

SALISBURY CITY COUNCIL

Report

Subject : Rowbarrow Estate Section 106 Funds
Committee : Finance and Governance Committee
Date : 19 July 2021
Author : Annie Child, City Clerk

1. Report Summary:

1.1. This report seeks approval to spend Section 106 (s106) funds at Rowbarrow Estate in accordance with the plans set out below.

2. Background:

2.1. Under Section 106 of the Town and Country Planning Act 1990, when granting planning permission for a development, local planning authorities often impose planning obligations on the party promoting the development. These obligations are usually contained in Section 106 Agreements or Planning Agreements which are separate legal agreements that sit alongside the planning permission. Such agreements will, generally, bind the land to which the planning permission relates – so anyone who owns that land will be bound by the obligations.

2.2. There are various types of planning obligations contained within Section 106 Agreements; frequently encountered obligations which are applicable to parish councils, include:

- the provision of affordable housing;
- a financial contribution towards social, education or recreational facilities;
- the construction of recreational facilities – such as a playground;
- a requirement to include renewable energy sources within the development.

2.3. The local planning authority which covers Salisbury City Council (SCC) is Wiltshire Council (WC), and it is with the latter that Section 106 Agreements are made with developers.

2.4. The Committee members may wish to read the report presented to this committee in November 2020 for further details concerning the management of s106 funds by the Council. Details are shown in paragraph 7.1 below.

2.5. At its meeting in November, this Committee agreed to '*Set up a cross party working group to consider and agree the process by which Section 106 funding is allocated whilst ensuring Section 106 agreement obligations are met*'. (Minute 646.4 refers).

2.6. The s106 Working Group has been set up and its core members are: Cllrs Bolwell, Charleston V, Hocking, Riddle and Rimmer. Cllr Hocking is the chairman of the group.

3. Rowbarrow s106 Funding:

- 3.1. At the end of September 2020, following extended liaison with WC, SCC received confirmation that four Side Agreements in respect of the Rowbarrow development had been completed, and that the Section 106 monies were ready for transfer to SCC.
- 3.2. These funds have now been received by the City Council.
- 3.3. The four planning applications and s106 funds are detailed in Table A.

Table A – 2020/21 Section 106 Planning Obligations

Application Ref	Site Address	Balance £	Commitment Date
S/2005/0890-A	Land at Downton Road/Rowbarrow	68,147.56	22.09.21
S/2011/0207-A	Rowbarrow Phase 3, Downton Road	47,600.00	22.09.21
S/1995/1302-C	Land between Downton Road and Odstock Road	13,383.09	22.09.21
S/1995/0238-C	Oland of Odstock Road, adjoining Heronswood	67,668.22	22.09.21
		196,798.87	

- 3.4. The contribution obligations contained within the Purpose of the four Side Agreements are to *“be used towards the provision of social recreational and/or indoor sporting community facilities to be used as may be certified by the District Planning Officer as being directly relevant to the Proposed Development”*.
- 3.5. The Committee therefore needs to approve projects or proposals through which these obligations can be discharged.
- 3.6. The site is not owned by the City Council and has yet to be transferred from the developer to WC and after to the City Council. Whilst this is clearly an important issue to be resolved, it does not affect the decision on how the s106 funds are to be spent is made at this stage. The ownership of the land is being pursued by City Council officers as a matter of urgency with WC. This transfer of ownership may delay the project unless the Council is content to carry out the works on land it does not own.

4. A scheme for Rowbarrow and the s106 Working Group Recommendations:

- 4.1. The s106 Working Group has met on Tue 22 Jun 2021 and Mon 5 Jul 2021. The notes of these meeting are referenced below in paragraphs 7.2 & 7.3.
- 4.2. The meeting in June confirmed an earlier Working Group decision, made prior to the May 2021 elections, that the Rowbarrow s106 funds are to be spent in the immediate vicinity.
- 4.3. At the meeting on 5 Jul 2021, the WG were pleased to receive a presentation from Dan Wright and Matt Mudd who are members of the

Rowbarrow Improvement Group (RIG) outlining a potential scheme for the area based on public feedback.

