

## **PLANNING COMMITTEE**

**18 AUGUST 2021**

### **REPORT ON SECTION 106 AGREEMENTS APRIL TO JUNE 2021**

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

#### Summary

This report informs Members on the amount of Section 106 funding received between April to June 2021 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 and Obligations 2018', 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 2021 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 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 Guide to Developer Contributions and Obligations 2018 was approved at Cabinet on 8 May 2018 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.
- 4.2 On 1 September 2019 updated CIL Regulations were introduced which included the deletion of the pooling restriction. (The pooling restriction meant that only 5 contributions for each infrastructure project could be requested from April 2010). As the restriction has been removed it enables services and the NHS to request S106 funding for a single project as often as appropriate to support the required infrastructure/project.
- 4.3 The updated CIL Regulations require all planning authorities to publish an Infrastructure Funding Statement (IFS) annually, The first IFS was produced and available on line at the end December 2020 and provided information on all Section 106 funding received and the projects these contributions covered, and all Section 106 spent in that 2020 including what infrastructure/project the expenditure covered.

### 5. Risk management

- 5.1 The Section 106 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.

5.2 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).

## 6. Consultation

6.1 Not applicable.

## 7. Financial 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. Legal implications

8.1 Section 106 agreements are legal documents. Developers are expected to adhere to the obligations but failure to do so can result in enforcement action being taken.

## 9. Recommendations

That the Planning Committee consider and note the Section 106 funding received, those Section 106 agreements signed during the period April to June 2021 and Habitat Regulations contributions as set out in Appendices 1 to 3.

## 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)

## Appendices

- Appendix 1 S106 funding received between April to June 2021
- Appendix 2 Agreements signed between April to June 2021
- Appendix 3 Habitat Regulations : bird mitigation contributions received for developments of less than 10 units

## Background papers

Section 106 agreements signed between Section 106 agreements signed between  
April to June 2021

Medway Guide to Developer Contributions and Obligations May 2018 updated April  
2021

[file:///C:/Users/jill.king/Downloads/FINAL\\_ADOPTED\\_Developer\\_Contributions\\_Guide\\_May\\_2018\\_v5\\_April\\_2021\\_accessible.pdf](file:///C:/Users/jill.king/Downloads/FINAL_ADOPTED_Developer_Contributions_Guide_May_2018_v5_April_2021_accessible.pdf)

**Appendix 1 : S106 funding received April to June 2021**

App no. MC/	Site	Ward	For	Amount £
15/0079	Kitchener Barracks	River	Primary education : St Mary's Island Primary	54,610.09
			Community facilities	4,429.68
			Health care facilities at any of the following within 1 miles of the site : Brampton Medical Centre, College Health, Boots, the Sunlight Centre, the Glebe family practice	15,162.54
			Great Lines Heritage Park – towards connectivity between Brompton and Fort Amherst (Spur Battery) to GLHP	8,097.27
			Towards the provision and improvement of facilities at Fort Amherst	3,640.69
			Waste and recycling facilities inc provision of bins, waste bags/sacks on site, litter and dog bins within 1 miles of site and towards a new graffiti removal vehicle	4,028.22
			Public realm : towards improvement of connectivity between the Brook Theatre and the civic space/city centre	8,060.01
16/2776	Brickfields	Hempstead and Wigmore	Off site affordable housing (2 <sup>nd</sup> and final instalment)	995,104.20
19/2532	The Maltings, Rainham	Rainham South	Bird mitigation	7,121.40
17/4408	Walnut Tree Farm High Halstow	Peninsula	Nursery education : Hundred of Hoo Academy Primary school	39,352.74
			Primary education at Hundred of Hoo Academy Primary school or a new free primary school in the borough of Hoo	99,016.58
			Secondary education : for expansion of humanities block at Hundred of Hoo secondary school or a new free secondary school in the borough of Hoo	54,353.71

App no. MC/	Site	Ward	For	Amount £
			Waste : bins, leaflets, pest control and graffiti removal	5,217.66
	Walnut Tree Farm cont.		Health : towards relocation of Hoo St Werburgh medical practice to alternative premises on Hoo Peninsula	41,425.05
			Community facilities in High Halstow Parish area	12,003.56
17/4034	Temple Waterfront	Strood South	Nursery education : improve facilities/accessibility at Gordon Road Primary School	5,743.84
			Primary education : improve facilities/accessibility at Gordon Road Primary School	5,861.65
			Secondary education : towards improving sports facilities and accessibility at Strood Academy and/or Sir Joseph Williamson's mathematical School	17,473.84
			Waste : residential bins and information to households	2,827.26
			Health : improvement of facilities at St Marys Medical Centre Strood	10,331.42
			Heritage : improve access, signage and grounds at Temple Manor	4,651.27
			Community facilities	2,993.69
			Library facilities	2,698.18
			Creation, maintenance and management of public open space	41,686.13
			Sports facilities at Strood Sports Centre	3,977.85
17/3687	Berengrave Nursery	Rainham North	Nursery education : school places at either Riverside Primary School and/or St Thomas of Canterbury expansion	24,476.53
			Primary education : school places at either Riverside Primary School and/or St Thomas of Canterbury expansion	59,667.62
			Secondary education : school places at Rainham Mark Grammar School	60,254.74
			Sixth form : places at Rainham Mark Grammar School	15,987.22

