

**TO:** ASHFORD JOINT TRANSPORTATION BOARD

**DATE:** 9<sup>th</sup> March 2010

**SUBJECT:** Section 106 Agreements

**BY:** Transportation and Development Manager - Ashford

**Classification:** Unrestricted

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**Summary:** An report on contributions made through S106 Agreements

**Decision Required:** For information

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### **Introduction**

1. Section 106 (S106) of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement.
2. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.
3. Owing to the amount of development that has occurred in Ashford in the last few years, many S106 agreements have been signed. In some cases, the stipulated work has been completed, and in other cases the work has yet to be carried out.

### **Discussion**

4. Ashford Borough Council has a dedicated S106 Support Officer who keeps a record of S106 agreements, payment dates and requirements. KCC's central finance team receive the payments from ABC (or sometimes directly from the developer), and transfer the funding to the relevant KCC team as and when the works are complete.
5. It is the intention of KCC to schedule S106 works into work programmes as soon as is reasonable, so that no contributions are lost owing to the repayment date being reached. This is the date (often 5 years after the payment is made, or as detailed in the S106) that the contribution has to be paid back to the developer if it remains unspent.
6. A contribution of £144.8k remains from the Park Farm South development, for traffic management in the vicinity of the application site. Following consultation with Cllr Mike Angell, KHS are investigating the possibility of improvement to the Ashford Road/Church Hill/Pound Lane junction, and traffic surveys are being carried out in order for KCC to be able to make a recommendation to Members on what solutions are possible at this junction. Results are due back by the end of March 2010.

### **Decision Required**

7. Members are asked to note the report.

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