



What are Planning Obligations / Section 106 Agreements?

Planning obligations are legal obligations entered into as part of a planning application to mitigate the impacts of a development proposal. Planning obligations are also commonly referred to as 'section 106', as well as 'developer contributions' or 'Community Infrastructure Levy' (CIL).

Section 106 agreements are legal agreements between developers and the local council linked to planning permissions, and this is the system that DDC uses to secure contributions. DDC do not operate CIL.

What do S106 Agreements do?

S106 agreements are needed when a development will have impacts on the local area that cannot be moderated by means of conditions on a planning decision. For example, a new residential development can place extra pressure on the social, physical and/or economic infrastructure which already exists in a certain area. Usually this occurs on larger schemes of 10 or more houses or sites of 0.5ha or more.

A planning obligation will aim to balance the pressure created by the new development with improvements to the surrounding area ensuring that, where possible, the development would make a positive contribution to the local area and community.

However, they must meet certain legal tests, they must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Section 106 payments relate directly to the development with which they are associated, and can only be spent as specified in the S106 agreement signed by all relevant parties. In some cases, infrastructure will be delivered on-site, rather than through a financial contribution.

Please note the monies collected cannot be spent on anything else in generic terms, regardless of the need of such funding.

Examples of infrastructure:

- Affordable Housing
- Strategic Highway and local road improvements, walking and cycling routes (via KCC Highways, not DDC)
- Rail Network and station improvements
- Bus networks and bus infrastructure
- Waste and Recycling Management (via KCC)
- Water supply, drainage and utilities
- Health, including GP services (via NHS)
- Green Infrastructure, Open Spaces, Play Areas and Sports and Leisure Facilities
- Education, Adult Education, Libraries and Social Care (via KCC) and community facilities
- Cultural and Public Realm improvements

Where can I see examples of Infrastructure planned or already provided through S106 Process?

The Infrastructure Funding Statement (IFS) is an annual report which is published on DDCs website. The report sets out:

- A summary of all financial & non-financial developer contributions agreed
- Amount of developer contributions held and spent by the authority
- Details of infrastructure the authority is intending to either wholly or part fund through S106 funds
- Report on estimated future S106 income from developer contributions
Search 'IFS' on DDC website to locate a copy

How are S106 funds calculated and projects identified?

Some contributions are calculated through a set formula, for example the amount of Affordable Housing, open space, sports and play contributions are determined by a set policy in the Local Plan.

As part of the Local Plan, a number of evidence base documents and consultation was undertaken to identify projects in the district.



How is the S106 funding allocated to projects?

DDC allocate money to the various delivery teams within the Council, specialising in the various possible spending areas such as communities, open space, leisure and play or affordable housing. They then deliver the requirement through a robust, auditable procedure.

Monies are also allocated to Kent County Council for Education, Waste, and Libraries and the NHS/Clinical Commissioning Group for healthcare if the S106 agreement specifies that a payment is to be made to them. These are usually set amounts per dwelling, but on larger sites may be an on-site requirement for a new provision, for example a new school.

Transfer of S106 funds to Town and Parish Councils can occur where DDC deems it is the best use of funds received. For example, if DDC do not own open space within a set village but the Parish Council does, the funds received for an open space/play/sports contribution can be transferred.

It is important to note that not all infrastructure is funded through planning obligations. Many providers have a statutory responsibility to provide services themselves and there are also many other funding sources which can be used, such as government funds and grants.

What is the IDP and what is it used for?

An Infrastructure Delivery Plan (IDP) sets out:

- Current Infrastructure and whether its at capacity (Based on other evidence base and communication with providers)
- Planned Infrastructure and Strategies (including current S106 agreements)
- Future Infrastructure needs
- The timing, costs and delivery partners
- Potential funding solutions

This enables DDC to determine which projects are required to have funding directed to them when S106 agreements are being created.

How are impacts on the Road Network addressed in the Local Plan and IDP?

As part of the new Local Plan preparation, all potential sites were assessed to determine their specific impacts, and potential cumulative effects, on the road network. Where it is considered that mitigation is required (in consultation with Kent Highways), this is identified within site specific policies and the Infrastructure Delivery Plan (IDP) which supports the Local Plan.

Where the impacts of development were considered to be 'severe' and there were no deliverable options for mitigation, sites were considered unacceptable.

As part of a planning application, developers will need to submit a Transport Assessment and/or Travel Plan to detail any highway issues and sustainable transport options. This will need to address issues identified in the Local Plan policies and the IDP.

KCC Highways will review this and determine whether the traffic generated from a scheme creates an issue that requires resolution through the provision of local road and/or footpath and cycle path improvements. If off-site improvements are needed, then the developer may enter into a separate legal agreement with KCC Highways.

Where can we view and comment on the IDP?

The draft IDP is open for comments alongside the Local Plan consultation from 21st October to 9th December.

The IDP, Local Plan and supporting documents are available to view and comment on here: www.doverdistrictlocalplan.co.uk

Comments can be made on the IDP using the [representation form for evidence base](#) or through the online portal (link above) until **5pm on Friday 9th December**.

For more information, please contact the Planning Policy Team on localplan@dover.gov.uk or 01304 872244