



Developer Contributions Monitor 2017

Information presented in this report represents
data monitored from the period:

1st April 2016 to 31st March 2017

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1. Introduction

- 1.1 The City Council has a statutory responsibility to make available any information it has collected for monitoring purposes as soon as possible after the information becomes available¹. This report provides information on the collection and management of developer contributions in Worcester for the period 1st April 2016 – 31st March 2017, forming part of the City Council’s annual monitoring programme.
- 1.2 The Government sets out its views about the collection and administration of developer contributions in the National Planning Practice Guidance with the section about planning obligations last updated in May 2016. This guidance states that: “Local planning authorities are expected to use all of the funding they receive through planning obligations in accordance with the terms of the individual planning obligation agreement. This will ensure that new developments are acceptable in planning terms; benefit local communities and support the provision of local infrastructure. To ensure transparency local planning authorities are encouraged to make publically available information as to what planning obligation contributions are received and how these contributions are used. This information could be published in the authority’s monitoring report or through separate periodic reports published on the local planning authority’s website.”

¹ Paragraph 7, Part 8, The Town and Country Planning (Local Planning (England) Regulations 2012

2 What Are Developer Contributions?

- 2.1 Some development could not be permitted unless improvements are made to infrastructure beyond the control of the applicant. To make such developments acceptable in planning terms and grant an approval developer contributions are required so that essential infrastructure can be provided to serve the occupiers of the completed development. These contributions which can be in the form of land, buildings or cash are called developer contributions. The legal basis for securing developer contributions is contained in Section 106 of the 1990 Planning Act and Section 38 and Section 278 of the 1980 Highways Act. Each developer contribution is secured via a planning obligation which is a form of land charge which means whoever owns the land is liable to make the contribution.
- 2.2 The City Council has recently adopted the Community Infrastructure Levy. This is a relatively new form of developer contribution originally intended to reduce the number of other planning obligations and the associated legal procedures. Concerns about the impact of the Community Infrastructure Levy on development viability have however resulted in revisions to the way this levy is set with the result that many local planning authorities, including Worcester, still have to rely on individually negotiated S106 agreements to secure the bulk of infrastructure required to support new development. In future years this monitoring report will include details of any Community Infrastructure Levy receipts received and/or spent.

3. Developer Contributions Received

3.1 In the twelve months 1st April 2016 to 31st March 2017:

- The City Council received £378,730 from developers (see table one), for open space infrastructure, in 2015/16 the total received for open space was £271,784.
- The County Council received £1,423,928 from developers. £1,185,800 for education compared to £416,247 in 2015/16 and £238,128 for transport infrastructure compared to nothing in 2015/16.

Table One: Developer Contributions received in 2016/17

Planning Application	Location	Value
P03L0182	Diglis Basin	£63,650 Open Space
P05D0432	Royal Worcester	£53,472 Open Space
P12D0249	17-19 Mealcheapen Street	£8,000 Open Space
P15G0315	Lichfield Road	£22,000 Open Space
P06D0292	Christian Meeting Room, Diglis Lane	£19,906 Open Space
P11D0028	9 New Street	£4,000 Open Space
P15D0423	Butlers Gym, Farrier Street	£5,226 Open Space
P14C0401	250 Bransford Road	£3,648 Open Space
P08C0223	250 Bransford Road	£198,828 Open Space
P12Q0232	Former Ronkswood Hospital, Newtown Road	£136,707 Education (third instalment)
P07M0711	St George's Lane	£162,058 Education
P13D0385	St Peter's Street	£55,178 Education
P08C0223	250 Bransford Road	£800,670 Education
P14D0298	250 Bath Road	£31,187 Education
P14G0153	Former Trinity Works, London Road	£238,128 Transport

4. Developer Contributions Spent

- 4.1 In the twelve months 1st April 2016 to 31st March 2017:
- 4.2 The City Council spent £552,284 of developer contributions (see table two), all on open space infrastructure. This compares to £890,947 spent in 2015/16. £688,750 however of this related to affordable housing provision on two projects from a single agreement.
- 4.3 The County Council spent no developer contributions in 2016/17 compared to £522,740 spent in 2015/16.

