

**Tonbridge and Malling Borough Council**  
**Infrastructure Funding Statement**  
**December 2021**



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## **1. Introduction and Context:**

- 1.1 Local Authorities are now required under amendments to regulations (The Community Infrastructure Levy (Amendment) (England) Regulations 2019 No.1103 that came into force on 01 September 2019) to produce an Infrastructure Funding Statement annually that sets out details about planning obligation receipts and anticipated expenditure. This is to provide clarity and transparency to local communities and developers on the infrastructure and expenditure and in aligning this to planned development, as envisaged in the adopted development plan. This document represents the borough's first infrastructure funding statement in accordance with these requirements for the period 01 April 2020 to 31 March 2021. Section 2 of this Statement sets out Infrastructure delivery and contributions collected from S106 (2020/21). Section 3 sets out planned expenditure (2021/2022) and future priorities.
- 1.2 The Council does not operate a Community Infrastructure Level (CIL) charging schedule. It was decided at the meeting of the Community Infrastructure Levy Panel on 19 December 2011 to not move forward with production of such a schedule, although this position is continually kept under review. In determining planning applications for new development, the Council therefore relies on the provisions of the Town and Country Planning Act 1990 to ensure that appropriate and successful mitigation of development takes place in all instances.
- 1.3 Section 106 agreements are effectively a mechanism designed to ensure a development proposal is acceptable in planning terms where it would not otherwise be acceptable. S106 income is used to help fund the provision of supporting infrastructure in association with development and maximise the benefits and opportunities from growth, such as employment opportunities and affordable homes. The statutory tests for such agreements are that the obligations 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.
- 1.4 Common examples of what may be sought as planning obligations in order to make development acceptable in this Borough are as follows:
  - Affordable housing;
  - Provision of public open space and public realm enhancements;

- Highways, transport and travel schemes including cycle and public transport improvements, highway infrastructure works, pedestrian links and facilities;
- Educational facilities;
- Libraries;
- Healthcare facilities;
- Provision of community facilities;
- Local environmental improvements including enhancement of designated nature conservation areas;
- Flood defence;
- Securing an acceptable mix of uses on development sites;
- Securing affordable business space;
- Archaeology and conservation schemes;
- Pollution mitigation;
- Fire and rescue facilities;
- Crime and disorder prevention activities;
- Town centre improvements; and
- Employment and training.

1.5 However, the above list is not exhaustive and the precise details of what will be sought by way of a planning obligation will always be dependent on the scale and nature of the application and will be governed by relevant development plan policies in force in the area and any other material considerations (including the National Planning Policy Framework and associated Planning Practice Guidance).

1.6 The Development Plan currently in force continues to be the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD), adopted April 2010.

## **2. Infrastructure delivery and financial contributions collected from S106 (2020/21)**

2.1 Annexe 1 to this Statement sets out all financial contributions held by the Council as of 01 April 2020. The Annexe includes the following information:

- Development site;
- Planning reference;
- Purpose of the contribution;
- Opening balance as at 1<sup>st</sup> April 2019 (this includes sums going back to 1996, although three are commuted sums);
- Contributions received during 2020/21;
- Accrued interest if contribution not spent during the year;
- Amount of contribution that has been used;
- Closing balance as at 31<sup>st</sup> March 2021;
- What project the contribution has been spent on / to be spent on / or if transferred to a third party (where this has been determined at the time of publication);
- A final column gives the original amount received.

## **3. Summary of obligations secured by S106 (2020/21)**

3.1 A total of 498 affordable housing units have been secured for on-site provision by completed s106 agreements for the reporting period.

3.2 In terms of financial contributions secured, where agreements entered into give a firm, final amount, the following have been secured for the reporting period:

- £157,968 towards provision and/or enhancement of medical practices to account for additional demand generated by new development. These will be transferred to the CCG upon receipt in accordance with the terms of the individual agreements.
- £961,774 towards off-site public open space provision
- £53,184 towards primary education
- £273,482 towards secondary education

