistone Ward.



Current Section 106 monies – Penistone 3/3

- **Education**
- New Road/Lidgett Lane, Tankersley (2013/1007) - towards the provision of and/or improvement to secondary school educational facilities within a reasonable distance from the boundary of the site - £132,941
- New Road, Tankersley (2018/1361) - towards the provision of and/or enhancement of education facilities at Kirk Balk School in Hoyland and Horizon School in Barnsley or any other school within 5 miles radius of the development - £46,313
- East of Cote Lane, Thurgoland (2019/0377) -towards the provision of 6 primary school places in Thurgoland, Oxspring, Silkstone Common, Springvale or Silkstone Primary school and 4 secondary school places at Penistone Grammer School - £108,499 (there is also an outstanding invoice of £53,247).
- Lidgett Lane, Pilley (2016/1308) - towards the provision of and/or improvements to secondary school education provision serving the occupants of the development - £114,892

The education team are currently investigating options to spend these balances in line with the Section 106 agreements.



Section 106 agreements signed not yet implemented – Penistone 1/3

- Please see information below showing Section 106 obligations where Section 106 agreements have been signed, however not yet implemented and therefore monies will be due in the future:
- **Sheffield Road, Penistone (2019/0225)** – there is a current invoice raised for £51,594 relating to the public open space contribution and the wording in the Section 106 agreement is towards the provision of and or improvement to public open space within the wards of Penistone East and/or Penistone West.
- Affordable housing contribution of £660,000 - 50% on the occupation of 10 dwellings and 50% on the occupation of 20 dwellings.
- **Saunderson Road, Penistone (2018/0800)**
- Greenspace Contribution of £100,512 (index linked) and the wording in the Section 106 agreement is towards the provision and/or improvement to greenspace within the administrative area of the Council and a public open space contribution of £53,965.54 (index linked) and the wording in the Section 106 agreement is towards the provision of and/or improvement to sports and/or recreation facilities within the administrative area of the Council. The greenspace contribution is due before the occupation of the 6th dwelling and the open space contribution is due before the occupation of the 12th dwelling.
- The Affordable housing is to be provided onsite
- Education contribution - £160,000 (index linked) towards the provision of school places within Penistone. 50% on the completion of 14 dwellings and 50% on the completion of 21 dwellings



Section 106 agreements signed not yet implemented – Penistone 2/3

- **Land South East of New Road, Tankersley (2018/1361)**
- Public open space contribution is £53,757.14 and £17,919.05 has been paid and committed to date. Two further payments of £17,919.05 are due in on the occupation of the 15th and 25th dwellings and the wording in the Section 106 agreement is towards the provision of and/or improvement to informal open space and/or sports and/or recreation facilities within the administrative area of the Council.
- Affordable housing – units onsite
- Education contribution – 2 further payments of £46,313 due on the occupation of the 15th and 25th dwellings. To be used towards the provision of and/or enhancement of education facilities at Kirk Balk School in Hoyland and Horizon School in Barnsley or any other school within 5 miles radius of the development
- **Land off Halifax Road, Thurgoland (2020/0317)**
- Public open space contribution of £38,790 (index linked) and the wording in the Section 106 agreement for the delivery of public open space within the vicinity of the development. The public open space contribution is due prior to the occupation of the 9th dwelling.
- Affordable housing – units onsite
- Education contribution - £128,000 (index linked) towards the provision of additional spaces at Penistone Grammar School or such school within the vicinity of the development



Section 106 agreements signed not yet implemented – Penistone 3/3

- **Roughbitchworth Lodge, Roughbitchworth Lane, Oxspring (2018/1433)**
- Public open space contribution to be calculated as follows:
- £693.01 in respect of each one bedroomed dwelling,
- £1,524.32 in respect of each two bedroomed dwelling,
- £1,828.63 in respect of each three bedroomed dwelling and
- £2,135.72 in respect of each four bedroomed dwelling
- As only an outline planning application has been approved, until a reserved matters application is submitted, I cannot determine how much the open space contribution will be as we don't know what the breakdown of properties will be on the development. The wording in the Section 106 agreement is to be used towards the provision of publicly accessible formal and informal recreation open space for the provision of, or improvements to public open space within 5km of the land'. The public open space contribution is due to be paid prior to commencement of the development.
- Affordable housing – units onsite
- Education contribution – £48,000 (index linked) – towards the provision of and or improvement to secondary school educational facilities that serve Penistone Grammar School - due prior to commencement of the development
- Sustainable Travel £22,000 Index linked) – due prior to commencement of the development



Annual Infrastructure Funding Statement

- Since 2019/20, the Section 106 Programme Manager produces an Annual Infrastructure Funding Statement which describes Section 106 activity for the period 1st April 2019 to 31st March 2020:
- The Council's internal process relating to Section 106 contributions
- The Section 106 contributions paid to the Council in a particular year
- Projects delivered in the Borough through Section 106 in a particular year
- Section 106 contributions secured for future years
- The report can be found at the following link on the Council's website and the 2020/2021 report is currently being written and will be published in the same location later in the year:
- <https://www.barnsley.gov.uk/media/16847/annual-infrastructure-funding-statement-2019-20.pdf>

