



# Delivering Infrastructure through Planning Obligations FAQs

## 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 as the '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 does not currently 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 to be applied - 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.

S106 requirements can be met by on-site delivery of infrastructure or by a financial contribution towards new/improvements to existing infrastructure. It must 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.

**Please note the monies secured cannot be spent on a different type of infrastructure than agreed in the S106, regardless of the need for such funding.**

## Examples of infrastructure/obligations required by S106 agreements:

- Affordable Housing
- Strategic Highway and local road, walking and cycling improvements
- Rail Network and station improvements
- Bus networks and bus infrastructure
- Waste and Recycling Management (via KCC)
- Health, including GP services (via ICB/NHS)
- Green Infrastructure, Biodiversity Net Gain and Ecology
- 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 projects identified for S106 spending?

As part of the Local Plan for the district which identifies the future housing and employment growth to 2040, there are a number of supporting documents which identify the infrastructure projects that are needed to support that growth. All these projects are listed within the Infrastructure Delivery Plan (IDP).

Some on-site provision or off-site financial 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 (see Adopted Local Plan to 2040).

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

## What is the IDP and what is it used for?

An Infrastructure Delivery Plan (IDP) sets out:

- Current Infrastructure and whether its at capacity
- Planned Infrastructure and Strategies
- 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.



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## How is the S106 funding allocated?

Monies allocated to Kent County Council (KCC) for Education, Waste, and Libraries etc. and the NHS/Integrated Care Board 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.](#)

For DDC services, the provision is transferred to the relevant 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 infrastructure through a robust, auditable procedure.

## How to request the transfer of S106 funds to Town and Parish Councils?

Transfer of S106 funds to Town and Parish Councils/other parties 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 S106 funds received for an open space contribution in that location can be transferred to them by the following process:

- The other party need to identify an infrastructure project in need of S106 funding
- They should read the latest IFS to see what funding is available the identified project – the chosen project must align with the provision of the funding in the S106
- Email the team at DDC: [developer.obligations@dover.gov.uk](mailto:developer.obligations@dover.gov.uk) with an Expression of Interest (EOI) for those funds
- Once available S106 funding has been confirmed by DDC, the other party will need to submit in writing a formal request for the release of funds, with the details of the project, costs, and the funding required.
- DDC will review the project and request details. If it aligns with the S106 wording and the Council's Strategies, the S106 funding will be released to that party.

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

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

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

The latest DDC IDP is July 2023 version [ED7 Infrastructure Delivery Plan - V3 July 2023](#)

## 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 \(dover.gov.uk\)](https://www.dover.gov.uk/infrastructure-delivery)

## How are impacts on the Road Network addressed?

Highway, footpaths and cycleway requirements are assessed by Local Highway Authority (KCC) and not DDC. For site allocations within the Local Plan, mitigation is identified within site specific policies and the [Infrastructure Delivery Plan \(IDP\)](#).

As part of all planning applications, developers will need to submit a Transport Assessment/Statement and/or Travel Plan to detail any highway issues and sustainable transport options. 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.

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