



# Developer Contributions Monitor 2019

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

1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019

## Contents

	<b>Page</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. What are Developer Contributions</b>	<b>4</b>
<b>3. Developer Contributions Received</b>	<b>5</b>
<b>4. Developer Contributions Spent</b>	<b>6</b>
<b>5. Planning Obligations Agreed</b>	<b>7</b>
<b>6. Developer Contributions Due</b>	<b>8</b>
<b>7. Contributions Returned to Developers</b>	<b>9</b>
<b>8. Unspent Developer Contributions</b>	<b>10</b>
<b>9. Affordable Housing</b>	<b>11</b>
<b>10. Priorities for future Developer Contributions</b>	<b>12</b>

### **Developer Contributions Monitor Schedules 2018/19**

Schedule 1 – Developer Contributions Received & Spent during 2018/19	<b>19</b>
--	-----------

<b>Tables</b>		<b>Page</b>
Table 1	Developer Contributions Received in 2018/19	5
Table 2	Developer Contributions Spent in 2018/19	6
Table 3	Section 106 Agreements Signed in 2018/19	7
Table 4	Overdue Developer Contributions	8
Table 5	Expiry Year for Developer Contributions	10
Table 6	Affordable Homes Secured by S106 Agreements	11

## **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 available<sup>1</sup>. This report provides information on the collection and management of developer contributions in Worcester for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019, 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 March 2019. 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.

---

<sup>1</sup> 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 pay the contribution.
- 2.2 The City Council adopted the Community Infrastructure Levy in September 2017. 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 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019:

- The City Council received £153,999 from developers (see table one), for open space infrastructure. In 2017/18 the total received for open space was £1,738, in 2016/17 the total received was £378,730 and in 2015/16 the total received was £271,784.
- The County Council received £640,308 from developers. Nothing for education compared to £57,346 in 2017/18, £378,730 in 2016/17 and £416,247 in 2015/16. £370,360 for transport infrastructure compared to £370,360 in 2017/18, £238,128 in 2016/17 and nothing in 2015/16.

Table One: Developer Contributions received in 2018/19

Planning Application	Location	Value
P16G0178	Government Buildings, Whittington Road	£5,411 (open space)
P15D0146	Land at Albert Road	£34,247 (open space)
P18Q0226	Land South of Leopard Hill	£114,341 (open space)
P14H0594	The Goodrest PH, Barker Street	£34,000 (transport)
P11Q0430	Worcestershire Royal Hospital	£53,014 (transport)
P16G0178	Government Buildings, Whittington Road	£502,044 (transport)
P18E0176	North Worcester Primary School	£51,250 (transport)
	Total	£794,307

## 4. Developer Contributions Spent

- 4.1 In the twelve months 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019:
- 4.2 The City Council spent £366,612 of developer contributions (see table two), £220,975 on open space infrastructure and £145,637 on affordable housing. This compares to £597,658 in 2017/18, £552,284 in 2016/17 and £890,947 2015/16. The £145,637 for affordable housing provision was used to support the delivery of affordable homes on the Albert Road development.
- 4.3 The County Council spent £74,116 of developer contributions in 2018/19, £21,102 on education infrastructure and £53,014 on Transport improvements. This compares to £2,618,844 in 2017/18, nothing in 2016/17 and £522,740 in 2015/16.

