

**PLANNING COMMITTEE**  
**27 JULY 2016**  
**REPORT ON SECTION 106 AGREEMENTS:**  
**APRIL TO JUNE 2016**

Report from: Richard Hicks, Director Regeneration, Culture, Environment & Transformation

Author: Dave Harris, Head of Planning Service

**Summary**

This report informs Members on the amount of Section 106 funding received between April to June 2016 and sets out what the contributions must be spent on according to the Section 106 agreements.

This report is submitted for information to assist the Committee in monitoring the contributions which developers have agreed to as part of new development schemes.

**1. Budget and Policy Framework**

1.1 The Cabinet has adopted the Supplementary Planning Document 'Medway Council Guide to Developer Contributions', which sets out the Council's S106 requirements for developments of 10 dwellings and above. This report and accompanying appendices list the Section 106 agreements which have been signed in the period April to June 2015 and itemises the obligations covered by these agreements.

**2. Background**

2.1 Section 106 of the Town & Country Planning Act 1990 provides that anyone with an interest in land may enter into a planning obligation, which is enforceable by a local planning authority. An obligation may be created by agreement or by the party with an interest in the land making a unilateral undertaking.

2.2 Obligations may:

- Restrict the development or use of land
- Require operations to be carried out in, on, under or over the land
- Require the land to be used in any specified way; or

- Require payments to be made to the local planning authority, either in a single sum or periodically.

2.3 A planning obligation may only constitute reason for granting planning permission if it is

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

2.4 The S106/CIL Officer's responsibilities include:

- Monitoring agreements and their trigger dates to ensure that obligations are adhered to
- Working with developers and internal services/partners to ensure a coordinated approach
- Being first point of contact once an agreement is signed.

2.5 The Medway Council Guide to Developer Contributions was approved at Cabinet on 5 July 2014 for adoption as a Supplementary Planning Document. This Guide sets out Medway Council's S106 requirements for developments of 10 dwellings and above.

### **3. Options**

3.1 Not applicable.

### **4. Advice and analysis**

4.1 Although an agreement is signed, it is not a guarantee that the obligations will be delivered; on occasions the approved development is not implemented, and therefore no obligations would be delivered.

### **5. Consultation**

5.1 Not applicable.

### **6. Risk assessment**

6.1 The Section 106/CIL Officer's responsibilities include monitoring developments to ensure that all obligations, including financial contributions, are met. Failure to pay contributions results in benefits to the community being lost. These benefits include meeting the needs of the new residents regarding educational facilities, open space and play equipment, etc.

6.2 Contributions received must also be closely monitored to ensure that contributions are spent within the timescale specified by the agreement. Failure to meet payment deadlines will result in the contribution being returned to the developer/owner with interest at a specified rate (e.g. 2% over base rate).

## **7. Financial and legal implications**

- 7.1 Many of the obligations are financial contributions to services which will support the new development to provide the infrastructure required, for example education, open space, transport, etc.
- 7.2 Service planning can be problematic for say education, where a contribution is expected and school expansion plans are produced, but if the development does not go ahead it can have repercussions to provision in an area where several expected developments would, between them, fund a new school.

## **8. Recommendation**

- 8.1 That the Planning Committee consider and note the Section 106 funding received and those Section 106 agreements signed during the period July – September 2015 as set out in Appendices 1 and 2.

### **Lead officer contact**

Dave Harris, Head of Planning  
Gun Wharf  
Telephone: 01634 331575  
Email: [dave.harris@medway.gov.uk](mailto:dave.harris@medway.gov.uk)

### **Background papers**

Section 106 agreements signed between April to June 2016

Guide to Developer Contributions 2014

<http://www.medway.gov.uk/planningandbuilding/applyforplanningpermission/developerc ontributions.aspx>

### **Appendices**

- Appendix 1 S106 funding received April to June 2016
- Appendix 2 Agreements signed between April to June 2016

