

# Eastleigh Borough Council – Procedural Note

## Publication of S106 Planning Agreements Prior to Decision Notices

### Purpose

This note sets out Eastleigh Borough Council's approach to ensuring transparency and public access to Section 106 (S106) planning obligations prior to the issuing of planning decision notices.

### Background

Section 106 of the Town and Country Planning Act 1990 allows planning obligations to be secured to mitigate the impact of development. These legal agreements are material to the determination of planning applications and should be publicly accessible to promote transparency in the planning process.

### Procedure

#### 1. Drafting and Agreement

- Following resolution to grant planning permission (or earlier depending on case), officers will engage with the applicant and relevant stakeholders to draft the agreement in accordance with the Council's adopted policies and legal requirements.
- Once the terms are agreed in principle, the final draft is prepared for execution.

#### 2. Publication Prior to Decision

- A copy of the final draft S106 agreement, or a completed version where possible, will be published on the Council's planning application portal prior to the formal issue of any planning decision notice.
- This will usually occur at least 5 working days before the decision notice is issued, allowing for final review and public awareness.

#### 3. Public Accessibility

- The published agreement will be accessible via the relevant planning application reference number on the Council's online planning register.
- Any personal data or commercially sensitive information will be redacted in accordance with data protection legislation.

#### 4. Issuing the Decision

- Once the agreement is signed and returned by all parties, and the Council is satisfied the legal obligation is enforceable and appropriately secured, the decision notice will be issued in line with the resolution of the Planning Committee or delegated powers.

#### 5. Post Decision Availability

- The signed and dated S106 agreement will remain publicly available as part of the planning application record.

### **Review and Updates**

This procedure will be periodically reviewed to ensure it aligns with statutory requirements, best practice, and the Council's commitment to open and transparent decision-making.