

## **Planning Committee**

**20 November 2024**

### **Report on Section 106 Agreements 1 July to 30 September 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 July to September 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. Recommendation

- 1.1 The Committee is asked to consider and note the Section 106 funding received, those Section 106 agreements signed during the period July to September 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 July to September 2024 and itemises the obligations covered by these agreements.
- 2.2 Information relating to expenditure of S106 contributions in 2023/2024 will be reported in the annual Infrastructure Funding Statement (IFS) to be published by 31 December 2024.

#### 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](mailto:dave.harris@medway.gov.uk)

## Appendices

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

## Background papers

Section 106 agreements signed between July to September 2024

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

[Infrastructure Funding Statement](#)

**Appendix 1: S106 funding received July to September 2024**

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
19/0287	Land at Town Road, Cliffe Woods	Strood Rural	Provision of primary educational facilities at Cliffe Woods Primary School and/or St Helens Primary School and/or Temple Mill Primary school and/or a new free school in the area of the site	448,385.86
			Waste and recycling	45,848.50
21/2612	The Hollies and Southview Sharnal St, High Halstow	Hoo St Werburgh and High Halstow	Improvements to sustainable transport provision within Medway (50% of contribution)	38,157.55
18/1796	Land south of Lower Rainham Road	Rainham North	Off site ecological improvements at Reengrave Local Nature reserve and Riverside Country Park Gillingham	120,883.64
			Waste and recycling	42,876.98
22/2207	Purvilles, 221 Lordswood Lane	Princess Park	Enhancements of open space facilities within vicinity of the site in consultation with ward councillors	54,466.16
			GLHP : enhancement of open space facilities	2,866.64
			Nursery education : enhancements to/expansion of nursery school provision within 2 miles of the site and/or towards the provision of special education needs education within the Medway area	30,985.80

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
22/2207 continued	Purvilles, 221 Lordswood Lane	Princes Park	Primary education : enhancements to/expansion of mainstream primary school provision within 2 miles of the site and/or towards the provision of special education needs education within the Medway area	26,076.34
			Secondary education : enhancements to/expansion of mainstream secondary school provision within 2 miles of the site and/or towards the provision of special education needs education within the Medway area	60,261.80
			Sixth form education : enhancements to/expansion of mainstream sixth form school provision within 2 miles of the site and/or towards the provision of special education needs education within the Medway area	3,399.21
97/0442/GL	Dockside	River	Leisure	17,820.55
20/1531	4, 16, 20, 22 High St, Rainham	Rainham South West	Health : for Rainham Healthy Living Centre	21,211.95
			Off site affordable housing contribution	144,644.02
19/0765	Land at East Hill	Lordswood and Walderslade	Bird mitigation	218,333.24
22/1875	Kingdom Hall, Bloors Lane, Rainham	Rainham North	Towards the provision, improvement and promotion of waste and recycling services in the vicinity of the Site and within the Development	3,993.52
			Towards the provision of enhancements of open space facilities within the vicinity of the Site	55,918.07

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount £</b>
22/1875 continued	Kingdom Hall, Bloors Lane, Rainham	Rainham North	Towards the provision of enhancements of open space facilities within Medway's Metropolitan park - Great Lines Heritage Park	2,964.68
			Towards the provision of enhancements to/expansion of the nursery school provision within the catchment area of the Site	32,020.58
			Towards the provision of enhancements to/expansion of the primary school provision within the catchment area of the Site	2,245.60
			Towards the provision of enhancements to/expansion of the secondary school provision within the Medway area	62,274.25
			Towards the provision of enhancements to/expansion of the sixth form provision within the Medway area	3,512.73

## Appendix 2: agreements signed between July to September 2024

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
23/2814	Ambulance Station, Star Mill Lane, Darland, Chatham	Watling	14 dwellings	Towards the provision of enhancements/upgrading/expanding educational facilities at Primary Schools and/or Nursery Schools within the catchment area of the Site	21,689.00
				Towards the provision of enhancements/upgrading/expanding educational facilities at Secondary Schools within the Medway area	21,689.00
				Bird mitigation	6,621.12
23/2669	3 New Road, Chatham	Chatham Central & Brompton	61 apartments	Towards the provision of enhancements to/expansion of the nursery school provision at mainstream Primary Schools within two miles of the Site and/or Special Educational Need facilities within the Medway area	7,695.88
				Towards the provision of enhancements to/expansion of primary school provision at mainstream primary schools within two miles of the Site and/or Special Educational Need facilities within the Medway area	8,575.40
				Towards the support the foundation and development of the Primary Care Network within the locality of Chatham	49,333.75
				Towards the improvement of equipment and facilities at Chatham Library	12,884.42



