

Planning Committee

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Report on Section 106 Agreements January to March 2025

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S106 Officers

Summary

This report informs Members on the amount of Section 106 funding received between January to March 2025 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

The Committee is asked to consider and note the Section 106 funding received, those Section 106 agreements signed during the period January to March 2025 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 January to March 2025 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 January to March 2025
- Appendix 2 Agreements signed between January to March 2025
- Appendix 3 Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between January to March 2025

Background papers

Section 106 agreements signed between January to March 2025

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

[Infrastructure Funding Statement](#)

Appendix 1: S106 funding received January to March 2025

App no. MC/	Site	Ward	For	Amount £
21/2015	Canada House, Barnsole Road, Gillingham	Watling	Towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy (SAMMS)	5,300.00
22/0238	Land rear of 247-253 High St and 1-5 Batchelor St Chatham	Chatham Central & Brompton	Health: foundation/development of primary care network within locality of Chatham	9,463.71
			Nursery education: enhancements to/expansion of nursery school provision within a radius of 2 miles from site and/or SEND facilities within Medway	4,020.28
			Secondary education: enhancements to/expansion of mainstream secondary school provision and/or SEND facilities within Medway	9,053.24
			Sixth form education: enhancements to/expansion of mainstream sixth form school provision and/or SEND facilities within Medway	862.47
			Chatham Library improvements to facilities and equipment	2,471.54
			Waste and recycling services – provision, improvement and promotion in the vicinity of the site	2,589.83
			Public realm improvements to Chatham Town Centre	3,547.12

App no. MC/	Site	Ward	For	Amount £
22/0238	Land rear of 247-253 High St and 1-5 Batchelor St Chatham continued		Open space enhancements within the vicinity of the site including but not limited to River Ward	36,275.82
			Great Lines Heritage Park enhancements	1,909.26
			Heritage: improvement of interpretation measures for the Old Brook Pumping Station	4,260.59
21/2612	The Hollies and Southview Sharnal St, High Halstow	High Halstow	PROW: enhancements to signage and sightlines on PROW network in the immediate vicinity of the development and help build new residents' awareness of this network	2,632.65
			Nursery education: provision of enhancements and expansion of nursery schools within a radius of 2 miles from the site and/or SEND nursery education within Medway	25,753.57
			Primary education: provision of enhancements and expansion of primary schools within a radius of 2 miles from the site and/or SEND primary education within Medway	48,764.34
			Secondary education: provision of enhancements and expansion of secondary schools within a radius of 2 miles from the site and/or SEND secondary education within Medway	44,361.83
			Hoo Library enhancements to facilities and equipment	6,168.51

App no. MC/	Site	Ward	For	Amount £
21/2612	The Hollies and Southview Sharnal St, High Halstow continued		Improvements to sustainable transport provision within Medway	38,715.46
			Public realm: towards improved civic space and gateways to Strood town centre (including greening projects, bollards and signage)	8,852.94
			Health: towards creation of additional capacity in primary care premises required as a result of increase in housing and resulting patient registrations	23,620.21
			GLHP	4,765.14
23/2814	Ambulance Station, Star Mill Lane, Darland	Watling	Towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy (SAMMS)	6,621.12
23/1082	209-217 High Street, Rochester	Rochester West & Borstal	Towards the provision of migrating bird disturbance mitigation measures within the Strategic Access Management and Monitoring Strategy (SAMMS)	16,645.23
			Towards the provision of health improvements in capacity in primary care premises	16,006.76
			Towards the provision of public realm improvements to Rochester High Street and Heritage Action Zone	4,840.40
21/2612	The Hollies & Southview, Sharnal Street, High Halstow	Hoo St Werburgh & High Halstow	Towards the provision of Off-Site Affordable Housing	130,825.56

App no. MC/	Site	Ward	For	Amount £
22/2207	Land at Purvilles, 221 Lordswood Lane, Lordswood	Princes Park	Towards the provision of youth facilities by the Medway Youth Services Team in the Chatham area	1,783.94
			Towards the provision, improvement and promotion of waste and recycling services in the vicinity of the Site and within the Development	3,941.73
			Towards the provision of enhancements/upgrading sports facilities within the vicinity of the Site	5,546.04
			Towards the provision of public realm improvements within the vicinity of the Site in consultation with the Ward Councillors	4,967.21
			Towards the provision of improvements to the facilities and equipment at library facilities within the vicinity of the Site	3,761.90
			Towards the provision of improvements to the highway within the vicinity of the Site including but not limited to include provision of anti-skid surfacing at junction of Swift Crescent and Lordswood Lane	10,137.16
			Towards the provision of enhancements/upgrading the community facilities within the vicinity of the Site	4,173.88
23/1834	Former Police Section House Historic Dockyard	Chatham Central & Brompton	Environmental mitigation contribution to facilitate habitat creation/enhancement off site to mitigate against the loss of broadleaved woodland as a result of the development	40,000.00

App no. MC/	Site	Ward	For	Amount £
18/2406	Whiffens Avenue Car Park, Chatham	Chatham Central & Brompton	Nursery education contribution towards nursery school provision at New Road Infants School and/or Greenvale Infants School	10,303.18
			Primary education contribution towards the provision of new primary school facilities at New Road Infants School and/or Greenvale Infants School and/or Phoenix Junior School	26,493.65
			Secondary education contribution towards the provision of secondary school facilities at Victory Academy and/or Brompton Academy	18,561.35
			Heritage contribution towards an engineer's survey and repairs to the underground sump at Brook Pumping Station to improve visitor access/experience	22,423.33
			PROW contribution towards the provision of signage and information providing awareness of the location of the Public Rights of Way network accessed from the Site, in particular but not limited to RCX47, RCX35, RCX7, RCX6 and RCX48	4,935.70
			Health contribution towards the improvement of facilities and infrastructure at Chatham Healthy Living Centre	48,059.55

