

## **Planning Committee**

**30 May 2024**

### **Report on Section 106 Agreements October 2023 to March 2024**

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S106 Officers

#### Summary

This report informs Members on the amount of Section 106 funding received between October 2023 and March 2024 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. Recommendations

- 1.1. The Committee is asked to consider and note the Section 106 funding received, those Section 106 agreements signed during the period October 2023 to March 2024 and Habitat Regulations contributions as set out in Appendices 1 to 3.

#### 2. Budget and policy framework

- 2.1 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 October 2023 to March 2024 and itemises the obligations covered by these agreements.
- 2.2 Information relating to expenditure of S106 contributions in 2023/2024 will be updated when final accounts have been confirmed for that period.

#### 3. Background

- 3.1 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.

### 3.2 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.

### 3.3 A planning obligation may only constitute a 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.

### 3.4 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.

### 3.5 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. The Guide is updated on 1 April annually to reflect the increase in costs based on the retail price index.

## 4. Options

### 4.1 Not applicable.

## 5. Advice and analysis

### 5.1 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.

### 5.2 CIL Regulations require all planning authorities to publish an Infrastructure Funding Statement (IFS) annually. The IFS provides information on all S106 contributions agreed, received and spent, including the infrastructure/projects these contributions cover.

## 6. Risk management

### 6.1 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.

- 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 (4% over base rate).

## 7. Consultation

- 7.1 Not applicable.

## 8. Financial implications

- 8.1 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.

- 8.2 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 or expansion of that school.

## 9. Legal implications

- 9.1 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.

## Lead officer contact

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## Appendices

- Appendix 1 S106 funding received between October 2023 to March 2024  
Appendix 2 Agreements signed between October 2023 to March 2024  
Appendix 3 Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between October 2023 to March 2024

## Background papers

Section 106 agreements signed between October 2023 to March 2024

[Medway Guide to Developer Contributions and Obligations May 2018 updated April 2023](#)

[Infrastructure Funding Statement](#)

**Appendix 1: S106 funding received October 2023 to March 2024**

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
18/1796	Land south of Lower Rainham Road, Rainham	Rainham North	Towards off-site ecological improvements at Berengrave Local Nature Reserve and Riverside Country Park	58,877.60
			Towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy (SAMMS)	60,737.20
22/0238	Land rear of 247-253 High Street and 1-5 Batchelor Street, Chatham	Chatham Central and Brompton	Towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy	3,553.52
19/0287	Land at Town Road, Cliffe Woods	Strood Rural	Towards the provision of nursery educational facilities at Cliffe Woods Independent Pre-School and/or Temple Mill Primary School	353,816.21
			Towards the provision of a bus shelter with associated seating and real time information board at the Chatham bound side of the southern end of View Road, Cliffe Woods	11,686.45
20/2107	Bridgeside, Warwick Crescent, Borstal	Rochester West & Borstal	Towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy	3,255.36
15/0079	Kitchener Barracks	River	Primary education: St Mary's Island Primary School	76,619.39
			Community facilities in the vicinity of the site	6,214.96

App no. MC/	Site	Ward	For	Amount £
			Health: provision/improvements to any of Brompton Medical Centre, College Health at Boots, Sunlight Centre, Gleve Family Practice	21,273.43
			Great Lines Heritage Park: to improve connectivity between Brompton and Fort Amherst (Spur Battery)	11,360.68
			Towards provision/improvement of facilities at Fort Amherst	5,107.99
			Waste and recycling facilities	5,651.70
			Public realm: towards provision/improve connectivity between the Brook Theatre and the civic space/city centre	11,308.40
97/0224/GL	Dockside	River	Town centres / tourism	17,217.79
18/3659	Chatham Waterfront	River	Nursery/primary education: at New Rd and/or Greenvale and/or Delce infants	51,766.32
			Secondary/sixth form education: at Victory secondary and/or St John Fisher School and/or Holcombe Grammar	64,707.90
21/2612	The Hollies and Southview Sharnal St, High Halstow	Peninsula	Off site affordable housing	125,887.51
			Off site open space facilities in the vicinity of the site	45,952.44
17/2333	Rochester Riverside	Rochester West & Borstal	Open space: improvements at the Esplanade and Jackson recreation ground (1 <sup>st</sup> instalment)	601,082.52

