

Tonbridge and Malling Borough Council

Infrastructure Funding Statement

December 2022



DEBBIE draws MAPS

1. Introduction and Context:

- 1.1 This document represents the borough's second infrastructure funding statement in accordance with the Community Infrastructure Levy Regulations (CIL) 2010 (as amended), the Infrastructure Funding Statement requirement was introduced on the 01 September 2019, the reporting period for this statement is 01 April 2021 to 31 March 2022. Section 2 of this statement sets out infrastructure delivery and contributions collected from S106 agreements. Section 3 sets out the planned expenditure and future priorities.
- 1.2 Tonbridge and Malling is not a Community Infrastructure Level (CIL) charging authority. 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 S106 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 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 The use of Planning obligations in relation to developments may:
- restrict development or use of the land in any specified way;
 - require specified operations or activities to be carried out in, on, under or over the land;
 - require the land to be used in any specified way; or
 - require a sum or sums to be paid to the authority on a specified date or dates or periodically.

- 1.5 Common examples of what mitigation may be sought within planning obligations to make a development acceptable within this Borough can be 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
 - Healthcare facilities
- 1.6 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, nature of the application, the above tests, 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).
- 1.7 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.
- 1.8 Tonbridge and Malling Borough Council have been working alongside parish councils to produce a Parish Infrastructure Statement which enables the councils to put forward infrastructure/community projects that have supporting evidence and a direct positive impact for the community in close proximity to development. All proposed projects are required to meet the statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations), being necessary to make the development acceptable, directly related in kind and fairly and reasonably related in scale and kind to the development.

2. Infrastructure delivery and financial contributions collected from S106 (2021/22)

- 2.1 Annex 1 to this Statement sets out all financial contributions held by the Council as of 01 April 2021. The Annex includes the following information:
- Development site;

- Planning reference;
- Purpose of the contribution;
- Opening balance as at 1st April 2019 (this includes sums going back to 1996, although three are commuted sums);
- Contributions received during 2021/22;
- Accrued interest if contribution not spent during the year;
- Amount of contribution that has been used;
- Closing balance as at 31st March 2022;
- 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.

2.2 Annex 2 to this statement is a link to KCCs Infrastructure Funding statement which outlines as above the current monies held, allocated, and spent by the County Council.

3. Summary of obligations agreed within S106 (2021/22)

3.1 A total of 75 affordable housing units have been secured within the S106 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:

- £1,281,500 towards off-site affordable housing provision
- £221,076 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.
- £725,350 towards off-site public open space provision
- £400,000 towards provision of off-site biodiversity net gain
- £91,500 towards rail station improvements
- £71,788 towards primary education
- £361,566 towards secondary education

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 below table is indicative of the approved developments and the firm nature of the contributions secured yet to be established.

Application reference	Outline proposal granted	S106 contributions sought
19/00376/OAEA	Outline Application: permission for a residential scheme of up to 106 units, associated access and infrastructure	<ul style="list-style-type: none"> • Affordable housing (on-site); • Community learning; • Libraries; • Healthcare; • Open space; • Primary education; • Secondary education; • Social care; • Sustainable travel voucher; • Youth services.
18/02966/OA	Outline Application: Development of the site to provide up to 300 dwellings (Use Class C3) and provision of new access off Kiln Barn Road. All other matters reserved for future consideration	<ul style="list-style-type: none"> • Affordable housing (on-site); • Bus services; • Community learning; • Highways; • Libraries; • Healthcare; • Open space; • Primary education; • Secondary education; • Social care; • Youth services

