

S106 MATTERS

Item OS 23/6 referred from Overview and Scrutiny Committee of 26 January 2023

The report of the Director of Planning, Housing and Environmental Health presented an updated s106 Protocol and a new monitoring structure for s106 monies. Members were also updated on the recently published Infrastructure Delivery Statement.

Any changes to the Protocol had taken into account the interest of all parties involved to ensure sufficient monitoring of the agreements could be completed and that the process remained efficient and up to date.

The main change proposed to be implemented was the removal of the County Council as a signatory to most agreements. This ensured greater control by the Borough Council over the delivery of mitigation and payment of relevant funding. It was noted that there were certain instances where the County Council would still be required as a signatory, such as where the relevant obligation would require KCC to give reciprocal covenants to TMBC and/or the developer. Members were advised that the County Council had requested an opportunity to discuss the proposals in more detail and this would be arranged as soon as possible.

Reference was made to proposals to create a monitoring group (as detailed in Annex 5) to meet regularly and review potential s106 matters. If the proposed structure was agreed, it was anticipated that the Operational Monitoring Group would be established as soon as possible.

Members welcomed the proposals in principle as the revisions improved monitoring of s106 allocations, distribution and spend. The importance of maintaining flexibility when drafting s106 agreements so that funding allocations weren't lost if a service or facility was lost was highlighted. Bus service provision within the borough was given as an example and agreements should be referring to the wider bus service rather than particular routes.

The annual Parish Infrastructure Statements were a valuable tool when undertaking negotiations related to s106 agreements as it enabled the Borough Council to request contributions for specific purposes as highlighted by parish/town councils to mitigate the impact of development for prospective and existing communities. It was suggested that those village halls not in the ownership of parish councils should liaise with those organisations to ensure their requirements were included on the Parish Infrastructure Statements. It was noted that options regarding how locally based

projects in the non-parished area of the Borough could be captured were being explored.

RECOMMENDED: That

- (1) subject to further discussion with Kent County Council, the revised S106 Protocol and process, including the new monitoring structure, be commended to Cabinet for approval (in due course);
- (2) the new monitoring structure, as set out in the report, be commended to Cabinet for approval (in due course); and
- (3) the recently approved and published Infrastructure Funding Statement 21/22 and spreadsheet be noted.

***Referred to Cabinet**