Table Two: Developer Contributions spent in 2018/19

Planning Application	Location	Spent	Infrastructure Delivered
P07C0408	Sainsbury St. John's	£4,181	St. John's Art Trail
P07Q0634	Dugdale Drive	£29,312	Play equipment at Pirie Avenue and Allotments at Trotshill Lane
P08C0223	250 Bransford Road	£57,501	Restoration of the Cinderella Ground
P14J0046	Land to the rear of 67 Martley Road	£15,618	Restoration of the Cinderella Ground
P13A0155	Former School of Art & Design	£145,637	Affordable Housing at Albert Road
P10D0432	40-48 Lowesmoor	£16,236	Diglis Fields Project
P05D0432	Royal Worcester	£15,205	Diglis Fields Project
P03L0182	Diglis Basin	£52,124	Diglis Fields Project
P09C0007	Margaret Road	£4,310	Benches in Pitmaston Park
P13N0298	Brookthorpe Close	£9,210	Play equipment Warndon Park
P13F0306	Ullswater Close	£16,578	Play equipment Warndon Park
P13D0385	St Peter's Street	£700	Design for Fort Royal Park improvements
P14C0401	250 Bransford Road	£16,653	Disabled Access at Christopher Whitehead
P13C0535	Pitmaston House	£4,449	
P11Q0430	Worcestershire Royal Hospital	£53,014	Toucan crossing on Newtown Road

Total	£440,728
-------	----------

## 5. Planning Obligations Agreed.

5.1 In the twelve months 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019:

- The City Council signed three new section 106 agreements (see table three) with a value in excess of £128,506 compared to £467,965 in 2017/18 and £143,957 in 2016/17.
- The County Council signed five new section 106 agreements with a value in excess of £4,255,865 compared to £1,924,571 in 2017/18 and £1,594,135 in 2016/17.

Table Three: Section 106 Agreements signed in 2018/19

Planning Application	Location	Value
P18E0176	Former Park & Ride Site, Droitwich Road	£51,250 Transport
P14M0176	Worcester City FC Stadium, Bilford Road	£30,000 Transport
P18Q0226	Land South of Leopard Hill	£114,341 Open Space
P12G0199	Sherriffs Gate	£4,134,710 Transport
		£ TBC Education
		£ TBC Open Space
P18C0175	Oak View Way, Grove Farm	£14,165 Open Space
		£35,000 Transport
P18D0155	Central Park, Midland Road	£4,905 Transport
	Total	£4,384,371

On the 31<sup>st</sup> March 2019 the City Council held £524,982 of developer contributions, (see Schedule One). £178,278 of the total monies held are committed to projects, the largest single commitment is to the Diglis Fields Project £135,222.

## 6. Developer Contributions Due

6.1 On the 31<sup>st</sup> March 2019 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
P17G0258	Former Crown Packaging Site	£154,026	Open Space
P18D0210	Central Park, Midland Road	£4,905	Transport
Total		£174,283	

6.2 In March 2019 there was a total of £174,283 from three agreements over due for payment compared to £49,352 from two agreements in March 2018 and £326,876 from five agreements in March 2017.

6.3 Of the total £174,283 over due contributions, £169,378 is due to the City Council for Open Space infrastructure and £4,905 is due to the County Council for transport infrastructure. The City Council has and continues to take all possible action, including in one case seeking a County Court Judgement, to recover the outstanding open space contributions.



## **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 the past two years no money was refunded to developers. A £5,228 transport contribution was repaid in 2016/17 as the bus shelter that this contribution was to pay for could not be installed. The County Council will be refunding £50,000 in 2019 to the developers of the former Royal Worcester Porcelain Site. This contribution was for a pedestrian crossing which the Highway Authority has concluded cannot be delivered.

## 8. Unspent Developer Contributions.

8.1 Of the £524,982 in developer contributions held by the City Council £11,037 needs to be spent in 2019 or returned to the developer. A further £93,413 needs to be spent by April 2024 and the remaining contributions held 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.

<b><u>Total Amounts Unspent</u></b>	<b><u>Expiry Year</u></b>
£11,037	2019/20
£32,557	2020/21
£0	2021/22
£2,868	2022/23
£54,988	2023/24
£131,724	2024/25
£39,571	2025/26
£96,501	2026/27
£1,738	2027/28
153,999	2028/19
<b>£524,982</b>	<b>Total</b>

## 9. Affordable Housing

9.1 Developments of 10 or more houses are often required to fund on site provision of affordable homes as well as make contributions for off site infrastructure such as transport or open space improvements. In 2018/19 three developments delivered new affordable homes secured in a S106 agreement and the City Council signed four Section 106 agreements requiring the provision of affordable homes on planned developments. See table six below