Table Two: Developer Contributions spent in 2016/17

Planning Application	Location	Spent	Infrastructure Delivered
P07C0408	St John's District Centre	£23,000	Phase 1 & 2 of public art project
P10C0557	Cinderella Ground	£14,380	Replacement fencing
P09D0492 P12M0021 P07M0711 P13A0155	Perdiswell Football Pitches	£259,023	New football pitches
P05D0432 P03L0182	Diglis Field	£255,881	New landscaped park
Total		£552,284	

5. Planning Obligations Agreed.

5.1 In the twelve months 1st April 2016 to 31st March 2017:

- The City Council signed seven new section 106 agreements (see table three) to the value of £143,957.
- The County Council signed three new section 106 agreements to the value of £1,594,135.

Table Three: Section 106 Agreements signed in 2016/17

Planning Application	Location	Value
P15D0146	Rose Bank/Albert Road	£30,315 Open Space
		£201,609 Transport
P15D0496	Block 11, Prince Drive	£8,570 Open Space
P15C0371	174 Bromyard Road	£49,414 Open Space
		£46,852 Education
		£28,734 Transport
P16G0178	Former DEFRA Offices, Whittington Road	£5,082 Open Space
		£559,100 Education
		£757,840 Transport
P16D0211	6 to 10 Bath Road	£16,335 Open Space
P15K0271	18 to 24 St John's	£6,970 Open Space
P15B0288	Former NALGO Sports Ground, Battenhall Road	£27,271 Open Space
	Total	£1,738,092

On the 31st March 2016 the City Council held £1,317,177 of developer contributions, (see Schedule One). £1,140,003 of the total money held is committed to projects, principally Diglis Public Realm, the Perdiswell Senior Football Pitches project and the Cinderella Ground restoration project.

6. Developer Contributions Due

6.1 On the 31st March 2017 the following developer contributions had not been received and the trigger points for payment set out in the relevant Section 106 agreements had been reached.

Table Four: Overdue Developer Contributions

Application	Location	Value	For
P11D0111	8-10 Foregate Street	£15,352	Open Space
P06D0292	Diglis Lane	£71,859	Education
P14H0594	The Goodrest PH, Barker Street	£34,000	Transport
P14N0379	Former Archdales Club	£152,651	Transport
P11Q0430	Worcestershire Royal Hospital	£53,014	Transport
Total		£326,876	

6.2 In March 2017 there was a total of £326,876 from five agreements over due for payment compared to £1,503,747 from eight agreements in March 2016.

6.3 Of the total £326,876 over due contributions, £15,352 is due to the City Council for Open Space infrastructure and £311,524 is due to the County Council for education and transport infrastructure. The County Council have appointed new staff in the past year to manage education and transport developer contributions and the City Council have assisted with audits of current S106 agreements to ensure all out standing contributions are received. The City Council has and continues to take all possible action, including seeking a County Court Judgement, to recover the outstanding open space contribution.

7. Contributions Returned to Developers.

- 7.1 Most Section 106 agreements include a clause to require money received by the City Council and not spent within a specified time limit (usual ten years) to be returned to the developer with interest.
- 7.2 In 2016/17 £5,228 was refunded to the developer of Diglis Basin. This was a contribution to provide a new bus shelter at a specific location on Bath Road, after several investigations and consultations by county highways it proved impossible to provide a bus shelter at this location so there was no alternative but to return the money to the developer.

8. Unspent Developer Contributions.

8.1 Of the £1,317,177 in developer contributions held by the City Council £17,000 needs to be spent in 2017 or returned to the developer. The first deadline to spend the remaining contributions held will not be reached until October 2019 and the vast majority of the contributions, £878,306, have more than five years remaining before they would have to be returned to the developers who paid them, See table five below.

Table Five: Expiry Year for Developer Contributions.

<u>Total Amounts Unspent</u>	<u>Expiry Year</u>
£17,000	2016/17
£0	2017/18
£0	2018/19
£304,940	2019/20
£56,787	2020/21
£60,144	2021/22
£2,868	2022/23
£130,405	2023/24
£7,290	2024/25
£465,889	2025/26
£271,854	2026/27
£1,317,177	Total

9. Priorities for future Developer Contributions.

9.1 It is important that the Council knows what it would spend developer contributions on before development proposals become planning applications. This ensures the determination of applications is not delayed, contributions are matched to the Council's infrastructure priorities, agreements avoid the restrictions on pooling contributions and there is a reduced chance legal agreements will have to be re-negotiated via a deed of variation to match the developer contributions with a deliverable infrastructure project.

