



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
10 JUNE 2021**

SECTION 106 UPDATE

1. PURPOSE OF THE REPORT

1.1 To present an update of the Section 106 records.

2. RECOMMENDATIONS

- (i) That Members review the information in this report and **APPENDIX 1**;
- (ii) That Members confirm they are assured that S106 is being managed effectively.

3. SUMMARY OF KEY ISSUES

- 3.1 The collection and disbursement of developer funding arising from S106 agreements continues, however, the service has been affected by the series of “peaks and troughs” arising from various types of Covid related delay which have been encountered over the last year.
- 3.2 While a number of sites have carried on building normally, anecdotal evidence suggests that the pandemic has seen some developers having to hold back on completions and house sales – possibly for financial/cashflow reasons. Similarly, several major sites have been the subject of amending applications and requests for deeds of variation to alter S106 agreements – essentially to restructure the timing of S106 payments.
- 3.3 There have been some movements since the last report in December 2020 and there are signs of some important commencements and thresholds being reached during the next quarter. Following a meeting with Essex County Council (ECC) it has been agreed that information received from developers by each organisation will be shared, this should assist in monitoring of sites and supplement the monitoring that already takes place in-house, such as site visits, information from building control and in-house intelligence received from officers. Following the relaxing of Covid restrictions, officers will be undertaking site visits again during June / July 2021 to ensure the monitoring function is up to date.

4. CONCLUSION

- 4.1 Income side: As the briefing note explains the S106 records are up to date with the intelligence gathered between the two phases of lockdown and with the collaboration of those developers willing to declare their progress. The forthcoming round of post

lockdown site visits will reveal any shortcomings and, if necessary, facilitate a further round of billing.

- 4.2 S106 disbursement side: Expenditures timetabling is monitored by the Officer Implementation Group on a Red Amber Green basis which anticipates any funding payback dates. There are currently no imminent payback dates relating to any of the projects which the Council oversees. The Council has formally notified the NHS of the money which it is holding to support health infrastructure in the District and which are needing to be spent. Other disbursements are set out in the briefing note.
- 4.3 Details of the current s106 position may be found in the spreadsheet at the Council's web site using the following link
https://www.maldon.gov.uk/info/20048/planning_policy/9810/infrastructure_delivery/4

5. **IMPACT ON STRATEGIC THEMES**

S106 projects contribute to the delivery of all of the Council's Strategic Themes, through funding of projects to mitigate the impact of development.

6. **IMPLICATIONS**

- (i) **Impact on Customers** – None
- (ii) **Impact on Equalities** – None
- (iii) **Impact on Risk** – None
- (iv) **Impact on Resources (financial)** – S106 developer funding is essential to resourcing the Infrastructure Delivery Plan
- (v) **Impact on Resources (human)** – None
- (vi) **Impact on the Environment** – None
- (vii) **Impact on Strengthening Communities** - None

Background Papers: None

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