

**PLANNING AND
INFRASTRUCTURE POLICY
ADVISORY COMMITTEE**

6 July 2022

S106 Update Spend by Dates

Timetable	
Meeting	Date
Planning and Infrastructure PAC	6 July 2022

Type of Decision	No Decision Required
Urgency	Not Applicable
Final Decision-Maker	Not Applicable
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Carole Williams
Classification	Public
Wards affected	All

Executive Summary

At the 11 January 2022 meeting of the Strategic Planning and Infrastructure 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 the Committee:

1. That the report be noted.

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 • We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. 	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 supports the achievements of all of the cross cutting objectives.</p>	Rob Jarman Head of Planning & Development
Risk Management	Regular monitoring by its very nature reduces the risks of S106 monies not being spent.	Rob Jarman Head of Planning & Development
Financial	Section 106 contributions provide a source of funding for the Council's capital programme, therefore it is important that the funds are utilised with the agreed timescales.	Paul Holland, Senior Finance Manager
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman Head of Planning & Development
Legal	No legal implications. This report is for noting only.	Mid Kent Legal Services -

		Planning Team Leader
Information Governance	<ul style="list-style-type: none"> • The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will/have reviewed the processing of personal data affected and the associated documentation has been/will be updated accordingly, including a data protection impact assessment. • The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes. 	Information Governance Team
Equalities	<ul style="list-style-type: none"> • We recognise the recommendations may have varying impacts on different communities within Maidstone. Therefore, we have completed a separate equalities impact assessment [at reference]. • The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	[Policy & Information Manager]
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	N/A	Rob Jarman Head of Planning & Development
Procurement	N/A	Rob Jarman Head of Planning & Development
Biodiversity and Climate Change	There are no direct implications on biodiversity and climate change. Provisions for open spaces enhancements and cycle racks align with the MBC Action Plan.	James Wilderspin Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At the 11 January 2022 meeting of the former Strategic Planning and Infrastructure Committee, Members resolved that the report be presented bi-annually and that officers ensure that monies are spent before expiry dates for those agreements nearing these dates. This report provides a further update to the report of 8 March 2022 to the SPI Committee. Appendix 1 to this Report adopts a RAG (red/amber/green) status order of expiry dates.
- 2.2 In this report, 6 S106 contributions have been approved and transferred to the relevant bodies towards the process of delivering projects.
- 2.3 Healthcare – S106 12/1949 - NHS England requested monies & will request S106 13/1943 by September 2022 and S106 14/0475 for the on-going first floor extension works at Headcorn Surgery. The first lot of funds were transferred to the NHS in April 2022 and allocated towards the scheme to convert the “void” space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under The Network Contract Directed Enhanced Services (DES).
 - 2.3.1 S106 14/503755 - requested funds were transferred to the NHS in May 2022 towards flooring replacement at The College Practice and automatic entrance door. The remaining balance towards facilities at the practice will be identified by July 2022.
 - 2.3.2 S106 13/2008- Coxheath Medical Centre project timeline has been delayed due to building industry labour shortages, therefore the money will be drawn down before October 2022.
- 2.4 Cycle Parking- Southeastern Railway and Network Rail requested funds from S106 13/0693 to be allocated towards the delivery of a secure cycle hub at Marden Railway Station including bike repair stand, pump, lighting, and additional CCTV and 40 additional cycle spaces will be provided at the station. This fund will be allocated along with two other Marden S106 funds S106 13/1585 & S106 13/0115 towards cycle improvements at Marden Railway Station.
- 2.5 Open Space- The Council’s Parks and Recreation team have allocated the balance of S106 10/0594 towards the installation of a single post & rail safety fencing opposite Sunningdale Court Square Hill Road to form a low level safety barrier between the play area, footpath and river, S106 15/502916 balance towards works for River Len Nature Reserve and S106 12/0590 balance has been transferred to the Collis Millennium Green Trust towards youth zone play area facilities and surfacing at Collis MG open space.
 - 2.5.1 Parish Council Open Space- 14/0828 Harrietsham Parish Council have advised the Council they are not able to use the money towards the project identified in the S106 (Glebe Fields play area) and so entered discussions earlier this year with the developers to modify the S106 funds to be used for an alternative project. Council officers have made

considerable effort in assisting Harrietsham Parish Council to continue to try to engage with the developer before the funds expire. However, to date the developer has not responded to the parish council who have escalated the matter to the developers' internal complaints body.

- 2.6 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.
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3. RISK

- 3.1 The report reduces the risk of monies not being spent under the S106 agreements towards infrastructure.
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4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 4.1 The Strategic Planning and Infrastructure Committee previously agreed that the report be presented bi-annually to ensure that monies are spent before expiry dates for those agreements nearing these dates.
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5. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Updated S.106 Spend by Dates to May 2023
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6. BACKGROUND PAPERS

None