Table Six: Affordable Homes Secured By Section 106 Agreements

Planning Application	Location	Type of Affordable Housing	Number of Affordable Homes
Affordable Homes Secured By Section 106 Agreements and Delivered in 2018/19			
P15B0228	Former NALGO Sports Ground	75% Social Rent & 25% Shared Ownership	12
P15D0146	Albert Road	80% Social Rent & 20% Shared Ownership	13
P16G0178	Whittington Road	78% Social Rent & 22% Shared Ownership	12
New Planning Obligations Signed in 2018/19			
P18Q0226	Land South of Leopard Hill	70% Social Rent & 30% Shared Ownership	24
P12G0199	Sherriffs Gate	80% Social Rent & 20% Shared Ownership	TBC
P18C0175	Oak View Way	55 Social Rent & 15 Shared Ownership	70
P18D0155	2 Stanley Road	100% Affordable Rent	14

## **10. Priorities for future Developer Contributions.**

- 10.1 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.
- 10.2 Members are asked to suggest projects to be funded from potential developer contributions to help inform officer negotiations with developers if appropriate applications should be received. Eleven members have responded to these requests over the past three years and suggested the following priorities:

Member priorities in that have been delivered or secured developer contributions since May 2017.

- Sidbury public realm improvements
- Seating & swings in Warndon Park
- Improvements to the Garden of Solace at the Crematorium
- Raising the pedway in Power Park and other flood management measures in this area
- Improvements to the Horizon Community Centre play area

Member priorities in May 2017 that have secured capital funding from sources other than developer contributions.

- Replacement viewing platform at Offerton Lane nature reserve
- Re-surfacing of tennis courts in Cripplegate and Gheluvelt Parks
- Replacement Netscape play equipment at Fort Royal Park

Additional member priorities identified in 2019

- Public Toilets at or adjacent to Fort Royal Park
- A new public park adjacent to St Johns Cemetery

Additional member priorities identified in 2018

- New play area at Northwick Lodge

- Additional play equipment at Bevere Drive play area.
- New city centre riverside play area
- Refurbishment of the Horizon Community Centre play area
- Replacement of the netscape play at Fort Royal Park
- Electric vehicle charging points in public spaces
- Purchase additional public open space between Williamson Road and Tamar Close

#### Priorities carried forward from 2017

- 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
- 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 astroturf (Warndon Parish North)
- 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.

10.3 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 in 2019/20.

10.4 Other than via the 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 20<sup>th</sup> 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
- New MUGAs in the north, south and west of the city and replacement Astroturf for some existing MUGAs

## **10a. Priorities for Open Space 2019/20 Infrastructure Type.**

10.5 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.

10.6 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
  - Improving the Power Park football pitch
  - Improved access to the canal from Mill Street
  - Benches, landscaping and memorial at Tallow Hill car park
  - Seating Planting and landscaping within St Peter's green spaces
  - Additional community access tennis courts
- b. Equipped children's play spaces
  - A skate park in the south of the city

- Synthetic grass surface for the Horizon Community Centre MUGA
  - Trim tail at Diglis Fields
  - Improvements to play areas in Warndon and Tolladine and at Debdale Avenue, Bevere Drive and the Horizon Community Centre.
  - Replacement of the netscape play at Fort Royal Park
  - New Play Areas at the River Side, Cornmeadow Lane, Northwick Lodge and adjacent to St John's Cemetery
  - Additional community access MUGAs
  - Public toilets at Fort Royal Park
- c. Civic Space improvements
- Sidbury public realm (some funding secured)
  - 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
  - Public open space at Williamson Road/Tamar Close

## **10b. Priorities for Open Space 2019/20 Location.**

10.7 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 2019/20.

