

Motion for time limited debate – Member input for allocation of s106 Contributions

Proposer – Jenni Hawkins

Seconder – Mark Hood

Background Information provided by the Green and Independents Group

“The term ‘Section 106 Agreement’ (S106) refers to Section 106 of the Town and Country Planning Act 1990. This is the primary legislation under which Local Planning Authorities (LPAs) are able to secure planning obligations through signed agreements between the developer and the authority.”¹

“Section 106 Agreements are negotiated between a developer and LPA to meet, or contribute to, the cost of providing new infrastructure to mitigate the impact of a new development.”²

Planning is about ensuring the correct infrastructure and services are in place in order to effectively serve the needs of the community and mitigate the effect that a development will have on it. Members can help the Council better understand the needs of the communities they live in and serve by engaging with town and parish councils, as well as local groups and individuals. In unparished areas the input of Members can substitute for the input of third tier councils. Members live within or very near to the division they serve and know their area well. They can work alongside officers in order to share their knowledge about where they live and are best placed to do this.

However, allocation of s106 developer contributions is determined without the input of the member for that area, and as a result often the priorities do not actually meet local needs. A good example of this is in the division of Hythe West where a planning application has been made for a large-scale development. Included in the files for the application is a KCC economic letter requesting £3,668 for youth services in the neighbouring town of Folkestone. This is at a time when Hythe, which has few options for young people, is likely to lose its only youth club. This is a prime example of a wider issue related to s106 and the lack of councillor involvement, leading to clear mismatches.

Involving members in the process of allocating s106 contributions would create a more joined up and cost-effective approach, addressing the actual needs of the community.

In September 2022 a group of ten KCC members was formed to create a short-focused enquiry report “to review the experience of Section 106 and other developer contributions in Kent, and to address the system’s key challenges, in order to maximise support to KCC services and improve the lives of Kent residents.” The report made several recommendations, and the first two of these form the basis for this motion.

Motion

This council resolves to:

Recommend to the Executive that it should update its initial response to the s106 Short Focused Inquiry and specifically it should:

1. Provide further information and financial data on developer contributions that cover the different forms of infrastructure that KCC is responsible for through regular emails to all Members, and organise additional All Member Briefings to advise of significant updates or developments on s106 or related infrastructure levy arrangements.
2. Review and update the s106 management arrangements to ensure that Local Members are advised by KCC, at the earliest possible time, of proposals for new housing development in their divisions so that they can have a meaningful input into section 106 or related infrastructure levy agreements and funding allocation.

¹ [MHCLG \(2020\) The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19, London](#)

² [House of Commons Library \(2019\) Planning Obligations \(Section 106 Agreements\) in England, London](#)

³ [Kent County Council \(2022\) Section 106 Short Focused Inquiry, Written Evidence](#)