**APPENDIX 1 : S106 funding received April to June 2016**

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount</b>
97/0224/GL	Dickensworld	River	Tourism	£5,875.76
97/0224/GL	Dockside	River	Retail	£2,654.40
<b><i>Habitat regulations : contributions received</i></b>				
15/2914	32 Knights Rd, Hoo	Peninsula	1 dwelling	£223.58
16/0867	85 Bredhurst Rd	Hempstead & Wigmore	2 dwellings	£447.16
15/1528	15 Woodstock Rd Strood	Strood South	1 dwelling	£223.58
15/3772	r/0 722 Maidstone Rd	Hempstead & Wigmore	1 dwelling	£223.58
15/2927	94/96 Duncan Rd	Gillingham South	4 dwellings	£894.32
16/0947	Livingstone Arms	Gillingham South	5 dwellings	£1,117.90
15/4374	14 Wharf Lane, Cliffe	Strood Rural	4 dwellings	£894.32
15/3949	r/o 2 – 4 Wigmore Rd	Rainham Central	2 dwellings	£447.16
16/0381	263 – 263A Luton Rd	Luton & Wayfield	1 dwelling	£223.58
15/3808	36 Hughes Drive	Strood Rural	1 dwelling	£223.58

**APPENDIX 2 : agreements signed between April to June 2016**

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount</b>
15/3793	Lower Upnor Depot	Strood Rural	16 flats	Bird mitigation	£3,577.28
				Great Lines Heritage Park : for maintenance of footpaths at Fort Amherst – Belvedere area	£999.60
				Provision of new equipment at Chattenden Community Centre	£1,093.68
				Health : for improvements to one or more of GP surgeries - St Mary's Island, The Park Medical Practice and/or Brompton Medical Centre	£3,743.60
				Greenspaces : towards improvements to the Lower Upnor Riverside Project run by the Frindsbury Extra Parish Council	£8,807/36
				Heritage : to be spent at Upnor Castle	£3,783.87
				Education : <u>Nursery</u> at either Hundred of Hoo Academy primary expansion or a new free school provision within Strood	£1,996.80
				<u>Primary</u> at either Hundred of Hoo Academy primary expansion or a new free school provision within Strood	£5,990.40
				<u>Secondary</u> at either Hundred of Hoo Academy secondary expansion or a new free school provision within Strood	£6,517.65
<b>Habitat regulations agreements</b>					

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount</b>
15/2914	32 Knights Rd, Hoo	Peninsula	1 dwelling		£223.58
15/4417	32 Christmas Lane High Halstow	Peninsula	1 dwelling		£223.58
16/0314	113A Barnsole Rd Gillingham	Watling	2 dwellings		£447.16
16/0867	85 Bredhurst Rd Wigmore	Hempstead & Wigmore	2 dwellings		£447.16
16/0042	1 Mountbatten Ave, Wayfield	Luton & Wayfield	1 dwelling		£223.58
16/0373	r/o of 9 Harvey Rd Rainham	Rainham Central	1 dwelling		£223.58
15/1528	15 Woodstock Rd Strood	Strood South	1 dwelling		£223.58
16/0580	The Alma PH, Strood	Strood South	1 dwelling		£223.58
15/3949	r/o 2-4 Wigmore Rd	Rainham Central	2 dwellings		£447.16
15/4374	14 Wharf Lane, Cliffe	Strood Rural	4 dwellings		£894.32

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount</b>
16/0381	263/263A Luton Rd	Luton & Wayfield	1 dwelling		£223.58
15/4237	Former United Services PH Arden Street	Gillingham North	9 dwellings		£2,012.22
16/1173	153 Maidstone Rd Chatham	Rochester South & Horsted	1 dwelling		£223.58
15/3939	46 Orchard St, Rainham	Rainham Central	Outline		
16/0948	22 High St, Chatham	River	4 dwellings		£894.32
16/0817	67 Burnham Walk, Rainham	Rainham South	1 dwelling		£223.58