9.2 Members were asked via the Members Bulletin in May 2017 to suggest projects to be funded from potential developer contributions to help inform officer negotiations with developers if appropriate applications should be received. The intention is that this process will be repeated annually to inform future developer contributions monitoring reports. Seven members responded to this request and suggested projects including:

- Sidbury public realm improvements (funding from S430 & S193 already secured)
- A skate park in the south of the city
- Improved access to the canal from Mill Street
- Synthetic grass surface for the Horizon Community Centre Multi Use Games Area (MUGA)
- A Diglis Community Centre
- CCTV at Diglis Basin
- Improved pedestrian crossing facilities at the Junction of Midland Road & Wylds lane
- Benches, landscaping and memorial at Tallow Hill car park
- Trim trail or gym equipment at Diglis Fields
- Debdale Avenue Play Area refurbishment
- Seating & swings in Warndon Park (funding from S175 already secured)
- Warndon & Tolladine play areas
- Engage with Registered Providers so that their forward plans include community benefits such as refurbished play areas
- New play area on Cornmeadow Lane
- Additional parking spaces at Cornmeadow Lane
- Replacement viewing platform at Offerton Lane nature reserve (funding allocated from existing budgets)
- Replacement astroturf (Warndon Parish North)

- Improvements to the Garden of Solace at the Crematorium (existing funded project due for completion March 2018)
- Raising the pedway in Power Park and other flood management measures in this area (to be funded by the developers of the Worcester south urban extension)
- Level and improve the drainage of the football pitch at Power Park
- New Scout HQ at the end of Trefoil Close within Power Park
- New community hall for the St Peter's Village Hall Association
- Seating, landscaping and additional planting within the green spaces in St Peter's
- Convert the former play area in Larkspur Road to a residents parking area.

9.3 A small number of these priorities have already secured developer contributions or are included within the City Council's capital programme, where this is the case it is indicated in brackets above.

9.4 Some of the suggested priorities fall outside the scope of the current planning policy for open space developer contributions. The highway related and built facilities infrastructure suggested will however inform officer negotiations should a relevant development proposal come forward before these priorities are reviewed in 2017/18.

9.5 Other than via the recent call for members to identify priority projects for funding via developer contributions officers are aware of other requests from members and service managers for open space and community infrastructure that might be delivered by future Section 106 agreements, these include:

- Play equipment and other improvements to (the County Council owned) Pitmaston Park
- A building for the Worcester 20th Scout Group
- City Centre public realm improvements
- Neighbourhood Shopping Area public realm improvements
- New community access tennis courts in the south and east of the city and re-surfacing of existing courts
- New MUGAs in the north, south and west of the city and replacement Astroturf for some existing MUGAs

9a. Priorities for Open Space 2017/18 Infrastructure Type.

9.6 Open space contributions can only be sought in accordance with the local plan and at present the City Council collects contributions to provide:

- a. Amenity and semi natural greenspace which can include informal sports pitches;
- b. Equipped children's play spaces;
- c. Civic Space improvements;
- d. Allotments and;
- e. Contributions to purchase land to provide any of the above.

9.7 On the basis of member and officer priorities consideration should be given when negotiating developer contributions to the following infrastructure priorities:

- a. Amenity and semi natural greenspace which can include informal sports pitches
 - o Improving the Power Park football pitch
 - o Improved access to the canal from Mill Street
 - o Benches, landscaping and memorial at Tallow Hill car park
 - o Seating Planting and landscaping within St Peter's green spaces
 - o Additional community access tennis courts
- b. Equipped children's play spaces
 - o A skate park in the south of the city
 - o Synthetic grass surface for the Horizon Community Centre MUGA
 - o Trim tail at Diglis Fields
 - o Debdale Avenue Play Area improvements
 - o Warndon and Tolladine Play Areas
 - o New Play Area at Cornmeadow Lane
 - o Refurbishment/Improvement of the play area adjacent to Perdiswell Leisure Centre
 - o Additional community access MUGAs
- c. Civic Space improvements
 - o Sidbury public realm

- The Tything and Foregate Street public realm
- Northwick Neighbourhood Shopping Centre public realm

d. Allotments

- Security, landscaping and other improvements, see location priorities below
- Additional allotment plots, see location priorities below

e. Contributions to purchase land to provide any of the above

- Additional Cemetery space
- Additional allotment sites
- Additional tennis courts and MUGAs

9b. Priorities for Open Space 2017/18 Location.

