PROPOSED SECTION 106 GOVERNANCE

1. **All payments received by MDDC for section 106 agreements must be given the relevant planning application reference upon receipt.**

2. **Arrangements for the spending of financial contribution for S106 agreements where financial contributions are not project specific (generally pre 2015 and by infrastructure type):**

   Spend <£10,000 delegated to Head of Planning, Economy and Regeneration in consultation with relevant MDDC departments
   Spend >£10,000 shall be referred to a S106 Board comprising of the following:

   1. Cabinet Member of Planning and Regeneration
   2. Cabinet Member for Community Well being
   3. Senior officer from Planning (Head of Planning, Economy and Regeneration or Group Manager for Development)
   4. Senior officer from Operations
   5. Senior officer from Estates
   6. Admin support – Planning Obligations Officer

   Views will be sought from Parish or Town Council and Ward Members within the catchment area in advance of Board Meeting (14 days allowed)

3. **Project Selection for spend : PUBLIC OPEN SPACE**

   For S106 financial contributions post 2015, these are required to be project specific. Accordingly prior to the signing of a S106 agreement at the planning application stage the project upon which the financial contribution should be spent needs to be specified.

   Project nominations will be sought from:

   1. Internal to MDDC – Relevant departments and Ward Members within the catchment area
   2. External to MDDC – Parish or Town Council within the catchment area, sports and community groups (depending on relevance to S106 contribution)
      (A flow diagram of the proposed governance arrangements is attached to this report).

   Assessment of the eligibility of a project (assessed against statutory requirements, guidance and its relation to the planning application from which contribution sought) – Delegated to Head of Planning, Economy and Regeneration via case officers.

   In the case where project prioritisation is required between two or more eligible projects – Referred to S106 Board.

NOTE – Whilst the SPD identifies the use of a catchment area approach for the collection and spend of financial contributions towards public open space, in order to ensure that the tests of the CIL Regulations are met, there may be instances where a project or facility in an adjacent catchment area is more likely to be used/accessed due to it being closer/more accessible. In such cases the Parish, Town Council and Ward Members of both catchment areas will be consulted.

4. Project selection for spend: AIR QUALITY

For S106 contributions post 2015 towards air quality, these are project specific in order to deliver measures to improve air quality within the Air Quality Action Plan in accordance with the SPD. Project nominations will be sought from:

1. Internal to MDDC – Relevant departments and Ward Members (both ward within which the development is located and ward(s) of the relevant Air Quality Management Area).

NOTE – Air quality projects are generally those which will assist in the management of air quality within an Air Quality Management Area AQMA (Cullompton or Crediton). Financial contributions may be sought from development located outside the AQMA where it is identified that the new development would have a negative impact upon the AQMA.

5. Project selection for spend: OTHER CONTRIBUTIONS
Delegated to the Head of Planning, Economy and Regeneration.

NOTE – This usually arises from consultation responses from statutory consultees during the planning process.

6. Selection of s106 heads of terms and prioritisation between s106 asks where viability an issue

Delegated to the Head of Planning, Economy and Regeneration in consultation with the relevant services (e.g. Housing, Environmental Health etc.)

7. Requests to vary existing s106 agreements

Delegated to the Head of Planning, Economy and Regeneration in consultation with the relevant services unless the Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) requires that the Committee consider the proposed changes having given clear planning reasons. (Existing process in place, agreed by Planning Committee 6th July 2016).