

Section 106 update report for Cowbridge with Llanblethian Town Council meeting on 21 March 2023

In 2020 we carried out an online survey to find out how local residents would like the Section 106 monies arising from the Taylor Wimpey Darren Farm housing development to be spent.

We received 565 responses with the overwhelming favourite being additional and improved Youth Facilities.

Our report and recommendations were submitted to the Vale of Glamorgan Council and were positively received. As a reminder, copies of the report and recommendations have been uploaded to SharePoint with the papers for this Council meeting.

In 2021 we formally asked for improvements to be made to the area under the bypass by Aberthin Road and the footpath passing this area from Cowbridge Town Hall car park to Cowbridge Comprehensive School.

In 2022 the Vale of Glamorgan Council conducted an Active Travel Consultation which included a section on the possible use of the area under the bypass for youth activities. The response to this part of the consultation was very poor so it was agreed that further consultation would be done particularly with young people and via the Cowbridge School.

Since August 2022 I have been pushing for a meeting with the Vale of Glamorgan Council officers to receive an update on the area under the bypass and the use of the Section 106 monies generally.

This meeting finally took place via Microsoft teams on the 6th of March 2023.

The following were present:

Vale of Glamorgan Council

Lucy Butler, S106 Officer;; Lisa Elliot, Active Travel Officer; Kyle Phillips, Operations Manager Transport Services; Mike Clogg, Engineering Manager; Phil Chappell, Operations Manager Regeneration.
Councillors Charles Champion and Robert Fisher.

Cowbridge with Llanblethian Town Council

Cathy Kennedy, Town Clerk; Councillors Alec Trousdell, Heather Weddell, John Andrew.

Lucy Butler, the new S106 Officer, presented a report on the Section 106 monies available for the Cowbridge with Llanblethian Town Council area.
Appendix 1.

There has been no progress on the area under the bypass or the footpath from Cowbridge Town Hall to Cowbridge School because, as I understand it, the legal advice provided to the Vale of Glamorgan Council Officers is that the it is not clear that the land in question is owned or adopted by the Vale of Glamorgan Council. After being pressed the Vale of Glamorgan Council officers agreed to look at the matter again to see if a way forward could be found.

My recommendations are that:

1. I follow up on the area under the bypass.
2. Councillors review the Section 106 monies report (Appendix 1) and we discuss again at the next Council Meeting.

Councillor John Andrew
The Mayor
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Appendix 1

Section 106 in Cowbridge Ward (extract updated from 2021/22 report)

Application Site	Amount received	Date Received/ use by date	Progress / comments	Balance remaining at 31 st March 2022
2011/00423/FUL Garden Centre, Cowbridge (Waitrose) 930054	Sustainable transport (£54,700)	21/06/12 / none	£13,675 contribution to Greenlinks and supported services as agreed by Cabinet. £10,212.78 spent towards PROW improvements along routes between Love Lane and Waitrose and continuation of CRC route between Town Hall and Cowbridge Comprehensive School, alongside monies received from Former Lower School. • £3,239 spent in capital programme 2014/15 £4,968.15 spent 15/16 Capital Programme– feasibility & works to Love Lane. • £890.00 spent in Capital Programme 2016/17. • £1,115.78 spent in Capital Programme 2017/18. Footpath completed April 2017. Visible Service and Transport investigating options with remaining contribution, alongside contributions received in the area.	30,811.65
2011/01248/FUL Former Lower School, Town Mill Road, Cowbridge 930109	Affordable Housing (£34,934)	16/12/15 / 16/12/25	Housing investigating opportunity for spend as part of Council House Building Programme.	34,934.48
2016/00879/FUL & 2016/00878/FUL Llwyn Nwydog Farm, Cowbridge Road, Talygarn 930157	Affordable Housing - £87,256.20	28/03/17/ 23/3/27	Housing Division exploring opportunities to spend.	87,256.20

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2018/01368/FUL Westgate 930220	Affordable Housing £388,556.00	18/06/19 / 18/6/29	Housing Department reviewing options for implementation.	388,556.00
2018/01368/FUL Westgate 930221	Sustainable Transport £81,400.00	18/06/2019 / 18/6/24	£10k spent on Greenlinks in 2020/21. Note: (Further £10K committed to Green links in 23/24) Visible Services and Transport investigating opportunities for spend. Monies still to allocate. Notes: Reviewing crossing at Westgate, Renewal and upgrade of bus shelters in Cowbridge also being considered £55K (e displays extra £51K).	71,400.00