10.8 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
- 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 Astro turf Green Centre MUGA

b. Claines and St Stephen Wards

- New play areas at Northwick Lodge & Cornmeadow lane
- Additional play equipment at Bevere Lane play area
- 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 Astro turf 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
- Additional open space at Williamson Road/Tamar Close

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 site
- Two tennis courts
- One additional MUGA

g. Cathedral and Arboretum Wards

- Tything and Foregate Street public realm improvements
- Improved access to the canal from Mill Street
- Synthetic grass surface for the Horizon Community Centre MUGA
- Improved play area at the Horizon Community Centre
- 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

10.9 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.

10.10 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 recommended 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.

10.11 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 2018/19**

Reference	Planning Application	Development	Value	Received in 2018/19	Received in Previous Years	Spent in 2018/19	Spent in Previous Years	Spending Commitments	Remaining Unspent
S143	P07C0408	Sainsbury St. John's	£77,000		£77,000	£4,181	£66,060	£6,759	£0
S153	P07Q0634	Dugdale Drive	£62,809		£62,809	£29,312	£29,220	£4,277	£0
S162	P09C0007	Margaret Road	£4,605		£4,605	£4,310	£0	£295	£0
S164	P10K0351	Earls Court Farm	£32,262		£32,262	£0	£0	£0	£32,262
S171	P12K0308	Gresham Road	£45,551		£45,551	£0	£42,683	£2,868	£0
S174	P13N0298	Brookthorpe Close	£9,210		£9,210	£9,210	£0	£0	£0
S175	P13F0306	Ullswater Close	£16,578		£16,578	£16,578	£0	£0	£0
S176	P12Q0232	Ronkswood	£104,618		£104,618	£54,988	£49,630	£0	£54,988
S178	P13N0461	Brickfields	£7,290		£7,290	£0	£0	£0	£7,290
S181	P11D0028	9 New Street	£6,010		£6,010	£0	£0	£6,010	£0
S182	P14J0046	67 Martley Road	£15,618		£15,618	£15,618	£0	£0	£0
S183	P12D0249	17-19 Mealcheapen Street	£16,236		£16,236	£0	£0	£16,236	£0
S186	P13D0385	St Peter's Street	£33,660		£33,660	£700	£0	£0	£32,960
S184	P13A0155	Barbourne Road	£425,000		£425,000	£145,637	£279,363	£0	£0
S163	P10D0291	40-48 Lowesmoor	£16,236		£16,236	£16,236	£0	£0	£0
S139	P05D0432	Royal Worcester	£291,617		£291,617	£15,205	£265,624	£10,788	£0
S126	P03L0182	Diglis Basin	£376,502		£376,502	£52,124	£199,944	£124,434	£0
S188	P14K0485	28 Bromyard Road	£6,611		£6,611	£0	£0	£6,611	£0
S190	P15G0315	Lichfield Avenue	£22,000		£22,000	£0	£0	£0	£22,000
S189	P06D0292	Christian Meeting Room, Diglis Lane	£19,906		£19,906	£0	£0	£0	£19,906
S192	P15D0423	Butlers Gym, Farrier Street	£5,226		£5,226	£0	£0	£0	£5,226

S193	P16D0211	6-10 Bath Road	£16,335		£16,335	£0	£0	£0	£16,335
S185	P08C0223	250 Bransford Road	£198,828		£198,828	£57,501	£141,327	£0	£0
S195	P16D0460	Farrier House	£1,738		£0	£0	£0	£0	£1,738
S196	P16G0178	Government Buildings, Whittington Road	£5,411	£5,411	£0	£0	£0	£0	£5,411
S194	P15D0146	Land at Albert Road	£34,247	£34,247	£0	£0	£0	£0	£34,247
S197	P18Q0226	Land South of Leopard Hill	£114,341	£114,341	£0	£0	£0	£0	£114,341
			<b>£1,965,445</b>	<b>£153,999</b>	<b>£1,809,708</b>	<b>£366,612</b>	<b>£1,073,851</b>	<b>£178,278</b>	<b>£346,704</b>