<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
23/2669 continued	3 New Road, Chatham	Chatham Central & Brompton	61 apartments	Towards the provision of a new swimming gala timing system and improved facilities for club and community usage at Medway Park	18,994.79
				Towards the provision, improvement and promotion of waste and recycling services in the vicinity of the Site and within the Development	13,500.52
				Towards the provision of public realm works to improve the appearance of Chatham town centre	14,925.00
				Towards the provision of enhancements of open space facilities within the vicinity of the Site including within Medway's Metropolitan Park - Great Lines Heritage Park	123,307.52
				Towards the provision of enhancements to and/or expansion of community facilities which will serve the new residents of the Development	14,295.35
				Bird mitigation	19,157.05
23/0389	Brethrens Meeting Room, Canterbury Lane, Rainham	Rainham North	22 units	Open space: enhancement of open space facilities within the vicinity of the site	68,201.72
				GLHP: enhancements of open space facilities at GLHP	3,589.56
				Nursery ed: provision of enhancements to/ expansion of nursery school provision at a mainstream nursery facility and/or SEND facilities within 2 miles of the site	34,084.36

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
23/0389 continued	Brethrens Meeting Room, Canterbury Lane, Rainham	Rainham North	22 units	Primary ed: provision of enhancements to/ expansion of primary school provision at a mainstream nursery facility and/or SEND facilities within 2 miles of the site	45,16.30
				Secondary ed: provision of enhancements to/expansion of the secondary education facilities at a mainstream secondary school and/or SEND facilities within the Medway area	66.287.98
				Sixth form ed: provision of enhancements to/expansion of sixth form education facilities at a mainstream sixth form school and/or SEND facilities within the Medway are	2,492.76
				Libraries: improvements to facilities and equipment at Rainham Library	4,082.10
				Sport: improvements to sport facilities within the vicinity of the site	6,018.10
				Public realm: improvements to the public realm within the vicinity fo the site	5,390.00
				Health: support the foundation and development of the primary care network within the locality of Gillingham	15,630.12
				Youth: provision of youth facilities by the Medway Youth Services Team in the Gillingham area	1,935.78

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
23/0389 continued	Brethrens Meeting Room, Canterbury Lane, Rainham	Rainham North	22 units	Community development: improvements to community facilities within the vicinity of the site	5,155.70
				PROW: provision of improvements and links to public rights of way within the vicinity of the site	1,650.00

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

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
24/1071	Pear Tree House, 68 West Street, Gillingham	Gillingham South	1	656.54
24/1205	140-142 Frindsbury Road, Strood	Strood North & Frindsbury	2	7,878.48
24/2754	King Charles Hotel, Brompton Road, Gillingham	Gillingham South	24	984.81
24/1020	12 Railway Street, Chatham	Chatham Central & Brompton	3	328.27
24/1150	Little Fenn, Fenn St, St Mary Hoo	All Saints	1	656.54
24/1086	35a Railway Street, Chatham	Chatham Central & Brompton	2	328.27
23/2516	137 High Street, Rainham	Rainham North	1	328.27
24/0740	5 Farmdale Avenue, Borstal	Rochester West & Borstal	1	328.27
24/1224	23 Railway Street, Gillingham	Gillingham South	1	2,297.89
24/0830	79 High Street, Chatham	Fort Pitt	7	328.27

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
24/1498	2 East Street, Chatham	Chatham Central & Brompton	1	328.27
24/1386	4 Gordon Road, Gillingham	Watling	6	1,969.62
24/1553	Waterside Court, Chatham Maritime	Chatham Central & Brompton	68	22,322.36
24/1210	Weymouth House, 75 College Avenue, Gillingham	Gillingham South	1	328.27
24/1351	46 Nares Road, Gillingham	Rainham South East	1	328.27
24/1588	3 Victoria Street, Rochester	Rochester West & Borstal	1	328.27
24/1568	64 Saxton Street, Gillingham	Gillingham South	1	328.27
24/1554	11-13 Rock Avenue, Gillingham	Gillingham South	2	656.54
24/1558	90 Station Road, Strood	Strood North & Frindsbury	5	1,641.35
24/1793	119 Broadway, Gillingham	Twydall	1	328.27
24/1794	111 Broadway, Gillingham	Twydall	1	328.27
24/1548	6 & 6A High Street, Strood	Strood North & Frindsbury	2	656.54

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
23/2421	14 Brompton Farm Road, Strood	Strood North & Frindsbury	5	1,631.45
24/1721	Land at Court Lodge, The Street, Upper Stoke	All Saints	1	328.27