

# Section 106 Policy

- ▶ **Communities Scrutiny Panel**
- ▶ **Presentation 25<sup>th</sup> March 2021**





# Agenda for this evening

- ▶ **Introduction**
- ▶ **Planning Obligations - S106 Town and Country Planning Act 1990**
- ▶ **Community Infrastructure Levy (CIL) Regulations - CIL Regulation 122 (Legal Tests)**
- ▶ **Reform of S106 Pooling Restrictions - CIL Regulation 123**
- ▶ **'End to End' S106 process flowchart**
- ▶ **Proposed Grant Awards Application Process**
- ▶ **Any Questions?**

# Policy on Section 106/CIL

- ▶ **What is a planning obligation under Section 106?**
  
  - ▶ “Planning obligations under Section 106 of the Town and Country Planning Act 1990, commonly know as Section 106 Agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable” *Planning Advisory Service (PAS) website*
  
  - ▶ **Community Infrastructure Levy Regulations (CIL) 2010 (as amended) “The CIL Regulations”**
  - ▶ **The CIL Tests (legal requirement)**
  - ▶ **Test 1** -Necessary to make the development acceptable in planning terms
  - ▶ **Test 2** -Directly related to the development
  - ▶ **Test 3** - Fairly and reasonably related in scale and kind
  
  - ▶ **Reform of the CIL Regulations – Regulation 123**
  - ▶ On 1<sup>st</sup> September 2019 restrictions on the "pooling" of section 106 planning obligations to fund infrastructure was removed.
  - ▶ Previously local authorities were prevented from pooling more than five section 106 planning obligations to fund a single infrastructure project. The regulations remove any upper limit on the number of section 106 contributions that can be pooled.
- MHCLG** -"*will address the uncertainty, complexity and delay that the restriction creates" and "enable more flexible and faster infrastructure and housing delivery"*.

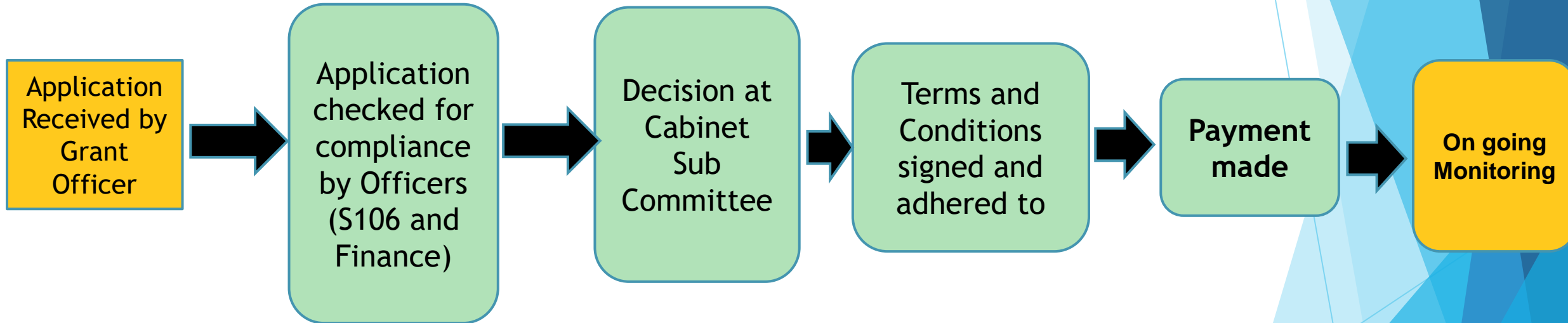
# Section 106 Grant Application Award Process

The **second meeting** of the scrutiny review will be examining the processes for awarding s106 community facility grants both within the council and to external parish councils or other organisations.

## AIM:

- ▶ A simplified Application Form together with accompanying Guidance Notes
- ▶ A review of supporting evidence required for a S106 Application Form
- ▶ A simplified and streamlined process for approving Grant Allocations
- ▶ A review of the payment pay-out process

# Overview of the Existing Process - around 12 weeks start to finish





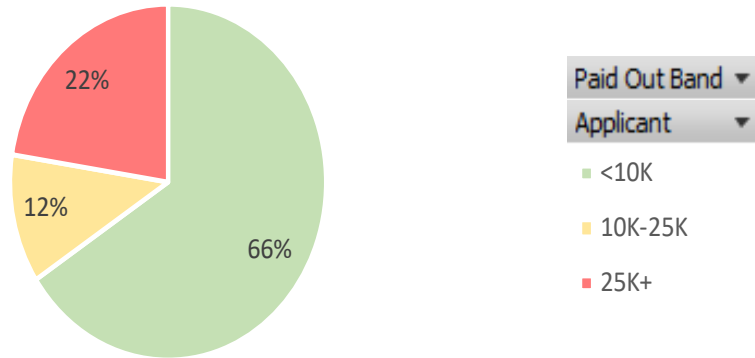
# Proposed changes

- ▶ **To passport money direct to communities where possible**
- ▶ **A new streamlined application form and guidance notes**
- ▶ **New thresholds to speed up decision making**
  - ▶ Under £25k = Officer decision
  - ▶ Over £25k = Member decision
- ▶ **Parishes will be exempt from the need to send in evidence of 3 quotes/permissions for projects under £25k**