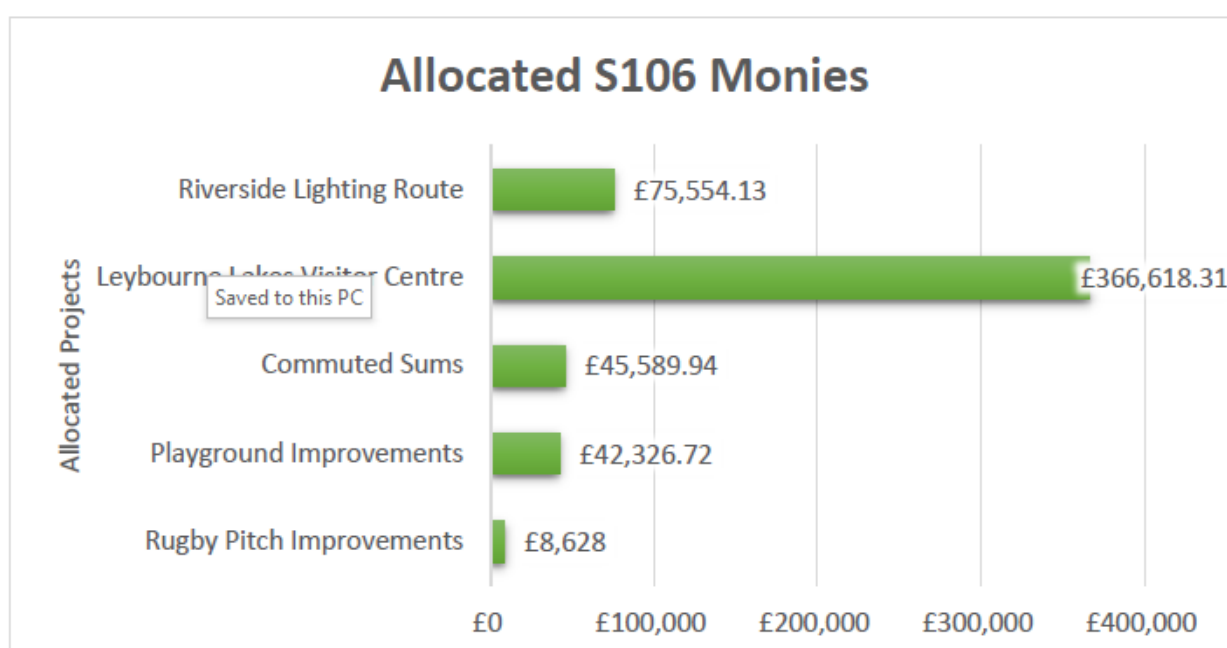
- 3.3 Where obligations have been agreed within the S106 to be directed to projects delivered by the County Council (in respect of schools, off-site highway works, community facilities, bus services, social services etc.), at present the County Council is a formal party to the agreement. The Borough Council does in certain instances collect and transfer funds to the County, this is outlined on the spreadsheet clearly marking which ones relate to Kent County Council. The County Council will be required to publish its own Statement in these respects.
- 3.4 Several large-scale, strategic sites have been granted planning permission beyond the reporting period to which this Statement relates, these are outlined in the table below. These include a significant amount of on and off-site provision of infrastructure that will be reported in 2023 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.

Application reference	Site address	Application Proposal
19/00014/OAEA	Land North Of Lower Haysden Lane Tonbridge	Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure
20/01218/OA	Land Adjacent Ditton Common North Of Rede Wood Road Oakapple Lane Barming	Outline Application: all matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping
20/02749/OAEA	Land South Of Barming Station And East Of Hermitage Lane Aylesford	Outline Application: erection of up to 330 dwellings (including 40% affordable homes), together with associated open space, play areas, and landscaping (including details of access)
21/00286/FL	Development Site At Brunswick Yard Pound Road East Peckham	Demolition of existing buildings, including a dwelling house (34 Pound Road), and erection of a residential development comprising of 10 dwellings and associated works, parking and alterations to the access points to Pound Road (Renewal of planning permission TM/16/03380/FL)
21/01542/FL	Rear Of 78 To 80 High Street Tonbridge	Redevelopment of the site to provide 36 Retirement Living apartments for older persons, with associated communal facilities, parking and landscaping
21/02258/FL	The Oast House Hollow Lane Snodland	Change of use and conversion of a redundant commercial building to create 9 new dwellings and associated parking
21/02409/OA	Hillberry Farm 351 Wateringbury Road East Malling	Demolition of existing house, complex of barns and other structures and replacement with 7 dwellings (as an alternative form of redevelopment to that previously approved under TM/19/01032/OA) (Resubmission of 20/02104/FL)
21/03005/FL	Little Rhoden Farm Bells Farm Road East Peckham	Demolition of the existing agricultural buildings and temporary workers accommodation and the erection of 5no. dwellings with associated amenity space, parking and landscaping
21/03067/FL	Riverbank House Angel Lane Tonbridge	Rooftop extension to provide 8 additional 2 bed flats