Appendix 2: agreements signed between January to March 2025

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
21/1296	Gibraltar Farm	Lordswood and Capstone	Up to 450 units	Bird mitigation (SAMMS)	147,721.50
				PROW: improvements to the horse loop - see notes	107,000.00
				TRO if required	10,000.00
				Pedestrian crossing and traffic calming - provision of a pedestrian crossing and scheme of traffic calming measures along Hempstead Road	370,000.00
				Sustainable transport - improve connectivity between Hempstead and Lordswood by a footway and cycleway link from the new junction at Lidsing Road/Hempstead Road as approved, to the existing highway footway network on the eastern side of Hempstead Road	460,000.00
				Primary education - provision of primary school facilities within 2 miles of the site (including but not limited to Lordswood Primary and/or Kingfisher Primary schools) and/or SEND education facilities within Medway	1,047,188.83

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
21/1296	Gibraltar Farm continued			Secondary education - secondary school facilities within Medway (including but not limited to Greenacre Boys School and/or Walderslade Girls School) which may including SEND education facilities	1,613,349.00
				Public transport - provision of a new bus service to serve the development and/or the expansion of the existing bus service	260,000.00
				Waste and Recycling - towards waste containment on site and information to households, and provision of an additional compactor at Capstone HWRC	104,103.00
				Health - improvement/expansion of facilities in the vicinity of the site within Hempstead or Lordswood	380,416.50
				Youth - provision of youth facilities/services in the Gillingham area which may including facilities, providing access, supplies, equipment and/or instructors	47,115.00
				Community facilities - in the vicinity of the site within Hempstead or Lordswood	110,232.00
				Public realm to assist with the development of public realm improvements at Gillingham and/or Rainham town centre	110,250.00

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
21/1296	Gibraltar Farm continued			<p>Open space - provision and improvement of outdoor sport and/or allotment facilities and/or formal parks as follows:</p> <p>Play space: towards play space/equipment at Capstone Country Park</p> <p>Amenity space: amenity greenspace at Capstone Country Park and/or Princes Park</p> <p>Allotments: provision of allotment facilities within the vicinity of the site</p> <p>Parks and Gardens: provision of formal parks and gardens at Capstone Country Park</p> <p>Outdoor sports - improvements to outdoor sport at Hook Meadow, Hempstead Recreation Ground, Wigmore Park, Kings Frith and/or Luton Recreation Ground</p>	<p>58,904.61</p> <p>65,190.16</p> <p>31,607.35</p> <p>50,797.53</p> <p>294,343.46</p>
				Sport - towards indoor sports facilities (including but not limited to inclusive and disability gym kit at Medway Park)	146,470.50
				Heritage - towards heritage sites and museums at Rochester Castle and/or the Guildhall Museum	171,265.50

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
21/1296	Gibraltar Farm continued			Libraries towards improving equipment and facilities at Lordswood Library and/or Hempstead Library	99,351.00
				Non-financial obligation On site nursery provision - construct 300 m2 nursery space to First Fix Level prior to 250th occupation.	

Appendix 3: Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between January to March 2025

Application no. MC/	Site address	Ward	For	Amount received £
24/2278	Land rear of 15 Ingram Road, Gillingham	Gillingham North	1 unit	328.27
24/0692	Land south of Lower Rainham Road, Rainham	Rainham North	1 unit	328.27
24/2588	46 Woodlands Road, Gillingham	Watling	2 units	656.54
24/2268	3 Ashley Road, Rainham	Rainham North	1 unit	328.27
24/2291	Land rear of 112 Maidstone Road, Chatham	Fort Pitt	1 unit	328.27
24/2290	Land rear of 26-28 Duncan Road, Gillingham	Gillingham South	3 units	984.81
24/2598	Waterside Court, Maritime Way, Chatham Maritime	Chatham Central & Brompton	5 units	1,641.35
25/0069	198 Gillingham Road, Gillingham	Gillingham South	1 unit	328.27
24/2557	22 New Road, Chatham	Fort Pitt	3 units	984.81
24/2505	68 Sir Evelyn Road, Rochester	Rochester West & Borstal	1 unit	328.27

Application no. MC/	Site address	Ward	For	Amount received £
25/0131	158 Canterbury Street, Gillingham	Gillingham South	1 unit	328.27
25/0096	106 Gillingham Road, Gillingham	Gillingham South	4 units	1,313.08
24/2611	The Stables, Edinburgh Road, Chatham	Luton	1 unit	328.27
25/0018	2d Luton Road, Chatham	Luton	3 untis	984.81
25/0121	142 Rock Avenue, Gillingham	Gillingham South	7 units	2,297.89
25/0061	4 Balmoral Road, Gillingham	Gillingham South	2 units	656.54
25/0225	92 Frindsbury Road, Strood	Strood North & Frindsbury	8 units	2,626.16
24/2462	1 Cecil Road, Rochester	Rochester East & Warren Wood	1 unit	328.27
25/0149	54 - 56 High Street, Strood	Strood North & Frindsbury	5 units	1641.35
25/0164	161 Napier Road, Gillingham	Watling	1 unit	328.27