# Quantity and Value of Grants Paid Out:

## Count of Decision Paid

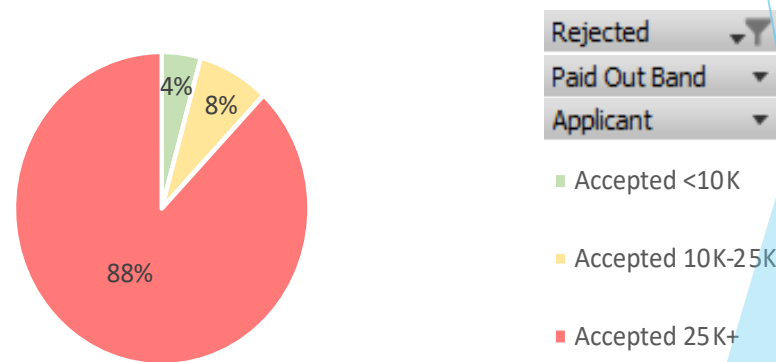
2017-2021 Quantity Paid Out Per Band (%)



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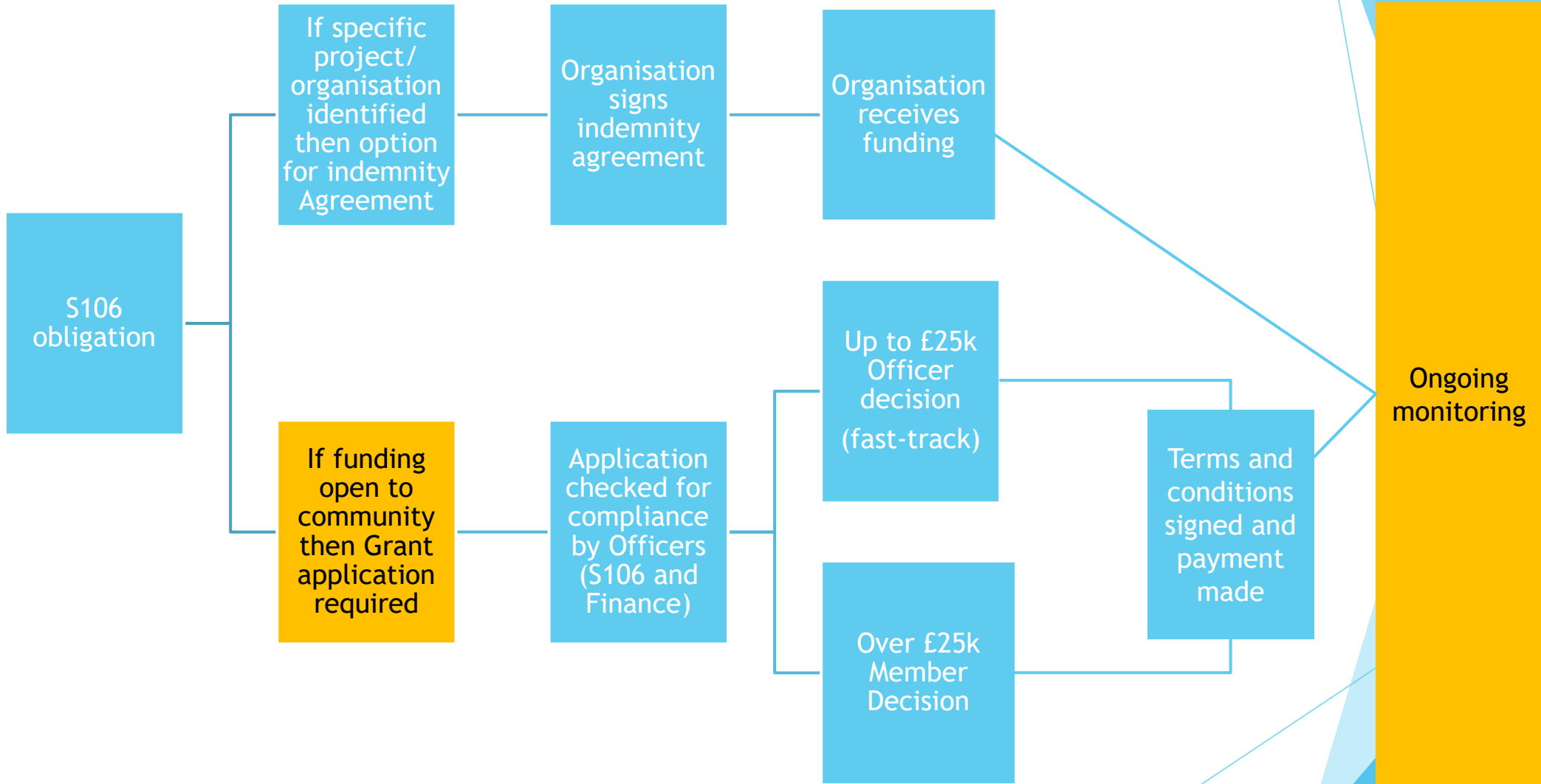
## Sum of Decision Paid

2017-2021 Total Value of Accepted Planning Applications Per Band (%)



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# Proposed Grant Awards Process





# Any Questions?



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