App no. MC/	Site	Ward	For	Amount £
	Berengrave Nursery cont.		Rainham Town Centre : towards pedestrian accessibility and safety improvements and bus stop infrastructure and enhancement to cycle parking provision to Berengrave Lane	23,360.22
			Waste : towards household waste receptacles and improvement of local HWRC	9,736.02
			Open space : towards enhancement of park and gardens and outdoor sport provision at Cozenton Park and allotments at Berengrave Chalk Pit allotments	109,889.06
			A2 highway improvements at A2/Birling Avenue and/or A2/Bloors Lane junctions	2,256.56
			Library improvements at Rainham Library	3,086.35
18/3659	Chatham Waterfront	River	Bird mitigation	42,171.36
18/2961	West of Town Road Cliffe Woods	Peninsula	Provision of bus service (1 <sup>st</sup> of 5 annual instalments)	26,958.76
			Waste and recycling – use once bags and 240 litre brown wheeled bins for collection of food and garden waste	14,933.30
			Additional bird mitigation payment	121.78
19/1299	West of Elm Ave and south of Broadwood Rd Chattenden	Peninsula	Waste and recycling – towards provision of waste containment on site and providing bins and information to the households	10,905.34
20/2296	Flanders Farm, Hoo	Peninsula	Bird mitigation	4,583.78
			PROW : improvement/maintenance and signage RS46, RS47 and RS347	2,700.00
20/1800	South side of Lower Rainham Road west of Station Road	Rainham North	Bird mitigation	19,780.81

App no. MC/	Site	Ward	For	Amount £
18/0247	White House Farm Hoo	Peninsula	Bird mitigation	15,852.29
20/1222	Plot 2A Culpepper Close Medway City Estate	Strood Rural	Towards the provision of a new filter lane at the roundabout junction A289	5,015.93
19/3328	Hillcrest, Ratcliff Highway, Hoo	Peninsula	Open space improvements in consultation with Hoo Parish Council	50,902.32
			Great Lines Heritage Park	2,679.08
			Health : towards healthy living centre or equivalent in Hoo and peninsula	13,279.56
			Waste and recycling	3,634.05
			Sport : new door in reception at Hoo sports centre	5,112.87
			Community facilities	3,848.04
			PROW : kissing gates each end of RS103	500.00
			Youth : programme delivery to include access supplies, equipment and/or instructors in the Rochester area	1,644.72
			Trees : provision/maintenance of trees within the vicinity of the site or in the proposed country park	23,376.20
			Transport : sustainable transport initiatives inc improvements to A229 junction	5,431.00
			Heritage : improvements to Upnor Castle	5,978.49
			Nursery education : towards Chattenden Primary and/or Hundred of Hoo and/or Hoo St Werburgh Primary Schools	28,958.58
			Primary education : towards Chattenden Primary and/or Hundred of Hoo and/or Hoo St Werburgh Primary Schools	71,079.96
			Libraries : improvements to Hoo Library	3,468.15



App no. MC/	Site	Ward	For	Amount £
20/2839	Land at City Way Rochester	Chatham Central	Improvements to public right of way along southern boundary to include resurfacing and vegetation cut back	15,000.00
14/2737	Former Southern Water site Capstone Rd	Luton & Wayfield	Nursery education : Luton Infant and/or Saxon Way primary schools	43,125.54
			Primary education at either Saxon Way or St Mary's Island and secondary school places at either Walderslade Girls, Chatham Grammar or Greenacre boys schools	100,960.62
			Improvement of community facilities at the White Road Community Centre	8,874.04
			Training and workforce development within Luton and Wayfield	12,762.48
MC/11/2756	Chatham Waters		Improvements at the Strand leisure centre	119,380.78
			Travel plan monitoring	2,387.20
			Primary school education	15,316.10
			Waste and recycling	56,822.52
			Health	107,817.98
			Accessibility and infrastructure : for walking and cycling improvements between the site and Gillingham town centre, Gillingham railway station and local schools and colleges	28,054.48
MC/09/0417	Temple Waterfront	Strood South	Health : one or more GP surgeries in Strood catchment area and/or Keystone Health Centre	121,872.24
			Travel plan (3 <sup>rd</sup> instalment)	799.92
			Bus service (3 <sup>rd</sup> instalment)	20,002.92
			Safer routes to school (3 <sup>rd</sup> instalment)	5,365.04
			Highways : improvements to Roman Way/Cuxton Rd roundabout public realm (3 <sup>rd</sup> instalment)	3,000.62

