

Planning Committee

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Report on Section 106 Agreements October to December 2024

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S106 Officers

Summary

This report informs Members on the amount of Section 106 funding received between October to December 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 to December 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 to December 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.

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Appendices

- Appendix 1 S106 funding received between October to December 2024
Appendix 2 Agreements signed between October to December 2024
Appendix 3 S106 expenditure 2023/24
Appendix 4 Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between October to December 2024

Background papers

Section 106 agreements signed between October to December 2024

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

[Infrastructure Funding Statement](#)

Appendix 1: S106 funding received October to December 2024

App no. MC/	Site	Ward	For	Amount £
21/0302	Manor Farm Barn	Strood Rural	Works to Public Rights of Way RS328, RR9 and R326	22,294.53
21/2612	The Hollies and Southview Sharnal St High Halstow	Peninsula	Off site affordable housing	258,581.51
			Enhancements/expansion of nursery schools within a radius of 2 miles from the site and/or SEND nursery education within Medway	25,680.66
			Enhancements/expansion of primary schools within a radius of 2 miles from the site and/or SEND nursery education within Medway	48,626.30
			Enhancements/expansion of secondary mainstream schools within a radius of 2 miles from the site and/or SEND nursery education within Medway	44,236.25
			Enhancement of off site open space facilities within the vicinity of the site	45,140.6716
16/2051	Land at Otterham Quay Lane		Nursery ed towards at Riverside Nursery and Primary School	71,085.01
			Primary ed towards at Riverside Nursery and Primary School	174,481.39

App no. MC/	Site	Ward	For	Amount £
16/2051	Land at Otterham Quay Lane continued		Secondary ed towards the expansion of Rainham Mark Grammar School and/or Rainham Girls School, and/or Leigh Academy and/or the Howard School	176,472.89
			Sixth form ed towards the expansion of Rainham Mark Grammar School and/or Rainham Girls School, and/or Leigh Academy and/or the Howard School	46,447.59
97/0442/GL	Dockside	River	Retail	11,484.60
20/0221	Hallwood House		Lordswood library	3,564.93
			Provision, improvement and promotion of waste and recycling	3,527.94
			Reconfiguration and provision of equipment at Lordswood Healthy Living Centre	12,891.81
20/1180	89 Ingram Road, Gillingham		Health: improvements to the Railway Street Surgery	2,738.60
			Nursery education facilities at Saxon Way Primary School	2,986.01
			Primary education facilities at Saxon Way Primary School	7,329.25
			Secondary education facilities at Chatham Girls Grammar School	5,807.22

App no. MC/	Site	Ward	For	Amount £
20/1180	89 Ingram Road, Gillingham continued		Sixth form education facilities at Chatham Girls Grammar School	1,528.66
			Open space: improvements to Queen Elizabeth Fields and/or Hillyfields Community Park	11,049.84
			Bird mitigation	1,063.48
24/0279	Land south of View Road Cliffe Woods		Bird mitigation	8,206.75
23/0161	Land at Aburound House Woodlands Rd Gillingham		Public realm improvements to Gillingham Town Centre	4,410.00
			Equipment/facilities at Twydall Library	3,339.90
			towards new swimming gala timing system and improved facilities for club and community users at Medway Park	4,923.90
			Bird mitigation	4,965.84
09/0417	Temple Waterfront		Knight Road/Temple Manor public realm	13,046.70
			Open space	69,865.26
			Travel plan monitoring	1,043.48

App no. MC/	Site	Ward	For	Amount £
09/0417	Temple Waterfront continued		Roman Way/Cuxton Road junction roundabout public realm	3,914.25
			Bus service	26,093.41
			Waste and recycling	12,067.94
			Safer routes to school	6,998.58
			Community facility	11,058.43
22/1109	Land at Lennoxwood Petham Green Gillingham		Travel: sustainable transport infrastructure to encourage modal shift from private motor car within local vicinity of the site	7,500.00
			Health: development of primary care network in Gillingham South locality including extension to, refurbishment of, upgrade to supporting infrastructure, IT training and equipment at existing practice premises within the vicinity of the development or towards a new facility if required to support population growth	13,498,74
			Nursery ed within the catchment area of the site	29,436.51
			Primary ed facilities within the catchment area of the site	2,064.38

App no. MC/	Site	Ward	For	Amount £
22/1109 continued	Land at Lennoxwood Petham Green Gillingham		Secondary ed provision with the Medway area	57,428.71
			Sixth form ed facilities within the Medway area	3,229.25
			Open space: enhancements to open space facilities within the vicinity of the site	54,466.16

