

Infrastructure Funding Statement



December 2024

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1. Introduction and Context

- 1.1 This document represents the borough's third infrastructure funding statement in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The Infrastructure Funding Statement requirement was introduced on the 01 September 2019, the reporting period for this statement is 01 April 2023 to 31 March 2024. 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 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 a CIL 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 the 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;
 - 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.

- 1.6 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), and Tonbridge Central AAP 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 parish 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, if taken forward, are required to meet the statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations) as set out in paragraph 1.3 above.

2. Infrastructure delivery and financial contributions collected from S106 (2023/24)

- 2.1 Annex 1 to this Statement sets out all financial contributions held by the Council as of 01 April 2023. 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 2023/24;
 - Accrued interest if contribution not spent during the year;
 - Amount of contribution that has been used;
 - Closing balance as at 31st March 2024;
 - 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.

Summary of the balances listed within Annex 1 can be seen in the below table:

Opening Balance	Amount Received	Monies spent/transferred	Closing Balance
£4,475,850.04	£1,431,061.32	£1,265,693.16	£4,641,218.20

- 2.2 Annex 3 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 (2023/24)

- 3.1 A total of 555 affordable housing units have been agreed within the S106 for on-site provision via signed 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:
- £363,168 towards provision and/or enhancement of medical practices to account for additional demand generated by new development. These will be transferred to the ICB upon receipt in accordance with the terms of the individual agreements;
 - £578,557 towards off-site public open space provision;
 - £291,691.66 towards primary education;
 - £278,585.88 towards secondary education; and
 - £27,083.85 towards special 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 and other material considerations. The below table is indicative of the approved developments, outlining a preliminary amount of total contribution sought under the S106 agreement, however the firm contribution amounts secured are yet to be established.

Application Reference	Outline Proposal Granted	S106 Contributions Sought	Total Contribution Sought
22/00113/OAEA	Residential development of up to 950 dwellings, provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes); provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road.	<ul style="list-style-type: none"> • Affordable Housing • Bus Services • Community Learning • NHS/Healthcare • Open Space • Libraries • Primary Education • Secondary Education • Public Rights of Way • Social Care • Special Education • Waste • Youth Services 	£16,591,669.36

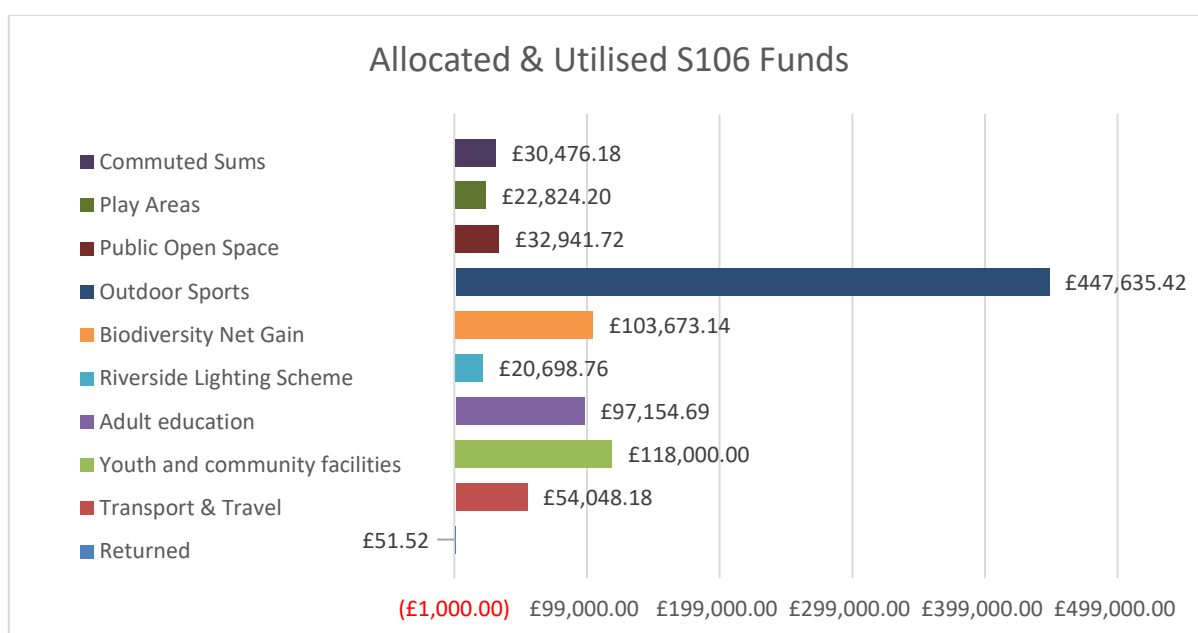
22/01909/OA	Outline Application: A later living community comprising up to 180 age-restricted dwellings (Class C3), up to 191 extra care houses and apartments (Class C2) with associated community facilities within a central hub building, an 80 bed care home (Class C2), up to 70 Key Worker apartments, a new facility for the local Scouts and parking, associated green infrastructure including landscaping, public open space, allotments, biodiversity enhancements and associated accesses to Rochester Road and Bull Lane.	<ul style="list-style-type: none"> • Affordable Housing • Adult Social Care • Bus Services • Community Learning • NHS/Healthcare • Libraries • Public Rights of Way • Waste 	£5,456,785.54
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- 3.4 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.), KCC was removed as a formal party to S106 agreements from April 2023 as set out within the updated S106 Protocol. However, it is noted that this change does not apply to all agreements, where there are circumstances in which KCC will be required to be a signatory to an agreement, for example on developments where there are reciprocal covenants. The Borough Council does in certain instances collect and transfer funds to the County Council, this is outlined on the spreadsheet at Annex 1 by clearly marking which contributions relate to Kent County Council. The County Council will be required to publish its own Infrastructure Funding Statement in this respect.
- 3.5 The Council has published its updated Section 106 Protocol (annex 2) 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. The council changed the protocol and removed Kent County Council as a signatory to S106 agreements, therefore all contributions from 01 April 2023 will be collected by TMBC and transferred to KCC once the appropriate documentation has been received. The change in proposal is to ensure contribution requirements are being met for the spend of any S106 funds as well as keeping an accurate record of when/where monies were utilised.

4. