

Planning Committee

25 September 2024

Report on Section 106 Agreements April to June 2024

Report from: Adam Bryan, Director of Place

Author: Dave Harris, Chief Planning Officer and Rachel Flintoft/Jill King
S106 Officers

Summary

This report informs Members on the amount of Section 106 funding received between April 2024 and June 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 April to June 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 April to June 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

Dave Harris, Chief Planning Officer
Gun Wharf
Telephone: 01634 331575
Email: dave.harris@medway.gov.uk

Appendices

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

Background papers

Section 106 agreements signed between April to June 2024

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

[Infrastructure Funding Statement](#)

Appendix 1: S106 funding received April to June 2024

App no. MC/	Site	Ward	For	Amount £
16/2051	Otterham Quay Lane	Rainham North	Nursery education: provision in the area at the Riverside Nursery and Primary School	68,915.45
			Primary education: provision in the area at the Riverside Nursery and Primary School	169,156.10
			Secondary school education	171,086.82
			Sixth form education	45,029.98
21/2225	Land to east of Seymour Road and north of London Road, Rainham	Rainham North	Highways pedestrian accessibility: towards the provision by the Council of an uncontrolled pedestrian refuge island crossing on the A2 Moor Street between the junction with Meresborough Road and Seymour road as shown on drawing number 15626-H-03 revision P2	25,000.00
			Bird mitigation	11,676.18
21/1694	Land to south of View Road, Cliffe Woods	Strood Rural	Bird mitigation	17,397.43
97/0224GL	Dockside	Chatham Central & Brompton	Town centre/retail	17,420.24
23/2217	Elmsleigh Lodge, 118 Maidstone Road, Chatham	Chatham Central & Brompton	Tree planting	10,000.00

App no. MC/	Site	Ward	For	Amount £
18/2406	Whiffens Avenue Car Park	Chatham Central & Brompton	Nursery education: towards nursery school provision at New Road Infants School and/or Greenvale Infants School (5 th , 6 th , and 7 th instalments)	11,055.46
			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 (5 th , 6 th , and 7 th instalments)	28,428.04
			Secondary education: towards the provision of secondary school facilities at Victory Academy and/or Brompton Academy (5 th , 6 th , and 7 th instalments)	19,916.59
			Heritage: towards an engineer's survey and repairs to the underground sump at Brook Pumping Station to improve visitor access/experience (5 th , 6 th , and 7 th instalments)	8,020.18
			Great Lines Heritage Park: towards the scheme of footpath improvements phase 2 at the Great Lines Heritage Park (5 th , 6 th , and 7 th instalments)	14,375.87
			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 (5 th , 6 th , and 7 th instalments)	7,626.79
			Waste and recycling: towards the provision of waste and recycling facilities relating to the Development (5 th , 6 th , and 7 th instalments)	9,750.09

App no. MC/	Site	Ward	For	Amount £
			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 (5 th , 6 th , and 7 th instalments)	3,012.55
			Health: towards the improvement of facilities and infrastructure at Chatham Healthy Living Centre (5 th , 6 th , and 7 th instalments)	17,814.43
19/0287	Land at Town Road, Cliffe Woods (Redrow)	Strood Rural	Provision of shuttle bus service	690,994.44

Appendix 2: agreements signed between April to June 2024

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
23/0161	Aburound House	Twydall	18 flats	Bird mitigation	4,965.84
				Sport: new swimming gala timing system and improve club and community users' facilities at Medway Park	4,923.90
				Equipment/facilities at Twydall Library	3,339.90
				Improvements at Gillingham Town Centre	4,410.00
				Waste: towards waste education and protection + maintenance and improvement of location bring centres	3,499.56
				Community facilities : enhancement and/or expansion of community facilities within the vicinity of the site	3,705.66
23/1834	Docking Station	Chatham Central & Brompton	Digital production and post production studios, café, exhibition space	Environmental mitigation	40,000.00
22/1109	Land at Lennox Wood	Twydall	19 dwellings	Bird mitigation	5,241.72
				Towards the provision of enhancements and/or expansion of community facilities within the vicinity of the Site	3,911.53

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				Towards the improvements of nursery educational facilities within the catchment area of the Site	29,436.51
22/1109 continued	Land at Lennox Wood	Twydall	19 dwellings	Towards the improvements of primary educational facilities within the catchment area of the Site	2,064.38
				Towards the improvements of secondary educational facilities within the catchment area of the Site	57,248.71
				Towards the improvements of sixth form educational facilities within the catchment area of the Site	3,229.25
				Towards supporting the development of sustainable transport infrastructure	7,500.00
				Towards the foundation and development of the Primary Care Network in the Gillingham South locality including the provision of extension to, refurbishment of, or upgrade to supporting infrastructure, IT, training and equipment at existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth	13,498.74

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
				Towards the provision of waste containment measures for the Development including waste education and protection as well as towards the maintenance and improvement of location bring centres	3,693.98
				Towards enhancements to open space facilities within the vicinity of the Site	54,466.16
				Towards the provision of enhancement and/or the expansion of community facilities within the vicinity of the Site	3,911.53
23/2217	Elmsleigh Lodge, 118 Maidstone Road, Chatham	Chatham Central & Brompton	4 dwellings	Towards the provision of tree planting on land other than at the Site	10,000.00

Appendix 3: Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between April to June 2024

Application no. MC/	Site address	Ward	For	Amount received £
22/2467	Orchard View, High Street, Lower Stoke	All Saints	3 units	984.81
24/0267	1A Springfield Road, Gillingham	Gillingham North	3 units	984.81
24/0591	24 Georgian Way, Wigmore	Hempstead & Wigmore	1 unit	328.27
24/0573	Adjacent to 2 Settington Avenue, Wayfield	Luton	1 unit	328.27
23/2793	63 Woodlands Road, Gillingham	Watling	7 units	2,297.89
24/0448	6 Lynette Avenue, Strood	Strood North & Frindsbury	1 unit	328.27
24/0597	423 High Street, Chatham	Chatham Central & Brompton	2 units	656.54
24/0556	10 Grove Road, Strood	Strood North & Frindsbury	1	328.27
24/0658	25 Station Road, Rainham	Rainham North	3	984.81
24/0957	The Hogarth Inn, High Street, Rochester	All Saints	4	1313.08

Application no. MC/	Site address	Ward	For	Amount received £
24/0583	423 High Street, Chatham	Chatham Central & Brompton	1	328.27
24/0466	20-22 Hillside Avenue, Strood	Strood North & Frindsbury	2	656.54
24/0744	1 View Road, Rochester	Strood Rural	1	328.27
24/0723	116 Highstreet, Chatham	Chatham Central & Brompton	6	1969.62
24/0931	88 Watling Street, Gillingham	Watling	1	328.27
24/1024	127A Shakespeare Road, Gillingham	Gillingham South	1	328.27
24/0887	Land adjacent to Highway House, 193 New Road, Chatham	Chatham Central & Brompton	3	984.81
24/1036	299 High Street, Chatham	Chatham Central & Brompton	2	656.54
24/0053	Cooling Court Farm, Cooling Court, Cooling, Rochester	Strood Rural	1	328.27
23/2385	Land adjacent to 286 Castle Road, Chatham	Chatham Central & Brompton	1	328.27