Appendix 2: agreements signed between October to December 2024

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
24/0279	Land South of View Rd, Cliffe Woods	Strood Rural	25 dwellings for over 55 age group	Waste and recycling: towards provision, improvement and promotion of waste and recycling services in the vicinity of the site and within the development	5,783.50
				Bird mitigation	8,206.75
				Open space: towards the provision of enhancements of open space facilities within the vicinity of the site in consultation with the Parish Council	31,183.47
				Public realm: towards the provision of public realm enhancements to assist with the improved civic space and gateways to Strood town centre	6,125.00
				Libraries: towards the provision of improvements to the library facilities and equipment in the vicinity of the site including the mobile library	5,519.50
				Health: towards the support of the foundation and development of the primary care network within the locality of the site	21,145.25
				Community development: towards the provision of enhancements to community facilities to serve the development	6,124.00

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
24/0279 continued	Land South of View Rd, Cliffe Woods			Sport: towards the provision of sports facilities 8,137.25in particular towards the provision of gender neutral changing area, including improved accessible shower facilities at Hoo Sports Centre	8,137.25
				Education: towards the provision of enhancements to/expansion of the sixth form provision within the Medway area	8,411.08
				Traffic Regulation Order: towards making a TRO for the provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods	4,000.00
				<p>Non financial obligations:</p> <p>1.no cat policy to be approved by the council.</p> <p>2.Submission for approval of a management plan for the monitoring of the mitigation measures secured as part of the development that are aimed at avoiding harmful impacts to Chattenden Wood and Lodge Hill SSSI</p> <p>3. No occupation unless person has a minimum age of 55 together with their spouse, partner, companion (or dependent who must be at least 16 years old)</p>	

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
23/2779	30 Bryant St formerly Chatham Chest PH		24 units	Health: support development of primary care network within locality of Chatham	18,759.80
				Bird mitigation	7,537.20
				Nursery ed: enhancements to/expansion of nursery school provision within a 2 mile radius	7,695.88
				Primary ed: enhancements to/expansion of primary school provision and/or SEND facilities within a 2 mile radius	11,213.99
				Secondary ed: enhancements to/expansion of secondary school provision and/or SEND facilities within the Medway area	17,330.32
				Non financial obligation: not to allow development above ground floor slab level until a parking management plan has been submitted to and approved in writing by the council.	
24/0291	Land adj Fenn St and Ratcliffe Highway	All Saints	44 units	Bird mitigation	14,443.88
				Waste and recycling: provision, improvement and promotion of waste and recycling services in the vicinity of the site and within the development	10,178.96

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
24/0291	Land adj Fenn St and Ratcliffe Highway			Open space: enhancement of open space facilities within the vicinity of the site	42,686.71
				Bus service: towards the provision of enhancements within the vicinity of the site	50,000.00
				Comm dev: community facilities enhancements within the vicinity of the site	10,778.24
				Libraries: improvements to the library facilities and equipment at one or more at the following locations: Hoo, Grain or Strood and/or the mobile library	9,293.68
				Sport: sports facilities at Hoo Sports Centre and/or facilities at Deangate.	14,321.56
				Nursery ed: provision of enhancements to/expansion of nursery school provision within a 2 mile radius of the site and/or SEND provision within the Medway area	74,072.88
				Primary ed: provision of enhancements to/expansion of primary school provision within a 2 mile radius of the site and/or SEND provision within the Medway area	181,815.06
				Secondary ed: provision of enhancements to/expansion of secondary school provision within the Medway area	144,058.32

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
24/0291 continued	Land adj Fenn St and Ratcliffe Highway			Health: towards support to the foundation and development of the Primary Care Network within the locality of the site	37,196.28
				Public rights of way: provision of/enhancements to the public rights of way to serve the development	3,300.00

Appendix 3: S106 expenditure 2023/24

Infrastructure	Spent	Application funding expenditure	Spend Description *Includes Third Party spending
Capstone Country Park play area	£46,204.79	MC/16/2776	Improvements to orchard car park and play area at Capstone Farm Country Park
Downland Walk play area	£231.95	MC/08/1043	New sign at Chalk Bank/Downland Walk
Balmoral Gardens improvements	£11,509.00	MC/17/2420	Play area improvements at Balmoral Gardens
Copperfields Open Space	£17,286.17	MC/17/4128 MC/14/2145	New outdoor gym, benches, mile marker signs, planting and trees at Copperfields Open Space
Borstal Rec Greenspace Improvements	£4,861.30	MC/11/1333	New access ramp, viewpoint sign, bench and vegetation works at Borstal Recreation Ground
Rede Common	£636.89	MC/19/0260	Retention sum on footpath improvements at Rede Common for 2022/23
Rainham Play	£15,851.18	MC/19/2532	New toddler play unit, benches and tree planting at Cherry Trees Open Space. New sign at Ryetop.
Cozenton Park	£37,559.49	MC/18/1307	New fence and various site surveys at Cozenton Nursery
Luton Millenium Green	£25,103.01	MC/21/2644	Play area improvements at Luton Millenium Green
Beechings Play	£35,257.09	MC/19/3106	Play area improvements at Beechings Way
Town Hall Gardens	£8,927.80	MC/17/0092	Tree works and site survey at Town Hall Gardens
Berengrave Nature Reserve Eco Imp	£14,835.17	MC/17/3687	New interpretation panels, bench and tree works around pond area
Great Lines bridge works	£2,124.05	MC/13/2513	Repairs to Prince William Bridge (from Great Lines to Fort Amherst)
Great Lines footpath improvements	£109,820.29	MC/16/2837 MC/17/4057	Footpath improvements at Great Lines Heritage Park.

