

Appendix 2 – O&S S106 Task Group Recommendation's and Progress

Recommendation	Progress
<p>I. A process mapping exercise is undertaken to provide clarity and guidance to Officers and Members involved in the Section 106 process.</p> <p>Once completed, the process map will inform recommendations II to VIII.</p>	<p>The process mapping exercise was presented to O&S Committee on 13.9.22.</p> <p>The process mapping exercise will be kept under review to reflect any improvements to the current system</p>
<p>II. Guidance and training is produced for Officers involved in the Section 106 process to clarify roles and responsibilities of all Officers.</p> <p>Additionally, a 'handbook' is created for both Members and Parish Councillors, to explain the basic concepts of Section 106.</p>	<p>A guidance note utilising the final process mapping, together with the officer contacts has been prepared and will be made available to all officers involved in S106. This will also form the basis of an officer workshop.</p> <p>The handbook, incorporating the process mapping, together with the list of key contacts and a refresh of the advisory notes for Parishes prepared by the Community Grants Officer will be shared with Parish Councils and Urban Community Forums in advance of two S106 workshops taking place on 24th November and 1st December.</p>
<p>III. Communication over Section 106 is improved between the Planning Service and Parish Councils including key contact(s) for accessing advice.</p>	<p>The workshops taking place on 24th November and the 1st December will be publicised/promoted to all Parishes and Community Forums in advance.</p> <p>An event pack will be provided to all Parish Clerks containing a copy of the handbook and any other presentation materials used at the events.</p> <p>The workshops will be held in the evening over Microsoft Teams and will be recorded. This will be made available to all Parishes and Urban Community Forums.</p>
<p>IV. Training on Section 106 should be provided to Members and Parish Councils on an annual basis.</p> <p>The initial programme for the training should be reviewed by the Member Training Panel in consultation with the Chair of the Section 106 Task Group.</p>	<p>It is anticipated that this training will take into account any improvements to the current S106 process that may be introduced as a result of the Mid Kent Audit Actions and the O&S Task Group Recommendations.</p>

<p>V. The new Planning IT software is expected to provide information on the council's website about what Section 106 monies are available to individual parishes</p>	<p>Officers are working with Arcus as a priority to resolve outstanding issues relating to the migration of data on projects that will be needed to facilitate this information on the website.</p>
<p>VI. Delivery of the Infrastructure Contributions SPD should be prioritised. The SPD should provide an up to date list of what is expected of developers within a single document. This will provide clarity for all parties involved in the Section 106 process.</p>	<p>The SPD will be informed by the Stodmarsh nutrient neutrality mitigation credits once the strategic wetland solution is finalised; new developer contributions for Biodiversity Net Gain as required by the Environment Act 2021; the Council's forthcoming guidance note on climate change mitigation; and requests from infrastructure providers to review their heads of terms to reflect rising costs are all of which are expected within the next few months</p> <p>In order that an up to date list of what is expected of developers can be prepared as a matter of urgency, an interim guidance note setting out the standard heads of terms for S106 agreements (sometimes referred to as 'Table 1') together with an explanatory note will be prepared in advance of a full SPD.</p>
<p>VII. There is a standardising of Section 106 Agreements and use of templates where appropriate</p>	<p>The standard S106 Heads of Terms template that accompanies Planning Committee reports (known as Table 1) is being updated and revised. This will be implemented in January 2023.</p> <p>The S106 Officer Project Group are reviewing recent examples of S106 agreements and preparing some standard wording for use in future S106 agreements for consistency. Based on the work undertaken in respect of the Heads of Terms template, standard base wording for different S106 clauses will be agreed by March 2023.</p>
<p>VIII. Legal Services are trained to use the new IT system adopted by the Planning Department, to enable them access to relevant Planning documentation and therefore streamline the process.</p>	<p>Once Arcus is fully functioning it may not be necessary for all staff to have full access and training to fulfil their role in the S106 process. It is envisaged that planning officers will instruct legal officers as to the input required on S106 on a case by case basis, using planning officer's professional judgement.</p>