3.5 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 are anticipated be reported via the Council's Housing and Planning Scrutiny Select Committee in March 2023.

4. Planned expenditure (2022/2023) 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 3 tests set out in CIL regulation 122). 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 two years, 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.
- 4.3 Chart 1 below shows how S106 monies currently held by Tonbridge and Malling Borough Council are being allocated over the course of the next reporting period (2022/2023), additional monies will also come forward within that reporting period which may represent changes in the below allocation and produce better outcomes for other projects.



Allocated S106 monies	
Allocated project	Amount allocated
Riverside lighting route	£75,554.13
Leybourne Lakes Visitor Centre	£366,618.31
Commutated Sums	£45,589.94
Playground Improvements	£42,326.72
Rugby Pitch Improvements	£8,628

Open space enhancements

- 4.4 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.
- 4.5 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.
- 4.6 Tonbridge and Malling Borough Council are working closely with local Parish councils to provide open space enhancements to the parish owned sites, including those such as sports and play facilities. Contributions are currently being allocated for various outdoor sports and play area enhancements which will be reported on in the next period (22/23).
- 4.7 Contributions collected in connection with Leybourne Lakes Country Park have been directed towards making improvements to the park including the recently opened new purpose-built building which houses a café/water sports area, a total of £438,000 allocated in 20/21 was spent on the project within the monitoring period, this does not include the additional funds allocated to this project outside of the monitoring period as shown in the above table. The photos below show the finished build of the scheme.



- 4.8 Contributions have been collected and allocated to various open space sites based within the Tonbridge area, monies have been allocated to install better drainage at the Tonbridge Farm Sportsground and new play equipment to enhance the site.
- 4.9 The Council also continues to progress with opportunities to enhance the public realm and linkages across Tonbridge Town Centre, particularly the Medway Riverside route. Since the last report was published, the Council has allocated over £50,000 towards commissioning works to enhance the route and install lighting.

Affordable housing:

- 4.10 The affordable housing secured over the reporting period has been via on-site provision and a financial contribution to provide affordable housing as an off-site provision, as required by policy. The provision of off-site housing will be reported in 2023.

Monitoring arrangements:

- 4.11 From 01 April 2021, the Council commenced charging a monitoring fee of £300 per obligation, we have received a total of £5,700 in the monitoring period (2021/2022).
- 4.12 The monitoring fees relating to S106 agreements are due to be paid at the time of signing the S106 agreements, the monitoring of agreements is undertaken by the Senior Development Obligations Officer. Part of this role is to ensure contribution amounts are correct, paid at the appropriate moment and in a timely manner whilst ensuring the funds are spent on appropriate projects that meet the tests as outlined within the regulation 122 (as amended by the 2011 and 2019 Regulations).

5. Conclusions

- 5.1 Tonbridge and Malling Borough Council continues 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 part for the next reporting period will be to monitor current S106 agreements and new agreements, creating a monitoring group to enable a wider look at proposed developments and to ensure the mitigation is suitable and meets the tests for the proposed development as well as delivering the mitigation within a timely manner. Tonbridge and Malling Borough Council remains committed to the monitoring of agreements ensuring the monies are used in the proper manner.

6. Background papers

Annex 1 – Infrastructure funding statement 2022 spreadsheet.

[Annex 2 – Link to KCC Policies which will include the Infrastructure Funding Statement for the monitoring period of 2021/2022](#)