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
17/2333 continued	Rochester Riverside	Rochester West & Borstal	Rochester Community Assets (1 <sup>st</sup> instalment)	29,754.60
			Bird mitigation (4 <sup>th</sup> instalment)	41,745.65
97/0224/GL	Dockside	River	Town centre /retail	5,331.28
20/0559	Former NHS Walk In Centre, Canterbury Street, Gillingham	Gillingham South	Open space: improvements to Gillingham Park	34,589.57
			Open space: KWT to provide conservation management of Darland Banks	34,589.57
			Great Lines Heritage Park	3,640.06
			Waste: waste containment, maintenance and improvement of location centre	4,938.87
			Nursery education: at Greenvale Infants and/or Phoenix Junior and/or New Road Primary and/or St Thomas of Canterbury schools	10,733.53
			Primary education: at Greenvale Infants and/or Phoenix Junior and/or New Road Primary and/or St Thomas of Canterbury schools	9,200.15
			Secondary education: at Brompton Academy and/or Victory Academy and/or Chatham Grammar School for Girls and/or Robert Napier School	23,480.13

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
20/0559 continued	Former NHS Walk In Centre, Canterbury Street, Gillingham	Gillingham South	Sixth form education: at Brompton Academy and/or Victory Academy and/or Chatham Grammar School for Girls and/or Robert Napier School	1,726.99
			Youth: provision of youth facilities by the Medway Youth Services Team in the Gillingham area for young persons (ages 8-19 year and up to 25 for person with disabilities)	2,232.30
			Community facilities	5,222.77
			Libraries: enhancement of library facilities at Luton Library	4,707.16
			Health: towards improvements at Balmoral Healthy Living Centre	18,023.75
18/2406	Whiffens Avenue Car Park, Chatham	Chatham Central and Brompton	Open space: improvements to Town Hall Gardens – any unspent monies to be spent on open space facilities at the White Road area site	58,247.34
			Nursery education: towards nursery school provision at New Road Infants School and/or Greenvale Infants School (1 <sup>st</sup> and part of 2nd instalment)	14,740.61
			Primary education: towards the provision of new primary school facilities at New Road Infants School and/or Greenvale Infants School and/or Phoenix Junior School (1 <sup>st</sup> and part of 2nd instalment)	37,904.05



App no. MC/	Site	Ward	For	Amount £
			Secondary education: towards the provision of secondary school facilities at Victory Academy and/or Brompton Academy (1 <sup>st</sup> and part of 2nd instalment)	26,555.46
18/2406 continued	Whiffens Avenue Car Park, Chatham	Chatham Central & Brompton	Heritage: towards an engineer's survey and repairs to the underground sump at Brook Pumping Station to improve visitor access/experience (part of 1 <sup>st</sup> instalment)	10,693.57
			Great Lines Heritage Park: towards the scheme of footpath improvements phase 2 at the Great Lines Heritage Park (part of 1 <sup>st</sup> instalment)	19,167.82
			Public realm: towards ensuring the connectivity of the Development with Chatham town centre by supporting the public realm enabling work to improve the end of Military Road/Brook by creating a path at the end of the taxi rank to facilitate the closure of the pedestrian underpass (part instalment)	10,169.05
			Waste and recycling: towards the provision of waste and recycling facilities relating to the Development (1 <sup>st</sup> instalment)	13,000.12
			Travel – bus service infrastructure: towards the improvements to the bus infrastructure (including but not limited to upgrading screens and benches) at the Chatham Bus Exchange to encourage the residents of the Development to utilise the bus service (part instalment)	4,016.74
			Health: towards the improvement of facilities and infrastructure at Chatham Healthy Living Centre	23,752.58