Infrastructure	Spent	Application funding expenditure	Spend Description *Includes Third Party spending
Great Lines footpath improvements continued		MC/18/1570 MC/16/0370 MC/10/1362 MC/14/1760 MC/15/0079 MC/14/3631 MC/19/3106 MC/20/1800 MC/19/3328 MC/08/0502 MC/16/5009 MC/19/1299	
Rochester Riverside river wall maintenance	£20,759.00	MC/17/2333	Surveys, investigations and repair works
Rochester river wall maintenance support staff	£61,491.05	MC/17/2333	River wall maintenance support and administration
Chatham Town Centre improvements	£43,854.57	MC/13/0062	High Street improvements, town centre business support, mobile phone footfall data and promotional materials.
Dockside Chatham Town Centre projects	£16,980.00	97/0224/GL	Love Chatham Carnival July 2023 Chatham Dino Day August 2023 Super Saturday September 2023 CCF meeting room and refreshments 2023/24 Christmas Parade in Chatham Order of Service Remembrance Sunday
Rainham Precinct benches	£3,886.64	MC/20/1800	Bench slats replacements

Infrastructure	Spent	Application funding expenditure	Spend Description *Includes Third Party spending
Medway Refresh Strood	£13,124.93	MC/14/1760	Supporting youth climate change art project in the town centre
Public Realm Friary Place	£2,931.39	MC/15/3104	Christmas tree pit
Chatham Station public realm improvement	£19,956.45	MC/15/0335	Chatham placemaking
Additional 133 bus service	£55,993.44	MC/18/2961	Additional 133 bus service 23/24 - 2 additional daily journeys 18:30 Chatham to Cliffe and 19:10 Cliffe to Chatham
Horsted gyratory scheme including approach	£170.65	MC/11/0001	
Off site affordable housing at Bakersfield	£397,093.50	MC/16/2776	2 nd part of contribution towards 20 social rent houses
Hundred of Hoo Secondary kitchen, dining and changing facilities	£1,048,109.23	MC/16/2837 MC/19/1299 MC/17/1884 MC/15/3104 MC/15/3793 MC/15/0098 MC/17/4424 MC/05/0671 MC/17/4408 MC/17/0410	Expansion of facilities to facilitate increased pupil numbers
Hundred of Hoo Primary expansion to 2FE	£1,723,523.22	MC/17/4424 MC/18/0247 MC/19/1299 MC/17/4424 MC/19/3328 MC/17/4408 MC/17/1884	Expansion from 1 form entry to 2 form entry school

Infrastructure	Spent	Application funding expenditure	Spend Description *Includes Third Party spending
Hundred of Hoo classroom block including 6th form	£691,532.83	MC/18/0247 MC/17/4424 MC/16/2837 MC/18/2961	Expansion to classroom facilities
Maritime Academy	£129,384.00	MC/16/2776	Maritime Academy temporary site
Youth minibus	£31,316.84	MC/20/1800 MC/18/2961 MC/17/4408 MC/12/0758 MC/19/3106 MC/13/0718 MC/18/2553 MC/19/0260	Minibus to support delivery of youth services across Medway
Bring Bank Refurbishment	£14,217.74	MC/09/0417 MC/14/1760 MC/11/2756	Bring bank refurbishment
Chatham Food Caddy promotion	£1,579.23	MC/11/2756	Food caddies used at promotional events to encourage recycling
Hoath Way HWRC compactor	£85,282.80	MC/11/2756 MC/16/2051 MC/19/2532 MC/20/1800 MC/17/3687 MC/18/1307	Compactor
Temple Wharf waste containers	£11,219.46	MC/09/0417	Waste & recycling collection containers at Temple Wharf (blue reusable bag, white reusable bag, clear recycling sacks, brown organic wheelie bin). Including graffiti removal in Strood South ward.