9.8 Some of the priorities listed above could be funded by any development anywhere in the city as this infrastructure is a whole city need. In particular city centre public realm improvements should be considered for inclusion in all planning obligations negotiated in 2017/18. Officers will ensure individual infrastructure projects are not named on more than five agreements to ensure the planning obligation pooling restrictions are complied with.

9.9 Other priorities will meet more local open space needs and development proposals in the following wards could secure developer contributions for the following open space infrastructure.

a. Bedwardine, St Clement and St John Wards

- Additional and improved play equipment in Cripple Gate Park
- Improved tennis courts in Cripple Gate Park
- St John's District Shopping Centre public realm improvements
- Improved security at Comer Avenue, Comer Road, Henwick Road, Oldbury Road, Windsor Avenue Bromwich Road, Pitmaston and Winchester Avenue allotments
- Improved boundary fencing at Pitmaston and Winchester Avenue allotments.
- Landscaping improvements to Windsor Avenue allotments to increase the number of plots and to create parking spaces and tipping bays for deliveries
- New allotment site in Bedwardine Ward.
- One additional MUGA

- Replacement Astroturf Green Centre MUGA

b. Claines and St Stephen Wards

- New play area on Cornmeadow lane
- Refurbishment/Improvement of the play area adjacent to Perdiswell Leisure Centre
- Northwick Neighbourhood Shopping Centre public realm improvements
- Improved security at Northwick Road, Old Northwick Lane and Perdiswell/Droitwich Road allotments
- Creation of parking spaces and tipping bays for deliveries and improved access to and within Northwick Road and Perdiswell/Droitwich Road allotments

c. Gorse Hill, Rainbow Hill and Warndon Wards

- Play area improvements at Tunnel Hill and Old Tolladine Road play areas.
- Improved security at Langdale Drive and Green Lane allotments
- Creation of parking spaces and tipping bays for deliveries at Langdale Drive allotments
- New allotment site
- Two tennis courts
- Replacement Astroturf KGV Community Centre MUGA

d. Warndon Parish North and Warndon Parish South Wards

- Play area improvements at Threshfield Drive, Howcroft Road and Debdale Avenue
- Two tennis courts
- Improved security at Mabbs Close allotments

e. Nunnery Ward

- Two tennis courts

f. Battenhall and St Peter's Ward

- Trim trail at Diglis Fields
- Improvements to the football pitch at Power Park
- Seating landscaping and additional planting within St Peter's green spaces
- Improved access to plots at Battenhall Avenue and Foxwell Street allotments
- Vehicle turning space and tipping bays for deliveries at Foxwell Street allotments

- Improved drainage at Timberdine Avenue allotments
- A new allotment sites
- Two tennis courts
- One additional MUGA

g. Cathedral and Arboretum Wards

- Sidbury public realm improvements
- Tything and Foregate Street public realm improvements
- Improved access to the canal from Mill Street
- Synthetic grass surface for the Horizon Community Centre MUGA
- Benches, landscaping and memorial at Tallow Hill car park
- Trim trail at Diglis Fields
- Improved security at Hillborough, Lansdowne Crescent, Lansdowne Road South, Pitchcroft Lane/Waterworks Road, Rogers Hill, The Grove and The Hill Avenue allotments
- Landscaping improvements to Hillborough allotments to increase the number of plots and the creation of parking space and tipping bays for deliveries
- Improve the boundary fencing at Lansdowne Road South allotments
- Improved drainage to increase the number of plots at Pitchcroft Lane/Waterworks Road allotments and the creation of parking space and tipping bays for deliveries
- Improved access to plots, landscaping to increase the number of plots and the creation of parking space and tipping bays for deliveries at The Hill Avenue allotments

9.10 In addition to the above the following open space infrastructure projects should be considered when negotiating planning obligations for very large developments, e.g. 300 or more homes, in relevant geographies, i.e. Worcester north, south or west.