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
21/3379	Land South of Stoke Road, Hoo St Werburgh	Hoo St Werburgh & High Halstow	Nursery and primary education: towards the provision of enhancements to/expansion of nursery and primary school provision within the vicinity of the Site	9,320.22
			Secondary and six form education: towards the provision of enhancements to/expansion of the secondary school provision within the Medway area	72,716.17
			Highways: towards the provision of highway improvements within the vicinity of the Site including improvements to junctions on the Strategic Highway Network	80,682.95
			Cultural and community facilities: Towards improvements to community and cultural facilities including improvements/replacement sports centre, upgrades to community facilities including libraries (either Hoo Library and/or the mobile library and/or a community facility that includes library facilities) and Hoo Cultural and Heritage facilities in Hoo St Werburgh and its vicinity including wayfinding	48,046.81
			Green and blue infrastructure: towards the provision of Green and Blue Infrastructure in Hoo St Werburgh and its vicinity including improvements/provision public open space and facilities, improvements/provision of bridleways/public rights of way	17,563.85
			Infrastructure improvements: towards the provision of further infrastructure improvements within the Hoo Peninsula	33,066.77

## Appendix 2: agreements signed between October 2023 to March 2024

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
22/2729	120-122 High Street, Gillingham	Gillingham South	Outline planning application with some matters reserved (landscaping) for a rooftop extension creating a 2nd floor to facilitate up to 24 residential unit above existing retail unit	Waste and recycling: towards the provision, improvement and promotion of waste and recycling services in the vicinity of the Site and within the Development	4,666.08
				Open space: towards the provision of enhancements of open space facilities within the vicinity of the Site	64,459.36
				GLHP: towards provision of enhancements of open space facilities within Medway's Metropolitan Park - Great Line Heritage Park	3,340.00
				Nursery Education: Towards the provision of enhancements to/expansion of the nursery school provision at a mainstream nursery facility	4,225.34
				Primary Education: Towards the provision of enhancements to/expansion of the primary education facilities at a mainstream primary school	1,810.86
				Secondary Education: Towards the provision of enhancements to/expansion of the secondary education facilities at a mainstream secondary school and/or SEND facilities within the Medway area	9,515.02
				Six-form Education: Towards the provision of enhancements to/expansion of the sixth form education facilities at a mainstream sixth form facility and/or SEND facilities within the Medway area	679.84

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				Community facilities: towards the provision of improvements to community facilities within the vicinity of the Site	4,940.88
				Libraries: towards the provision of improvements to the facilities and equipment at Gillingham Library	4,453.20
				Health: towards the support, the foundation and development of the Primary Care Network within the locality of Gillingham	17,051.04
				Youth: Towards the provision of youth facilities by the Medway Youth Services Team in the Gillingham area	2,111.76
				Sport: Towards the provision of a new swimming gala facility at Medway Park	6,565.20
				SAMMS	6,621.12
21/3405	Land at 24 Gun Lane, Strood	Strood North & Frindsbury	Construction of a part 5 storey part 6 storey building comprising two ground floor retail units (use class E), five one bedroomed and eight two bedroomed flats with parking amenity space and associated landscaping	Waste and recycling: towards the provision, improvement and promotion of waste and recycling services in the vicinity of the Site and within the Development	2,325.44
				Open space: provision of enhancements of open space facilities within the vicinity of the Site	32,572.51
				GLHP: towards provision of enhancements of open space facilities within Medway's Metropolitan Park - Great Line Heritage Park	1,714.34

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				Public Realm: towards the development of improvements to civic space and to the gateway to Strood town centre, including but not limited to the provision of greening projects, bollards, safety measures and signage	3,185.00
				Libraries: towards the provision of improvements to the facilities and equipment at Strood Library	2,219.23
				Health: towards the support, the foundation and development of the Primary Care Network within the locality of Strood	8,497.58
				Sustainable transport: towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity for instance but not limited to pedestrian accessibility improvements on the highway, public transport infrastructure and/or organising practical initiatives (such as walking buses) all with the intention of encouraging trips made by the local (school) community by other means than private car	7,500.00
				Heritage: towards the provision of improvements to landscaping within the grounds of Temple Manor, Knight Road, Strood	3,825.64
				SAMMS	3,299.79

