



## What are Planning Obligations?

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', 's106', 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. Dover do not operate CIL.

## What do S106 Agreements do?

Section 106 agreements are needed when a development will have impacts on the local area that cannot be moderated by means of conditions attached to 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.

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 agreed by all relevant parties. In some cases, infrastructure will be delivered on-site, rather than through a financial contribution.

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

## Examples of infrastructure required by S106:

- 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 ICB/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

## How are impacts on the Road Network addressed?

As part of the [emerging Local Plan](#) for the district, all potential future sites for allocation were assessed to determine their specific impacts, and potential cumulative effects, on the highway 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. Mitigation may be in the form of highway network improvements and/or sustainable transport provision. Where the impacts of development are considered to be severe and there are no deliverable options for mitigation, this can be a reason for a site to be considered unacceptable.

As part of a planning application for larger housing schemes developers will also 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 to undertake the works required or make financial contributions towards the improvements.



# Delivering Infrastructure through Planning Obligations FAQs

## How are projects identified for S106 spending?

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.

Other projects are identified as a specific need for the district, or are locational depending on where the development is coming forward.

As part of the emerging Local Plan for the district which identifies the future housing and employment growth, there will be a number of supporting documents which identify the infrastructure projects that are needed to support that growth. All these projects are summarised within the Infrastructure Delivery Plan (IDP).

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. This is also detailed in the IDP.

## How is the S106 funding allocated?

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. [KCC have a separate guide which explains this further.](#)

Transfer of S106 funds to Town and Parish Councils can occur where the District Council 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.

## 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.

## Where can we view the Local Plan/IDP?

All information about the emerging Dover District Local Plan is available here:

[www.doverdistrictlocalplan.co.uk](http://www.doverdistrictlocalplan.co.uk)

The latest IDP is July 2023 version submitted to the Local Plan Examination [ED7 Infrastructure Delivery Plan - V3 July 2023 \(doverdistrictlocalplan.co.uk\)](#)

## Where can I see examples of Infrastructure provided in Dover by S106 funds already and projects which are coming forward?

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

**For more information on the IFS view this page:**  
[Infrastructure Delivery \(dover.gov.uk\)](http://dover.gov.uk)

**Email:** [developer.obligations@dover.gov.uk](mailto:developer.obligations@dover.gov.uk)