- Skate park in the South of the City
- Additional sports pitches or improvements to existing pitches to allow more frequent use.

9.11 The above priorities are set out to inform officer negotiations with developers when open space developer contributions are justified in planning terms before a development can be recommend for approval. Agreeing the Council's priorities will assist in negotiating planning obligations that deliver appropriate infrastructure in the right locations to support the growing numbers of residents and households in the City.

9.12 Whether the above projects are funded by developer contributions will be subject to the details of new development coming forward and the potential to negotiate relevant agreements.

Schedule One Developer Contributions Received and Spent in 2016/17									
Reference	Planning Application	Development	Value	Received in 2016/17	Received in Previous Years	Spent in 2016/17	Spent in Previous Years	Spending Commitments	Remaining Unspent
S143	P07C0408	Sainsbury St. John's	£77,000		£77,000	£23,000	£37,000	£17,000	£17,000
S153	P07Q0634	Dugdale Drive	£62,809		£62,809	£0	£650	£62,159	£62,159
S160	P10D0052	2-4 St. Nicholas Street	£3,684		£3,684	£0	£0	£3,684	£3,684
S162	P09C0007	Margaret Road	£4,605		£4,605	£0	£0	£0	£4,605
S164	P10K0351	Earls Court Farm	£32,261		£32,261	£0	£0	£0	£32,261
S170	P09D0492	93 Lowesmoor Terrace	£19,622		£19,622	£19,622	£0	£0	£0
S171	P12K0308	Gresham Road	£45,551		£45,551	£0	£42,683	£2,867	£2,867
S168	P10C0557	202 Bransford Road	£74,524		£74,524	£14,380	£0	£60,144	£60,144
S174	P13N0298	Brookthorpe Close	£9,210		£9,210	£0	£0	£9,210	£9,210
S175	P13F0306	Ullswater Close	£16,578		£16,578	£0	£0	£16,578	£16,578
S176	P12Q0232	Ronkswood	£104,618		£104,618	£0	£0	£45,332	£104,618
S177	P12M0021	Gregory's Bank	£152,157		£152,157	£152,157	£0	£0	£0
S178	P13N0461	Brickfields	£7,290		£7,290	£0	£0	£7,290	£7,290
S179	P07M0711	St George's Lane	£72,244		£72,244	£72,244	£0	£0	£0
S181	P11D0028	9 New Street	£6,010	£4,000	£2,010	£0	£0	£6,010	£6,010
S182	P14J0046	67 Martley Road	£15,618		£15,618	£0	£0	£0	£15,618.00
S183	P12D0249	17-19 Mealcheapen Street	£16,236	£8,000	£8,236	£0	£0	£16,236	£16,236
S186	P13D0385	St Peter's Street	£33,660		£33,660	£0	£0	£0	£33,660
S184	P13A0155	Barbourne Road	£425,000		£425,000	£15,000	£0	£410,000	£410,000
S163	P10D0291	40-48 Lowesmoor	£16,236		£16,236	£0	£0	£16,236	£16,236
S139	P05D0432	Royal Worcester	£291,617	£53,472	£238,145	£187,629	£75,649	£28,339	£28,339
S126	P03L0182	Diglis Basin	£376,502	£63,650	£312,852	£68,252	£93,808	£214,442	£214,442
S188	P14K0485	28 Bromyard Road	£6,611		£6,611	£0	£0	£0	£6,611
S190	P15G0315	Lichfield Road	£22,000	£22,000	£0	£0	£0	£22,000	£22,000
S189	P06D0292	Christian Meeting Room, Diglis Lane	£19,906	£19,906	£0	£0	£0	£0	£19,906
S192	P15D0423	Butlers Gym, Farrier Street	£5,226	£5,226	£0	£0	£0	£0	£5,226
S187	P14C0401	250 Bransford Road	£3,648	£3,648	£0	£0	£0	£3,648	£3,648
S185	P08C0223	250 Bransford Road	£198,828	£198,828	£0	£0	£0	£198,828	£198,828
TOTALS			£2,119,251	£378,730	£1,740,521	£552,284	£249,790	£1,140,003	£1,317,177