App no. MC/	Site	Ward	For	Amount £
			Heritage : for Knight Road/Temple Manor public realm (3 <sup>rd</sup> instalment)	10,001.46
MC/09/0417	Temple Waterfront continued	Strood South	Waste and recycling (3 <sup>rd</sup> instalment)	9,251.15
			Open space : towards creation, maintenance and management of the public spaces within the site (3 <sup>rd</sup> instalment)	43,185.50

## Appendix 2 : agreements signed between April to June 2021

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
20/2839	Land off City Way	Chatham Central	Secondary school	Resurfacing of PROW (Boundary Rd – City Way) and vegetation cut back	15,000.00
20/1800	Land off Lower Rainham Road	Rainham North	79 units	Bird mitigation	19,780.81
				Open space facilities	195,252.33
				Great Lines Heritage Park	10,276.44
				Sport facilities improvements	19,611.75
				Nursery education : at 1 or more Mierscourt, Park Wood, Thames View, St Thomas of Canterbury, Riverside Primary or a new free school in the area	95,102.14
				Primary education : at 1 or more Mierscourt, Park Wood, Thames View, St Thomas of Canterbury, Riverside Primary or a new free school in the area	93,874.54
				Secondary school education : at 1 or more The Howard School, Rainham School for Girls, Rainham Mark Grammar, Robert Napier or a new free school in the area	175,052.96
				Sixth form education : Secondary school education : at 1 or more The Howard School, Rainham School for Girls, Rainham Mark Grammar or a new free school in the area	10,550.65
				Youth services	6,308.94
				PROW : signage and promotion of the Saxon Shore Way regional trail	3,998.00

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
20/1800	Lower Rainham Rd continued			Public realm improvements within the vicinity of the development	10,000.00
				Highway infrastructure improvements to Lower Rainham Road	43,312.50
				Traffic Regulation Order	10,000.00
				Waste and recycling	13,939.55
				Library facilities	13,303.60
				Berengrave Nature Conservation site	53,000.00
				Health : towards Rainham Local Primary Care network	50,936.41
20/1531	4, 16, 20 and 22 High St Rainham	Rainham Central	Demolition / 55 retirement flats	Bird mitigation	12,769.89
				Health : improvements at Rainham Healthy Living Centre	16,490.88
				Open space improvements at Cozenton Park	6,448.13
				Affordable housing : revised viability appraisal between 40%-90% occupation to determine AH contribution between £0 – maximum £112,548.89	

**Appendix 3 : Habitat Regulations : bird mitigation contributions received for developments of less than 10 units**

Application no. MC/	Site address	Ward	For	Amount received £
20/3329	4 Elm Tree Cottages, Chattenden Lane, Chattenden, Rochester	Strood Rural	1 unit	253.83
21/0592	31 Balmoral Road, Gillingham	Gillingham South	1 unit	253.83
20/3328	Prospect House, Lower Twydall Lane, Gillingham	Rainham North	1 unit	253.83
21/0372	94 Brompton Farm Road, Strood	Strood North	1 unit	253.83
21/0502	Unit rear of 35 Railway Street, Chatham	River	1 unit	253.83
21/0059	71 St Margaret's Street, Rochester	Rochester West	1 unit	253.83
21/0537	Land between Chatham Hill and Mount Pleasant, Chatham	River	4 units	1,015.32
21/0442	139a Nelson Road, Gillingham	Gillingham South	4 units	1,015.32
20/2891	Land south of 49 Beacon Road, Chatham	Luton and Wayfield	2 units	507.66
21/1262	42 New Road, Chatham	Chatham Central	1 unit	253.83
20/2509	38 Goddings Drive, Rochester	Rochester West	1 unit	253.83

Application no. MC/	Site address	Ward	For	Amount received £
21/0503	39 Railway Street, Chatham	River	4 units	1,015.32
21/0921	British Pilot Hotel, Avery Way, Allhallows	Peninsula	4 units	1,015.32
21/0675	24 Gun Lane, Strood	Strood North	4 units	1,015.32
21/0692	266 Hempstead Road, Hempstead	Hempstead and Wigmore	1 unit	253.83
20/3159	249 London Road, Rainham	Rainham Central	1 units	253.83
21/1304	5 Cedar Road, Strood	Strood South	2 units	507.66
21/0332	Garage site Norfolk Road, Twydall	Twydall	2 units	507.66
21/1035	60-64 Canterbury Street, Gillingham	Gillingham South	2 units	507.66
21/1614	Prince of Wales, 9 High Street, Strood	Strood South	1 unit	253.83
21/1017	60-64 Canterbury Street, Gillingham	Gillingham South	3 units	761.49
21/0370	100-110 High Street, Strood	Strood North	8 units	2,030.64
21/1505	37 Stuart Road, Gillingham	Watling	2 units	507.66
21/1776	Bankside House, Bank Street, Chatham	Luton and Wayfield	1 unit	253.83

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
21/1260	162 High Street, Chatham	River	3 units	761.49
21/1157	3 Old Road, Chatham	Chatham Central	4 units	1,015.32
21/1161	92 Canterbury Street, Gillingham	Gillingham South	1 unit	253.83