

## KENT COUNTY COUNCIL –RECORD OF DECISION

**DECISION TAKEN BY**

Mark Dance

Cabinet Member for Economic Development

**DECISION NO:**

19/00042

For publication

**Key decision\***

Yes –

**Subject:** KCC Acting as Enforcement Body for Local Planning Authorities

**Decision:**

As Cabinet Member for Economic Development I agree to approve the principle of delegating the authority to act as the enforcement body for District and Borough S106 obligations subject to a range of conditions, to the appropriate officer; the Director of Economic Development.

Examples of relevant S106 obligations may include those relating to community development, sports provision and open space.

**Reason(s) for decision:**

Where districts and boroughs act as developer of their own land, they are in the potential position of being applicant, landowner and Local Planning Authority (LPA). These multiple roles create the dilemma where they may be required to enforce s106 planning obligations as LPA against themselves as developer

**Cabinet Committee recommendations and other consultation:**

The proposal was discussed and endorsed at the Economic Development and Communities Cabinet Committee at their meeting on 9 May

**Any alternatives considered:**

- The district only entering into the planning obligation as planning authority not as landowner and leasing their land interest to a third party.
- There may also be instances where the district's land need not be not bound by the planning obligation.

However, these options are not always preferable particularly where the council wishes to retain control of land within its ownership

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

signed

date

Name: MARK DANCE

29 - May - 2019