

Response from Salisbury District Council

No particular comment on your report in a factual sense as you seem to have covered all of the bases. Tim and Judy have added their comments and I add this overview

You quite rightly point out performance management has become 'core business' and once named and shamed for poor performance an LPA comes under the microscope of DCLG with the commensurate level of activity and inspection from consultants and the Audit Commission.

We are therefore between a rock and a hard place, as we all understand the requirement, but we do not have any dispensation on time from DCLG, as we can only count the statistic once the decision leaves the building.

The requirements of WCC particularly on the Highway and Education fronts are well known and we always have you at the front of the agenda regarding negotiation.

However the difficulty for us is that if WCC enter into a separate agreement with the applicant the LPA lose the performance management control and therefore because Major applications are fewer in number, the percentage allocated to each application is greater and therefore more important than Minor or Other categories. It follows that our concern is greater on Major applications.

The potential tension is therefore obvious and your paper should address how you are going to match the time requirements, otherwise if this becomes a performance issue for us, then we would have to consider one agreement with the LPA with us taking the monies on your behalf. This has happened in the past where we have felt the time taken by WCC to process a S 106 to be unreasonable in this respect and I know this causes concern.

I agree with Tim's points below on Education and particularly the smaller developments again it would be helpful if greater clarity could be given to us and then perhaps greater delegation to collect on your behalf.

A difficult topic that relies upon good officer co-operation to work.

Bottom line is if we are close to failing on target we will be forced into tougher decisions and risk taking to rectify.

Hope this is useful, happy to talk as always

Stephen

Steve-

Highways- currently we use Grampian conds. in preference- a system WCC seem to be quite happy with - (para 11 of Phil's report) as they then have their own agreement with the developer before he starts work but after we have issued the decision-. We can only use this approach where 'works' are involved. We cannot use Grampians for contributions unless they are the final piece in the jigsaw which triggers a start on a project (e.g. extension of a speed limit) in which case we can condition ' no commencement or no occupation' before such matters are carried out -(para 12- WCC can then have their own agreement).

Para 11 Yes- there could be instances where the LPA do not rate the breach at the same priority level as WCC but I would consider this to be comparatively rare- particularly where highway safety is concerned because of the implications for liability.

I think PGS will remove the requirement for highway contributions to future projects as this type of infrastructure improvement is what it is designed to facilitate - with a small part of the PGS for regional projects.

Currently for large applications/allocations we do involve WCC highways at pre app stage so we know what their general requirements are. However there can be delays in getting the agreement completed where both SDC and WCC are parties.

Education. to speed things up we have collected the money but this can be problematic if the cheque is made out to WCC - (Duck Lane Laverstock) though now Sarah W is doing the monitoring and Adam has drafted a procedure note. we should not have a recurrence. I concur with Tim that the key factor in education is justification for the contribution- particularly on smaller schemes. A crude formulaic approach is not acceptable without a clear demonstration of need. This is particularly important in the areas which were subject to reorganisation from 3 tier to 2 tier where generally contributions could not be defended on appeal.

Both - responses.

(para 15) I concur with the 2004 findings and Wilts DC's comments. WCC generally reply in time but some highway responses just ask for additional time to consider the application but do not give an indication of their target date for response. We have had applications go to the wire through waiting for highway comments. That said, Rob visits us on Weds and we have a good working relationship so problems are flagged up fairly promptly through 2 way communication. This appears to be a workload/resource issue at WCC.

Para 18- the way forward is to agree a timescale for joint S106 agreements up front. WCC will then have a target time - which they currently don't have.

Where there are 'joint transportation' contributions e.g. RTPI for bus stops- SDC can collect - no need for WCC to be party to S106.

Education- initial responses are generally short on justification- we need school capacities- nos on roll - 2 years forwards - 2 years back at least (to be aware of trends) , bearing in mind that SDCs population has fallen slightly.

To conclude- for highways we should use Grampians where possible which lets WCC enter into their own agreement with the developer before development commences. Where this is not possible we should have a single tripartite agreement (SDC and WCC as parties) with agreed target dates for each stage for each party. A separate S106 agreement with WCC which requires completion prior to issuing a decision is not acceptable as SDC have no control over timescale. .

For education- Grampians aren't an option so we need justification up front early in the process and collect the money ourselves to forward to WCC. Single S106 agreement with SDC.

Can I also suggest that WCC Highways & Education talk to each other concerning travel plans so we get them up front with school applications please.

Hope this is of help.

Judy

From: Timothy Pizzey

Sent: 27 December 2006 16:50

To: Stephen Thorne

Cc: Judith Howles; Richard Hughes; Stephen Llewellyn

Subject: RE: Section 106 Agreements - Final request for comment from WCC Scrutiny

Steve,

Only had time for a quick look. The report doesn't seem to suggest any specific way of speeding up the process. How would WCC fit in with trying to agree heads of terms / draft agreements with developers at pre-application stage, and payment of legal fees? Regarding the use of conditions for contributions (i.e. can't use them) , their position is probably correct but there may be scope in terms of how you word a grampian style condition - it might be more of an issue about enforcement in breach of such a condition. Regarding Education, it is

often the smaller developments where contributions are sought that needs clarification - thresholds/ capacity/ needs issues, which is not mentioned. Also where the contribution goes in the first instance - SDC or WCC. I don't know enough about PGS to comment on the potential effect on County.

Tim