

Section 106 Agreements

The Clerk recently attended a workshop with Ashford Borough Council regarding S106 Agreements.

Short Introduction to S106 Agreements

Developer contributions are required in order to make an application acceptable in planning terms. Not all planning applications require developer contributions. Minor and permitted developments do not require contributions. S106 agreements are required to mitigate the impact on infrastructure in the locality.

S106 agreements have to be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Once agreed they are almost set in stone, there can be a deed of variation amendment – but there is no guarantee the developer will pay out on a variation.

Funding will be collected at trigger points.

What Mersham PC needs to do and why

Mersham has a site that was allocated in the Local Plan 2030 for development. This site already has some conditions attached as highlighted below and as it is for 8 houses only it may not trigger a S106 agreement but, should another site crop up in Mersham there are potentially other factors that you, as a Parish Council, feel additional dwellings will impact.

An example of these might be:

1. Additional play equipment will be required so funding toward this is required
2. Additional traffic using the A20 junction and additional bus users mean that the PC would request an island is put in for pedestrians when crossing the A20.
3. Additional pressure would be placed on the Village Hall so some additional funding will be required.
4. Additional users of the Sports Club would be brought in to the village so extra funding needs to be placed there.
5. Additional pressure will be put on the footpath network so there might be one or 2 paths that could be upgraded to make them multi-user friendly.

These are just examples.

The Parish Council would be best positioned if it had an “oven-ready” list of S106 requests to submit when an application is received. This list can then be reviewed and prioritised regularly.

Conclusion:

Mersham PC needs to begin to create its list of infrastructure upgrades.

Policy S59 – Mersham, Land at Old Rectory Close

The site at Old Rectory Close is proposed for residential development with an indicative capacity of 8 dwellings. Development proposals for this site shall:

- a) Ensure the design and layout of the development preserves or enhances the setting of listed buildings in the vicinity of the site and the character and appearance of the Mersham Conservation Area;
- b) Be designed and laid out to take account of the residential amenity of neighbouring occupiers. Layout should take account of surrounding areas, marking a transition between open countryside and rural settlement;
- c) Provide primary vehicle access on to the Old Rectory Close, as shown on the policies map;
- d) Retain all mature trees on site, incorporating these into a coherent overall landscape design;
- e) Provide new pedestrian and cycle routes throughout the development and connections to existing rural routes and local services; in particular provide an access through the site to the adjacent playing fields and then, in consultation with the Parish Council, a suitably surfaced footpath across the recreation ground to connect to Glebelands,
- f) Ensure appropriate species and habitat surveys are carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with Policy ENV1. Particular regard should be given to retaining the on-site ponds integrated into a coherent landscaping scheme that maintains and enhances habitat connectivity to the wider area for biodiversity benefit; and,
- g) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.