

**Agenda Item:** 15

**Report to:** Planning, Transport & Environment Committee

**Date:** 3<sup>rd</sup> February 2021

**Subject:** S106

**Summary:** To create a S106 document as per the TMBC requirements.

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**Recommendation**

**The committee is to**

- 1. To consider the current wishlist against the s106 criteria.**
  - 1. To identify any new initiatives for s106 funding.**
  - 3. To consider a plan for community engagement.**
  - 4. To note what a plan should include.**
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**1. Background**

- 1.1 The following resolution was made at the January 2021 Planning, Transport & Environment Committee:

To consider the S106 Procedure for Tonbridge and Malling Borough Council.

It was RESOLVED to compile a list of open spaces the parish council have along with any proposed improvements. It was also RESOLVED to list open spaces throughout Kings Hill and to clarify what is outstanding from the Phase 3 planning obligations.

**2. Identify those assets that are already in the ownership or control of the Parish or Town Council, or other community group**

- 2.1 The assets of the parish council can be found on the parish council website:-

[https://www.kingshillparish.gov.uk/Council\\_Facilities\\_3502.aspx](https://www.kingshillparish.gov.uk/Council_Facilities_3502.aspx)

- 2.2 The parish council also lease three small areas of land in Anson Avenue, Garden Way and Lapins Lane, details of which can be found in the Open Spaces Policy on the parish council website:-

[https://www.kingshillparish.gov.uk/\\_UserFiles/Files/201021%20Open%20Spaces%20Policy%20ADOPTED.pdf](https://www.kingshillparish.gov.uk/_UserFiles/Files/201021%20Open%20Spaces%20Policy%20ADOPTED.pdf)

- 2.3 Play areas owned by Kings Hill Residential Management Company and Rouse Kent (Residential) Ltd can be found on the parish council website:

[https://www.kingshillparish.gov.uk/Play\\_Areas\\_10172.aspx](https://www.kingshillparish.gov.uk/Play_Areas_10172.aspx)

- 2.4 With regard to other areas of open space on Kings Hill there is

- Kings Hill Cricket Club
- Kings Hill Golf Club

### **3. Phase 3 Planning Obligations**

- 3.1 The phase 3 planning obligations can be found on the parish council website.

[https://www.kingshillparish.gov.uk/Section\\_106\\_Planning\\_Obligations\\_25415.aspx](https://www.kingshillparish.gov.uk/Section_106_Planning_Obligations_25415.aspx)

### **4. Creating a S106 Plan**

- 4.1 The temptation will be to create a 'wish list'. Whilst this may be a useful exercise for the community and one that may be worth pursuing as a starting point for your plan, the plan must be based on need relating to potential development and not merely aspiration. It is important not to artificially raise the expectations of the community as not all projects will meet the criteria of S106 requirements.

- 4.2 This may be best illustrated in the following examples:

- S106 contributions can be sought for a sports club that is already operating at full capacity and the relevant development will further increase demand. S106 contributions cannot be sought if the sports club has spare capacity even allowing for the increased demand due to the relevant development.
- S106 contributions can be sought to improve an existing play area which is located near to the relevant development as the play area will be used by the residents of the relevant development. S106

contributions cannot be sought if the existing play area is some distance from the relevant development and therefore the new residents would be unlikely to use it.

- S106 contributions can be sought to mitigate the impact of any new traffic generation if the existing traffic congestion exists to ensure the situation is no worse. S106 contributions cannot be used to mitigate existing traffic congestion if this is not increased by the new development.

## **5. Review any existing initiatives**

5.1 Please see below for the current s106 wishlist:-

- Outdoor gym equipment
- Dedicated building to accommodate Uniformed Youth Groups e.g. Scouts, Cubs, brownies, Cadets and other
- youth facilities
- Memorial Garden and Cemetery
- Better daytime and evening bus services to Tonbridge and Tunbridge Wells and improve the evening bus service to West Malling
- Increased parking for retail outlets especially if the space between the back of Waitrose and the Control Tower is built
- Petanque Area

5.2 Councillors need to assess and prioritise the above wishlist against the following criteria

- Is the project necessary to make the development acceptable in planning terms?
- Is the project directly related to the development?
- Is the project fairly and reasonably related in scale and kind to the development?

**Decision Required:**

**To consider the current wishlist against the s106 criteria.**

## **6. To identify any new initiatives**

6.1 Councillors are to identify any wider projects that could be eligible for s106 funding.

**Decision Required:**

**To identify any new initiatives for s106 funding.**

## **7. Evidence Base and Support**

- 7.1 In order for the plan to be effective it must reflect the views of your community. This is a simple phrase with huge implications, but it is essential in the production of any plan.
- 7.2 It will also be necessary to ensure that the formation of the plan is open and transparent. This will ensure credibility and reassure the community that the manner in which the plan has been drawn up has been fully inclusive. It might be useful to include summary details of this process within the plan, as an introduction or annex possibly.

### **Decision Required:**

**To consider a plan for community engagement.**

## **8. What should a plan include?**

- The area it covers and the location of any identified projects
- A list of projects and summary details
- A justification for each project including evidence of public support
- The indicative cost of each project
- The envisaged timescale for the delivery of each project

### **Decision Required:**

**To note what a plan should include.**

Contact Officer: Georgina Jackson, Deputy Clerk

Date: 19<sup>th</sup> January 2021