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
22/1810	Land at Bardell Wharf, Rochester	Rochester West & Borstal	Mixed use development comprising residential units (Class C3) and commercial floorspace (Class E) together with vehicular access off Bardell Terrace, vehicle (including on site and on street spaces) and cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works. Highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - demolition of all buildings on site	Highways works to Star Hill Roundabout to be undertaken, to the reasonable satisfaction of the Council  Wider Site improvements to the public realm within the vicinity of the site  Affordable housing – minimum 10% affordable rented	Non-financial
22/0254	Land to the east and west of Church Street, Cliffe	Strood Rural	Outline application with all matters reserved except for (access) for a residential development of up to 250 dwellings and a mixed-use community hub together with associated infrastructure including public open space and community facilities comprising a replacement sports ground and pavilion, with accesses from Church Street, Cooling Road and Buttway Lane	Playing pitches: to lay out and provide the playing pitches with details to be approved under a reserved matters application and/or conditions attached to the outline permission prior to 50% occupation of the housing units on the western side of Church Street and before any commencement on the east side of Church Street. Prior to occupation of 75% of houses on the west side of Church Street and before any commencement on the east side of Church Street to offer to lease the playing pitches to the Council, as set out in Annex 5. Prior to the expiry of the playing pitch lease to review with the Council	Non-financial

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				<p>whether it is appropriate to grant a further lease of the playing pitches to the Council or some other form of management of the playing pitches is preferable.</p> <p>Travel plan: to submit a travel plan to the Council for its approval in writing prior to the first occupation. From the first occupation to implement the travel plan for 3 years, monitor and review the travel plan annually for 3 years, not to allow first occupation prior to the appointment of a travel plan coordinator, provide details of the coordinator to the Council in writing prior to first occupation, ensure continuation of the travel plan coordinator for the lifetime of the travel plan</p> <p>The Pavilion: prior to occupation of 75% of the housing units on the west side of Church Street and commencement of the east side of Church Street, to complete the Pavilion to the satisfaction of the Council and lease the Pavilion to the council or its nominated operator</p> <p>Affordable housing – minimum 25%, 60/40 affordable rented/shared ownership</p>	
				Sustainable Transport: towards development of sustainable transport infrastructure and services to encourage a modal shift from the private motor vehicle within the local vicinity of the Site	365,625

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				Strategic Network Improvement: towards the provision of improvements to the strategic network of the route known as subnetwork 1 and the A289 and/or junction 1 of the M2 motorway	241,944
				Nursery Education: towards nursery education facilities within a 2 mile radius of the Site	Upto £1,425.42 per unit
				Primary Education: towards primary education and/or SEND facilities within a 2 mile radius of the Site	Upto £1,499.47 per unit
				Secondary Education: towards mainstream secondary education within the Council's administrative area	Upto £2,534.58 per unit
				Community Infrastructure: towards existing community facilities in the village of Cliffe	25,733
				Libraries: towards improvement to facilities within the vicinity of the Site and/or towards mobile library provision	£170.71 per unit
				Health: to support the creation of additional capacity in Primary Care premises required as a result of the increa in housing and resulting patient registration either by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the Site or as a contribution towards a new facility if this is required to support the population growth	£642.63 per unit
				Open Space and Outdoor Sports: towards the enhancement of open space facilities within the vicinity of the Site	£610.49 per unit



Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				Great Lines Heritage Park	£32.13 per unit
				Public Realm: towards improved civic space and gateways to Strood Town Centre	£245 per unit
				PROW: towards improvements to signage and sightlines to local public rights of way and towards enhancements to Byway RS84 to Cliffe Woods and Byway RS87	£100 per unit
				Waste: towards waste containment facilities the maintenance and improvement of local bring centres and waste education and promotion	£178.88 per unit
				Youth: to support programme delivery for young people in the Rochester area	£80.93 per unit

