

## **Planning Committee**

**27 August 2025**

### **Report on Section 106 Agreements April to June 2025**

Report from: Adam Bryan, Director of Place

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#### Summary

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

- 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 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 April to June 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.

## Lead officer contact

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## Appendices

- Appendix 1 S106 funding received between April to June 2025  
Appendix 2 Agreements signed between April to June 2025  
Appendix 3 Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between April to June 2025

## Background papers

Section 106 agreements signed between April to June 2025

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

[Infrastructure Funding Statement](#)

# Appendix 1: S106 funding received April to June 2025

App no. MC/	Site	Ward	For	Amount £
17/2333	Rochester Riverside		Secondary/sixth form ed: increasing school capacity. Expansion of grammar places at Sir Joseh William's Mathematical School and Holcombe Grammar School, expansion of non-selective places at Thomas Aveling School, Greenacre Academy and Walderslade Girls School	419,633.56
			River wall maintenance	688,458.59
			Health: towards increasing capacity at the Rochester Healthy Living Centre	116,432.12
21/2225	Land at Seymour Road/London Road	Rainham South	Waste and recycling	8,420.83
16/2051	Land at Otterham Quay Lane	Rainham North	Highway improvement works	75,000.00
			Nursery ed: Riverside Nursery and Primary School	71,413.18
			Primary ed: Riverside Nursery and Primary School	175,286.89
			Secondary ed: towards expansion of Rainham Mark Grammar School and/or Rainham Girls School and/or Leigh Academy and/or The Howard School	177,287.59

App no. MC/	Site	Ward	For	Amount £
16/2051	Land at Otterham Quay Lane continued		Sixth form ed: towards expansion of Rainham Mark Grammar School and/or Rainham Girls School and/or Leigh Academy and/or The Howard School	46,662.02
19/0287	Land at Town Road Cliffe Woods	Strood Rural	Open space: improvements to open space facilities within the vicinity of the site inc. Cliffe Woods Recreation Ground	267,755.61
			Great Lines Heritage Park: improvements to open space facilities	14,092.40
			Primary ed: Cliffe Woods and/or St Helens primary school and/or Temple Mill Primary School and/or a new free school in the area of the site	457,205.03
			Secondary ed: Hundred of Hoo and/or free school in the area of the site	579,614.85
			Traffic survey to assess whether 20mph required on B2000 through Cliffe Woods village	6,152.40
			Improvements to the local cycle network	43,066.83
97/0024/GL	Dockside	River	Support existing subsidised bus services in Chatham and Gillingham	104,178.50
14/2912	Dormers, Upper Luton Road	Luton & Wayfield	Open space: improving existing play areas and open space at Luton Millenium Green	68,249.85
			Education: nursery/primary places at one or both of Saxon Way Primary Academy or St Thomas of Canterbury RC prim	77,355.84

App no. MC/	Site	Ward	For	Amount £
14/2912	Dormers, Upper Luton Road		GLHP footpath maintenance	6,114.38
			Community facility: provision of new equipment at White Road Community Centre	3,344.93
			Health: towards health development and improvement at local practices Kings Family Practice College Health Luton Medical Centre	11,449.48
20/1531	4, 16, 20 & 22 High Street, Rainham	Rainham South West	Towards public realm improvements in Rainham	8,613.21
97/0224GL	Dockside	Chatham Central & Brompton	Retail	5,690.12

## Appendix 2: agreements signed between April to June 2025

Plan app MC/	Location	Ward	Proposal	Towards	Amount £
23/2680	Morgan Timber Yard, Knight Road, Strood	Cuxton, Halling & Riverside	168 units	Nursery ed: enhancements to/expansion to nursery school provision within 2 miles of the site and/or SEND provision within the Medway area	296,291.52
				Primary ed: enhancements to/expansion of primary school provision within 2 miles of the site and/or SEND provision within the Medway area	353,240.69
				Secondary ed: enhancements to/expansion of the mainstream and/or SEND secondary school provision in the Medway area	576,233.28
				Public realm: development of improved civic space and gateways to Strood town centre (greening, bollards, lighting, paving, wayfinding and signage)	4,200.00
				Open space: enhancement of open space facilities within the vicinity of the site including Temple Marsh	520,813.10
				Sustainable transport: improvements to sustainable transport provisions	705,826.93
				provision of sports facilities improvements including but not limited to hydrotherapy pool at Strood Leisure Centre for instance new hoists and changing cubicles for disabled users	52,313.52
				provision of improvements to the facilities and equipment at Strood Library	35,484.96