2014/01505/OUT Land at North-West Cowbridge 930225	Sustainable Transport 1st instalment: £183,561.13 2nd instalment : £184,780.80 (not reflected in 31/3/22 balance) Future instalments due in throughout the build programme.	02/03/2020 / 02/03/25 27/5/22 / 27/5/27	Contribution being considered by Visible Services and Transport alongside Active Travel consultations. £50k to Greenlinks. (Notes: £16,500 spent in 22/23, £33,500 committed for 23/24) Notes: Clause 2.3 of S106 agreement - Sustainable Transport Contribution – index linked and minus the cost of the Sustainable Transport Measures undertaken by the developer. The value of the contribution is £632,284.47 (index linked £734,244.53) payable in 4 instalments of 25%, triggers - 25 dwellings, 100 dwellings, 200 dwellings, 375 dwellings <i>S106 sustainable transport definition: “Means information, facilities, services or projects which provides or improves access for pedestrians, cyclists, public transport users, motor cycles, taxis or car sharers in the vicinity of the site, which costs of but not limited to, one or more of the following:</i> <i>i) Improving pedestrian routes between the site and the town centre;</i> <i>ii) Improving access between the site and the bus stop on the B4270 and Link Road</i> <i>iii) Improve access to areas of Public Open Space</i> <i>iv) Improve bus services serving the development;</i> <i>v) Improve cycle provision in the town centre and vicinity of the site</i> <i>In each case serving the needs of the development”</i> Previous suggestions; - Public Right of Way improvements – LB to discuss with new PROW officer - Reviewing all bus shelters in the town (55K) - Reviewing footpath between school and back of Town Hall – underpass – half land not registered. - Westgate – reviewing crossing request and bus shelter New suggestions: - Boardwalk repairs £25K - shared cycle / pedestrian routes – widening costs of £40K TW have agreed to pay for bollard lighting. - Eastgate crossing ruled out - Police Fields – design team need to undertake feasibility work for priority routes.	183,561.13
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2014/01505/OUT Land at North-West Cowbridge 930226	Community Facilities 1st instalment: £55,400 2nd instalment: £61,400 (not reflected in 31/3/22 balance) Future instalments due in throughout the build programme.	02/03/2020 – 02/03/25 27/5/22 / 27/5/27	<i>S106 community facilities definition: “means facilities (a park, building or structure) or services which meet local needs and are publicly available, including (but not limited to):</i> <i>i) Bear Field Football Pitch – Sports Field Drainage Scheme;</i> <i>ii) Scansis Pitch – Sports lighting</i> <i>iii) Skate Park – upgraded skate facility;</i> <i>iv) Police Field;</i> <i>v) Cowbridge Livestock Market Redevelopment/Community Project”</i> To date, the following allocations have been made: - £16,950 allocated to Scouts Group. Spent 2019/20. - £6,077 allocated to Cowbridge Town Council lift - £15k allocated Cowbridge Tennis Club – update as per Phil Chappell's e mail Balance still to allocate. Additional money received May 2022. TC undertook consultation (November 2020) which established youth facilities are a high priority. As part of the Active Travel consultation recently undertaken to look at the route from the Town Hall to the RCT border, we investigated the space underneath the A48 flyover in light of new primary school/development at Grammar School.	38,450.00
2018/01354/FUL The Former Royal British Legion Club, High Street, Cowbridge 000010	Public Open Space £21,568.67.	24/08/2020 . 24/8/25	Members and service areas consulted. No project yet identified.	21,568.67

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2014/01505/OUT Land at North-West Cowbridge 930227	Education 1st Instalment: £908,184.30 2nd instalment: £923,059.03 3rd and 4th instalments £3,371,603.2 0 (not reflected in 31/3/22 balance)	30/10/19- 30/10/24 04/01/21- 04/01/26 15/02/23 – 15/02/28	Contribution committed to the Council's Band B 21st Century Schools Programme: • Ysgol Bro Morgannwg - £903,796.92 allocated. £143,997.21 drawn down in 2020/21. £759,799.71 spent in 2021/22. • Cowbridge Primary Provision - £3,103,040.08 allocated. £60,515.11 spent in 2020/21. • Ysgol Y Deri – £303,534 allocated. Note: 2 ha new primary school site to be transferred to LEA (at nil cost) in due course.	866,931.30
2020/01419/FUL - 53, Eastgate, Cowbridge	Affordable housing (£43,116.50)	06/05/2022- 06/05/32	Housing investigating opportunity for spend as part of Council House Building Programme	43,116.50

Section 106 Protocol for Implementation

1. Monies received – Managing Director, Head of Regeneration and Planning Operational Manager for Development Management Leader of the Council relevant Cabinet Members, and relevant service areas are notified in writing and consulted in order to highlight any potential opportunities for implementation, allowing for a **21 day** consultation period.
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2. Local Ward Members (including adjoining wards within 100m of application site) and the relevant Cabinet Members notified in writing of any proposed scheme(s) and allowing a **14 day** consultation period for comments.
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Note 1:

Where monies have already been specifically accounted for within the terms of the signed legal agreement this will be noted i.e. no scope for consultation on where the monies are spent.

3. Local ward Members to comment on proposals for spends of money having regard to the broad term of the legal agreement during the **14 day** consultation period, unless further time is agreed.
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4. After 14 day period, the service area is notified of any representations made, which must be considered for feasibility and if dismissed valid reasons provided.
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5. Service area, in consultation with relevant Cabinet Members, recommends where the money is best spent.
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6. Final decision is made by Head of Regeneration and Planning (Marcus Goldsworthy) in conjunction with the relevant Head(s) of Service(s) subject to 'call in procedure'.
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7. Relevant Cabinet Members and Local member(s) notified. If aggrieved, any member has 14 days to request the decision is called in by Cabinet to determine.
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Note 2:

Where monies are going to fund a capital scheme, prior approval will be required from Cabinet, for the inclusion of the monies into the capital programme. Cabinet approval must be obtained before the scheme commences

8. Service area notified and given authorisation to spend the Section 106 amount.
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9. Project Implemented.
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10. Annual Monitoring Report notes project implementation and contribution spent.