

S106 Update Spend by Dates

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Rob Jarman and Carole Williams
Classification	Public
Wards affected	All

Executive Summary

At the 11 January 2022 meeting of this committee Members resolved that officers ensure that s106 monies are spent before their expiry date focusing on those agreements nearing expiry. This report provides the requested update as set out in the attached Appendix.

Purpose of Report

Noting

This report makes the following recommendations to this Committee:

1. That the report be noted.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	8 March 2022

S106 Update Spend by Dates

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council's ability to achieve the first corporate objective. We set out the reasons other choices will be less effective in section 2 [available alternatives].</p>	Rob Jarman Head of Planning & Development
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the second cross cutting objectives by providing s106 monies for health care.</p>	Rob Jarman Head of Planning & Development
Risk Management	The report reduces risk by focusing on 'spend by' dates.	Rob Jarman Head of Planning & Development
Financial	Failure to spend S.106 monies within the agreed deadlines may lead to the Council incurring additional costs and may also impact on the delivery of capital projects.	Paul Holland, Senior Finance Manager
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman Head of Planning & Development

Legal	This report is for noting only. Any legal consequences depend on the terms of the individual s.106 planning obligation.	Russell Fitzpatrick (Mid Kent Legal Services (Planning))
Privacy and Data Protection	There are no implications	Carole Williams S106 Officer Development Management
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	There are no crime and disorder implications.	Rob Jarman Head of Planning & Development
Procurement	There are no procurement implications	Rob Jarman Head of Planning & Development & Section 151 Officer
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At the 11 January 2022 meeting of the Strategic Planning and Infrastructure Committee, Members resolved that the report be presented to the Committee bi-annually and that officers ensure that monies are spent before expiry dates for those agreements nearing these dates. This report provides an update to the spend by dates. Appendix 1 to this Report adopts a RAG (red/amber/green) status order of expiry dates.
- 2.2 Officers sought responses from bodies benefiting from the funding secured pursuant to various s.106 planning obligations including the NHS Kent and

Medway CCG, Parish Councils and the Council's Parks and Recreation team in relation to those sums secured which have spend by dates of on or before the end of May 2023. It was made clear to these bodies that those sums were at risk of being lost back to the developer if they failed to spend the sums to deliver the infrastructure identified within the S106 before the payback date.

- 2.3 The resulting communication with these bodies' is summarised in the "Comments -Feb 2022" column in Appendix 1. Of the funding reported on in Appendix 1, 8 relate to healthcare, 6 relate to Open Space (although for one of these the expiry date has been extended) and 1 relates to cycle parking.
- 2.4 The Clinical Commissioning Group (CCG) (who are responsible for the delivery of the healthcare obligations) explained that as the NHS hold the capital funding obtained from S106s, the CCG can only draw funds down once the NHS approve and invoice for project works. In relation to the 4 contributions due to expire within the next 6 months.
 - 2.4.1 12/1949 & 13/1943 – The Grigg Lane Surgery loft extension project has had the legal documents finalised and is with the evaluator for approval, funds will be drawn down in April 2022.
 - 2.4.2 14/0836- Coxheath Medical Centre project timeline has been delayed by 3-4 months due to building industry labour shortages, therefore the money will be drawn down before June 2022.
 - 2.4.3 14/503755- The College Practice works have been approved therefore the CCG will be drawing down the funds before the end of the financial year.
 - 2.4.4 For further information, the CCG referred to two pipeline schemes in early discussions which could be considered for forthcoming S106 funding; Maidstone East Medical Centre and Sutton Valence Medical Centre a new build proposal to develop a doctors surgery 'The Haven' to replace the two existing surgeries, as identified in the LPR and the Kent & Medway CCG GP Estates Strategy August 2021.
- 2.5 Southeastern Railway and Network Rail will request to draw down funds from 13/0693 towards the provision of bicycle parking facilities at Marden Railway Station before the end of the financial year (i.e. 31 March 2022).
- 2.6 The Council's Parks and Recreation officer clarified the three S106 open space funds are to be spent before March 2023 towards ongoing programmed works to the River Len Nature Reserve and at Collis Millennium Green.
- 2.7 As is evident from the attached, some Parish Councils (like Harrietsham and Marden Parish Councils) have engaged in discussions with developers to modify S106 obligations and have secured agreement to extend payback dates.
- 2.8 Officers have made considerable progress to address the spend of S106 funds due to expire. It is worth noting that with regular monitoring of , meetings with stakeholders and a bi-annual report to this Committee, the

risks to the Council impacting on the delivery of capital projects would be significantly reduced.

3. AVAILABLE OPTIONS

3.1 This report is for noting only.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 N/A

5. RISK

5.1 The report reduces the risk of monies not being spent.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 N/A

7. REPORT APPENDICES

The following document is to be published with this report and form part of the report:

Appendix 1: Updated S.106 Spend by Dates to May 2023