<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
23/2680 continued	Morgan Timber Yard, Knight Road, Strood			PROW: improvements to signage/information and any relevant surface improvements to RR23, RR24, RR11, RR12 and RR13 and other associated in the vicinity of the site	12,600.00
				Health: supporting additional capacity in primary care premises by extension, refurbishment or upgrade to existing practice premises within the vicinity of the development or towards a new facility	135,870.00
				Sport: provision of sports facilities improvements including but not limited to hydrotherapy pool at Strood Leisure Centre for instance new hoists and changing cubicles for disabled users	52,313.52
				Libraries: provision of improvements to the facilities and equipment at Strood Library	35,484.96
				Bird mitigation (SAMMS)	55,149.36
24/1613	Bardell Wharf (Ironmonger Yard)	River		Bird mitigation (SAMMS)	97,167.92
				Parking: towards a review of changes to control parking zone 'R' within the vicinity of the site	29,600.00
				Highway works: towards the cost of Star Hill Junction Improvement works	200,000.00

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
24/1033	Former St John Fisher school	Fort Pitt	Demolition/139 units	Bird mitigation	45,629.53
				Travel vouchers @ £150 per voucher per unit	20,850.00
				Waste and recycling	32,156.26
				Primary education	90,325.42
				Community facilities	11,038.79
23/0531	Land south of Buckland Rd Cliffe Woods	Strood Rural	45 units	Bird mitigation	14,443.88
				Waste and recycling: provision, improvement and promotion of waste and recycling services in the vicinity of the site	8,554.48
				Nursery ed: provision of enhancements to/expansion of nursery school provision and/or SEND facilities within a 2 mile radius of the site	53,661.77
				Primary ed: provision of enhancements to/expansion of primary school provision and/or SEND facilities within a 2 mile radius of the site	114,084.00

<b>Plan app MC/</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount £</b>
23/0531	Land south of Buckland Rd Cliffe Woods			Secondary ed: provision of enhancements to/expansion of secondary school provision and/or SEND facilities within a 2 mile radius of the site	66,088.62
				Public realm: provision of enhancements/upgrading the public realm in Cliffe Woods.	10,790.00
				Youth: provision of youth facilities by the Medway Youth Services team for young persons (ages 8-19 years and up to 25 for persons with disabilities) within the Cliffe Woods area	3,871.56
				Comm dev: provision of enhancements to community services in the Cliffe Woods area	14,393.25
				Libraries: provision of improvements to facilities and equipment at one or more of the following: Hoo Library, Strood Library and the community mobile library	8,164.20
				Sport/leisure: towards provision of sports facilities, in particular improvements to Hoo Sports Centre and the creation of a mindfulness studio with hot yoga pods	12,036.20

**Appendix 3: Habitat Regulations: bird mitigation contributions received for developments of less than 10 units between April to June 2025**

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
24/0479	22 Frittenden Road, Wainscott	Strood Rural	1 unit	337.49
25/0387	Land east of Eastern Road, Gillingham	Gillingham North	5 units	1,687.45
25/0473	Moorcroft, Capstone Road, Chatham	Hempstead & Wigmore	2 units	674.98
25/0487	79 Rock Avenue, Gillingham	Gillingham South	1 unit	337.49
25/0413	2-4 Station Road, Rainham	Rainham North	4 units	1,349.96
25/0519	4 Hothfield Road, Rainham	Rainham North	1 unit	337.49
25/0510	Doctors Surgery, 68 New Road, Chatham	Fort Pitt	7 units	2,362.43
25/0532	126 Nelson Road, Gillingham	Gillingham South	7 units	2,362.43
25/0438	132 Balmoral Road, Gillingham	Gillingham South	5 units	1,687.45
25/0633	31 Longfellow Road, Gillingham	Gillingham South	6 units	2,024.94

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
25/0696	44A Fox Street, Gillingham	Gillingham South	2 units	674.98
25/0665	20 London Road, Strood	Strood North & Frindsbury	2 units	674.98
25/0673	24 Cowper Road, Gillingham	Gillingham South	6 units	2,024.94
25/0618	45 Milburn Road, Gillingham	Gillingham North	4 units	1,349.96
25/0286	10 Railway Street, Gillingham	Chatham Central & Brompton	6 units	2,024.94
25/0679	217 Canterbury Street, Gillingham	Gillingham South	5 units	1,687.45
25/0601	171 - 173 High Street, Gillingham	Gillingham South	3 units	1,012.47
24/2526	Land on the south east side of Roper's Green Lane, Rochester	High Halstow	3 units	1,012.47
24/1666	33 Beech Road, Strood	Strood West	1 unit	337.49
24/1038	M2 Commuter car park, Rainham	Hempstead & Wigmore	5 units	1,687.45
24/1333	69-71 High Street, Rochester	Rochester West & Borstal	6 units	1,969.62

<b>Application no. MC/</b>	<b>Site address</b>	<b>Ward</b>	<b>For</b>	<b>Amount received £</b>
25/0912	6 Matts Hill Road, Rainham	Rainham South East	1 unit	337.49
25/1101	24 Luton Road, Chatham	Luton	1 unit	337.49
25/0884	Wybournes Farm, Wybournes Lane, High Halstow	Hoo St Werburgh & High Halstow	1 unit	337.49
25/0958	271 Napier Road, Gillingham	Watling	9 units	3,037.41
25/0781	9 Central Road, Strood	Strood North & Frindsbury	5 units	1,687.45