- 3.3 In addition to the above, there have been some larger scale outline planning permissions granted during the reporting period where the final amounts to be secured will be dependent on the precise mix of development to be established by the reserved matters submissions in accordance with the requirements of adopted policy. The reserved matters have yet to be approved and as such the firm nature of the contributions secured yet to be established.
- 3.4 Where obligations have been secured by s106 to be directed to projects delivered by the County Council (in respect of schools, off-site highway works, community facilities, social services etc.), the County Council is always a formal party to the agreement. The Borough Council does not presently collect and transfer funds to the County. The County Council will be required to publish its own Statement in these respects.
- 3.5 A number of large-scale, strategic sites have been granted planning permission beyond the reporting period to which this Statement relates. These include a significant amount of on and off-site provision of infrastructure that will be reported in 2022 in accordance with the Regulations. It should be recognised that in all likelihood additional sites will also come forward within that reporting period which will represent significant opportunities for the provision of new infrastructure across the Borough.
- 3.6 The Council has published a Section 106 Protocol which is intended to provide a clear and transparent process for all parties involved with the provision of such infrastructure to follow, thus ensuring those opportunities are maximised wherever possible. It is kept under careful review to ensure it remains fit for purpose and any updates to the Protocol will be reported via the Council's Planning and Transportation Advisory Board.

#### **4. Planned expenditure (2021/2022) and future priorities**

- 4.1 This section sets out how S106 income will be spent and prioritised over the next reporting period (as per the requirements set out in relevant planning practice guidance and the Regulations). The level and timing of income will depend on the nature and scale of the development, the number of implemented planning permissions, build-out rates, and the phasing of development etc. Due to the uncertainty over forecasting, particularly over the last year, the level of income will be based on the total receipts collected from the previous financial year and any unspent receipts from previous financial years.
- 4.2 In terms of future spending priorities, the Council will continue to ensure wherever possible and appropriate to do so affordable housing will be provided on site in accordance with prevailing adopted policy. Where this is not possible, and where exceptional circumstances have been identified and agreed between the parties, commuted sums will be collected and the Council will seek to direct them in a manner that will best address our identified need. In this

respect, the Council has also published an Affordable Housing Delivery Protocol which sets out how affordable housing will be secured across the Borough at this time, particularly given the current position regarding the Local Plan progression. Prospective developers will be directed to this in all circumstances.

#### Open space enhancements

- 4.3 Requirements for public open space provision, enhancement and maintenance are still set out within the MDE DPD. In this Borough, the types of open space that can be addressed through s106 agreements include Parks and Gardens, natural and semi-natural green spaces, green corridors, outdoor sports facilities, amenity green space, play areas, allotments, cemeteries and other burial grounds.
- 4.4 The Open Space Strategy sets out our standards regarding the provision of open space and identifies the locations where obligations are required through S106 and other sources to address deficiencies in the borough's open space network.
- 4.5 Contributions collected in connection with Leybourne Lakes Country Park will be directed towards making improvements to the park including the provision of a new purpose-built building to house a café/water sports area. This now has been granted planning permission and the plans below give an indication of the scheme.





- 4.6 The Council also continues to progress with opportunities to enhance the public realm and linkages across Tonbridge Town Centre in accordance with policy TCA10 of the Tonbridge Central Area Action Plan, particularly the route from the Avebury Avenue Bridge to the west across the town to the gasholders and Cannon Lane to the east. Since the last report was published, the Council has allocated £10,000 towards commissioning a specific design approach for this project. This design work is taking place currently and will inform the Council's decisions in how the project will proceed.

*Affordable housing:*

- 4.7 All affordable housing secured over the reporting period has been via on-site provision, as required by policy. Schemes granted more recently (outwith the reporting period) have secured commuted sums for provision and these will be reported in 2022.

*Future monitoring arrangements:*

- 4.8 From 01 April 2021, the Council commenced charging a monitoring fee of £300 per obligation. Reporting of this will therefore take place in 2022. The Council has recently recruited a new Senior Development Obligations Officer to take forward monitoring of obligations in a central manner and new ways of working are being developed to reflect this appointment, along with further consideration to additional means of reporting progress on matters relating to planning obligations secured by the Council. Again, this will form part of the focus of the 2022 Infrastructure Funding Statement.

## **5. Conclusions**

- 5.1 Tonbridge and Malling Borough Council continues to be committed to working with the local community and other stakeholders to ensure that planning contributions are used in a fair and transparent way to maximise the benefits and opportunities arising from development, such as new affordable homes, community infrastructure, jobs and environmental improvements.

- 5.2 A key part of this for the next reporting period will focus on monitoring to ensure delivery in all respects can be maximised, ensuring much needed infrastructure and mitigation comes forward in a timely way in the manner envisaged through individual grants of permission, with a particular emphasis on the development of a dedicated monitoring officer and associated working groups to ensure delivery.