- 4.4. Following some discussion by the WG, RIG have amended for their presentation to include additional draft costings, and this is shown at Annex A.
- 4.5. The scheme proposed for the area is a high quality community garden on the green open space opposite Nisa. Included in the scheme are; paved areas, tree lined paths, community allotments or planters, tree planting, wildflower planting, benches and bins.
- 4.6. This area was originally designated for a community building – services have been installed to which the community facility was to be connected to. This facility was not wanted/required by the residents so the site has just been left as an open grassed area. It is strategically sited and would definitely be of benefit to residents if the proposed works were implemented.
- 4.7. The WG were very impressed by the quality and scope of the work completed by Mr Wright and Mr Mudd, which used the results of local consultation to develop an attractive scheme for the area.
- 4.8. The community consultation included; Social media forums, Leafletting (supported by SCC), Google Forms and a public display on the green.
- 4.9. Based on their understanding of the proposal developed by RIG, the Working Group recommends the following to the Finance and Governance Committee:
 - 4.8.1 That all of the s106 funds for Rowbarrow be spent in the immediate vicinity
 - 4.8.2 That the s106 funding for the Rowbarrow estate is allocated as shown in Table B. The table shows that funds are spent on both capital and revenue works. This split will ensure that the scheme provided at this area remains in good order for years to come. The final allocations between capital and revenue will be agreed once the scheme is tendered and final costs agreed.

Table B –Rowbarrow s106 Allocation

Application Ref	Site Address	Balance £	Approx. Allocation*	
			Capital	Revenue
S/2005/0890-A	Land at Downton Road/Rowbarrow	68,147.56	30,000.00	7,500.00
S/2011/0207-A	Rowbarrow Phase 3, Downton Road	47,600.00	31,100.00	7,500.00
S/1995/1302-C	Land between Downton Road and Odstock Road	13,383.09	6,339.09	7,500.00
S/1995/0238-C	Oland of Odstock Road, adjoining Heronswood	67,668.22	50,168.22	7,500.00
		196,798.87	166,798.87	30,000.00

**allocation subject to final scheme costs*

- 4.9 Capital costs are the costs of the hard landscaping, planting, play equipment, fencing, and other project costs, including professional support where needed. The total draft capital costs as shown in the RIG document are approx.£150,000.
- 4.10 Revenue cost are the costs of grounds maintenance of the areas shown in Table B and the maintenance of play equipment or other installations at the site. These are estimated at £3,000 per annum for 20 years.
- 4.11 These are indicative allocations of funding between capital and revenue, and may change once the final specification of the capital works are agreed. Any funds not spent on the capital works will be allocated to long term maintenance.

5. Recommendation:

It is recommended that the Committee:

- 5.1. Agree that all of the s106 funds associated with the Rowbarrow s106 agreements are to be spent in the immediate vicinity
- 5.2. Approve the allocation of s106 funds as shown in Table B above, and in line with the draft plans as at para 4 of this report and Annex A -RIG report.
- 5.3. Instruct the Responsible Finance Officer to report this allocation of s106 funding to WC in accordance with the side agreement requirements.

6. Wards Affected: All

7. Background Papers:

- 7.1. [Report to F&G Committee 2 Nov 2020](#) (Doc 80165) – attached.
- 7.2. Notes from s106 Working Group – 22 Jun 2021 (Doc 82890) – attached.
- 7.3. Draft Notes from s106 Working Group – 5 Jul 2021 (Doc 83070) – attached.
- 7.4. Annex A – Rowbarrow Improvement Group - s106 Rowbarrow Survey Results 2021 12 Jul 2021 (Doc 83085).

8. Implications:

- 8.1. **Financial:** As shown in this report.
- 8.2. **Legal:** As shown in this report.
- 8.3. **Personnel:** none in relation to this report.
- 8.4. **Environmental Impact:** improvement of biodiversity and public amenity will be considered as part of the design.
- 8.5. **Equalities Impact Statement:** none in relation to this report.