**Appendix 3: Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between October 2023 to March 2024**

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
23/2195	136 High Street, Rainham	Rainham South West	1 unit	314.05
23/2088	Land rear of 339A & 341 Maidstone Road (fronting Tanker Hill), Rainham	Rainham South East	2 units	628.10
23/1970	178 Darnley Road, Strood	Strood West	3 units	942.15
23/1958	Riverview Lodge Guest House, 88 Borstal Road, Rochester	Rochester West & Borstal	7 units	2198.35
23/2071	Riverview Lodge Guest House, 88 Borstal Road, Rochester	Rochester West & Borstal	2 units	628.10
23/2220	90 Station Road, Strood	Strood North and Frindsbury	1 unit	314.05
23/2484	19 Napier Road, Gillingham	Watling	1 unit	314.05
23/1726	32 Tennyson Road, Gillingham	Gillingham South	4 units	1,256.20
23/1805	117-119 High Street, Gillingham	Gillingham South	13 units	4,082.65
23/2694	Newlands Farm, Newlands Farm Road, Rochester	All Saints	1 unit	314.05

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
23/2187	37 Station Road, Rainham	Rainham North	1 unit	314.05
APP/A2280/C/ 09/2119663	Arethusa Wharf, Lower Upnor Road, Upnor	Strood Rural	1 unit	314.05
23/2580	287 Castle Road, Chatham	Chatham Central & Brompton	4 units	1,256.20
23/2646	94 Brompton Farm Road, Strood	Strood North & Frindsbury	2 units	628.10
23/2412	Land rear of 46 Jeffery Street, Gillingham	Gillingham South	2 units	628.10
23/1996	10 High Street, Brompton	Chatham Central & Brompton	1 unit	314.05
23/2683	Pear Tree House, 68 West Street, Gillingham	Gillingham Sout	2 units	628.10
23/2610	46 Hamilton Road, Gillingham	Gillingham North	1 unit	314.05
18/1595	Broom Hill Reservoir, Gorse Road, Strood	Strood North & Frindsbury	4 units	1,139.75
23/2410	94 Arden Street, Gillingham	Gillingham South	2 units	628.10
23/2602	Land to rear of 287/289 Luton Road, Luton	Luton	2 units	628.10

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
23/1644	18 High Street, Chatham	Fort Pitt	3 units	942.15
23/2824	106/108 High Street, Gillingham	Gillingham South	1 unit	314.05
23/2865	14 Stopford Road, Gillingham	Gillingham South	1 unit	314.05
23/1608	Riverview, Grange Road, Gillingham	Gillingham North	1 unit	314.05
23/2707	Car parking area to rear of 9 Napier Road, Gillingham	Watling	1 unit	314.05
23/2719	Jems, Kirk Lane, Cooling Street, Cliffe	Strood Rural	1 unit	314.05
23/2423	Harewood, Matts Hill Road, Rainham	Rainham South East	1 unit	314.05
23/2459	160 Canterbury Street, Gillingham	Gillingham South	1 unit	314.05
24/0029	318 Luton road, Chatham	Luton	1 unit	314.05
22/2965	Avenue Tennis Club, Glebe Road, Gillingham	Watling	1 unit	314.05
23/1695	5 New Road Avenue, Chatham	Fort Pitt	10 units	3,140.50

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
20/3237	Mountbatten House, Military Road, Chatham	Chatham Central & Brompton	164 units	41,063.96
23/2861	112 Maidstone Road, Chatham	Fort Pitt	1 unit	314.05
23/2363	Wybournes Farm, Wybournes Lane, Rochester	Hoo St Werburgh & High Halstow	5 units	1,570.25
23/1473	Former Medway Fire Station, Star Mill Lane, Gillingham	Watling	3 units	942.15
24/0078	Land west of Meresborough Road and south of Moor Park Close, Rainham	Rainham South East	9 units	2,826.45
24/0283	3 Scotts cottage, Rainham	Rainham South East	1 unit	314.05
23/2616	Park View, 55 Marlborough Road, Gillingham	Gillingham South	1 unit	314.05
23/2617	Park View, 55 Marlborough Road, Gillingham	Gillingham South	1 unit	314.05
23/2821	4 Batchelor Street, Chatham	Chatham Central & Brompton	4 units	1,256.20
24/0018	110b Luton Road, Chatham	Luton and Wayfield Ward	1 unit	314.05