Infrastructure	Spent	Application funding expenditure	Spend Description *Includes Third Party spending
Kitchener Barracks waste containers	£9,790.88	MC/15/0079	Waste containment and graffiti removal
HWRC chemical cupboards	£3,000.00	MC/11/2756	Chemical cupboards
Chatham area painting and litter picking equipment	£699.35	MC/18/2553	Litter picking equipment
Eco schools initiative	£2,517.86	MC/17/4034 MC/15/4539 MC/19/0886 MC/17/184	Eco schools initiative
Strand Pool fencing	£36,707.00	MC/12/0758	Fencing
The Strand	£51,086.10	MC/14/3631	
Deangate Parkland application	£2,092.00	MC/18/0247	Planning application fee
Public Realm works The Paddock	£24,315.13	MC/15/0079 MC/21/2965	Contribution towards public realm works and trees
Darland Banks Nature Conservation Reserve maintenance	£2,218.00	MC/16/2776	4th annual maintenance payment*
Woodlands Family Practice health pod	£8,400.00	MC/19/3106	Self help health pod*
Apex Medical Practice improvements	£32,451.77	MC/12/1791	Conversion of meeting and storage rooms for use by non-clinical PCN staff*
Balmoral Gardens Healthy Living Centre audiology	£46,294.30	MC/08/0502 MC/06/2240 MC/13/0674	Conversion of space to audiology room*
Parish Centre Rochester kitchen facilities	£3,588.55	MC/17/1192	Kitchen facilities*

Infrastructure	Spent	Application funding expenditure	Spend Description *Includes Third Party spending
Farthing Corner Community Centre	£6,162.71	MC/19/2532	Replacement boiler*
Gillingham Baptist Church LED lighting	£1,503.81	MC/15/2288	LED lighting*
RSPB Northward Hill fencing	£17,540.00	MC/17/4408	Fencing*
Sun Pier Lift Off project	£18,444.28	MC/15/0079	Contribution towards improvements to Sun Pier to facilitate community use*
The Oast House WC refurbishment	£24,995.00	MC/16/2051	WC refurbishment*
Kingshill Recreation Ground improvement project	£150,000.00	MC/15/3104 MC/19/3328	Play area improvements*
Vicarage Lane burial ground improvements	£11,688.10	MC/19/3328	Improvements to the burial ground*
Birdwise 2023/24	£112,585.03	MC/17/2333 MC/22/2207 MC/20/2107 MC/18/1595 MC/18/1796 MC/19/0886	SPA bird mitigation measures*

Appendix 4: Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between October to December 2024

Application no. MC/	Site address	Ward	For	Amount received £
24/1264	14 Forge Lane, Gillingham	Gillingham North	1 unit	328.27
24/1603	Moorcroft, Capstone Road, Lordswood	Hempstead & Wigmore	2 units	656.54
24/1693	16 Dickens Road, Rochester	Rochester East & Warren Wood	1 unit	328.27
24/1498	2 East Street, Chatham	Chatham Central & Brompton	5 units	1,641.35
23/2832	255 & 257 High Street, Rochester	Rochester West & Borstal	1 unit	328.27
23/2834	257 High Street, Rochester	Rochester West & Borstal	1 unit	328.27
24/2005	16 Gravesend Road, Strood	Strood North & Frindsbury	8 units	2626.16
24/1289	Land west of Edinburgh Road, Isle of Grain	All Saints	34 units	11,161.18
24/1851	126 High Street, Chatham	Chatham Central & Brompton	4 units	1,313.08
24/1261	187 Rock Avenue, Gillingham	Gillingham South	1 unit	328.27

Application no. MC/	Site address	Ward	For	Amount received £
24/1925	Wybournes Farm, Wybournes Lane, High Halstow	Hoo St Werburgh & High Halstow	2 units	656.54
24/1875	12 Castle Avenue, Rochester	Rochester East and Warren Wood	1 unit	328.27
24/1971	The Green Lion, 104 High Street, Rainham	Rainham South West	2 units	656.54
24/2183	32 Selbourne Road, Gillingham	Gillingham North	6 units	1,969.62
24/2231	13 Matts Hill Road, Gillingham	Rainham South East	1 unit	328.27
24/2146	Land adjacent to 1 Springfield Road, Gillingham	Gillingham North	1 unit	328.27
24/2346	106-108 High Street, Gillingham	Gillingham South	1 unit	328.27
24/0708	Fisherwood, Sharnal Street, High Halstow	Hoo St Werburgh & High Halstow	2 units	656.54
24/2296	73 London Road, Rainham	Rainham South West	1 unit	328.27