



Section 106 Monitoring Fees



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1.0 Monitoring Fee Purpose

1.1 Worcestershire County Council (WCC) as a Local Authority enter into section 106 legal agreements (planning obligations) with developers to collect funding for infrastructure requirements¹ arising from development across Worcestershire. This funding is monitored and reported on in an annual funding statement.

1.2 Planning obligations are legal obligations entered into to mitigate the impacts of a proposed development. Planning obligations are normally secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and are a mechanism through which development proposals can be made acceptable in planning terms. It is an administrative burden on the County Council to monitor such Agreements. The law² permits local authorities to seek a proportionate and reasonable contribution toward the monitoring and reporting of planning obligations through Section 106 Agreements. This is further reinforced within national planning guidance in September 2019³.

1.3 When planning obligations for transport and education infrastructure are included in a legal agreement, WCC will seek monitoring fees towards the monitoring of such obligations. The fees are based on a) the actual work undertaken to administer and ensure compliance with the agreement and b) the development size.

1.4 The monitoring fee has two elements;

- A fixed admin set up charge whereby we must undertake an action once and;
- A charge based on the size of the development as larger developments generally attract a greater level of work. The second charge is further multiplied by the number of trigger points. The trigger payment is the element we undertake for each trigger the agreement has within it. This ensures the fees charged are proportionate, reasonable and reflect the actual cost of monitoring.

1.5 In exceptional circumstances and where the s106 contribution sought is a minor sum, a reduction in the monitoring fee may be considered. Each development will be assessed on a case-by-case basis and consideration will be given to the level of contribution sought and the relevant trigger point(s) balanced against other relevant matters including viability.

1.6 For residential and mixed-use sites of exceptional size which will include strategic growth areas, new settlements and future urban extensions, section 106 monitoring arrangements will be determined on a case-by-case basis. This reflects the complexities of these schemes including the number of landowners and promoters, phasing, timescales and infrastructure requirements.

1.7 The monitoring fee and all elements of it will be reviewed annually in line with appropriate cost increases.

¹ Infrastructure requirements that fall specifically to the county to deliver

² Regulations available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111187449/contents>

³ Please see <https://www.gov.uk/guidance/planning-obligations> Paragraph: 036 Reference ID: 23b-036-20190901

2.0 Monitoring Fees Table Residential

Purpose	Charge Type	Small (Low) 10 - 99 dwellings	Medium (Medium) 100-499 dwellings	Large (High) 500-999 dwellings	Very Large 1,000+ dwellings
Education	Fixed Admin Set Up Charge	£60.00	£80.00	£140.00	£190.00
Education	Per trigger (to be multiplied by the number of trigger points per site)	£430.00	£610.00	£740.00	£740.00
Transport	Fixed Admin Set Up Charge	£1,087.00	£1,206.00	£1,384.00	£1,443.00
Transport	Per trigger (to be multiplied by the number of trigger points per site)	£956.00	£1,727.00	£2,497.00	£3,208.00

2.1 Monitoring Fees Worked Examples Residential

Purpose	Charge Type	Small (Low) 10 - 99 dwellings	Medium (Medium) 100-499 dwellings	Large (High) 500-999 dwellings	Very Large 1,000+ dwellings
Education	Illustrative total for 1 trigger point site	£490.00	£690.00	£880.00	£930.00
Education	Illustrative total for 2 trigger point site	£920.00	£1,300.00	£1,620.00	£1,670.00
Transport	Illustrative total for 1 trigger point site	£2,043.00	£2,933.00	£3,881.00	£4,651.00
Transport	Illustrative total for 2 trigger point site	£2,999.00	£4,660.00	£6,378.00	£7,859.00

2.2 Monitoring Fees for Commercial Developments

Purpose	Commercial Non-Residential Section 106 Agreement Value up to £50,000	Commercial Non-Residential Section 106 Agreement Value £50,001 to £100,000	Commercial Non-Residential Section 106 Agreement Value over £100,000
Transport	£945.00	£1,246.00	£1,279.00

Please note this monitoring fee is a one-off fixed fee based on the value of the section 106 agreement and is not changed by trigger points.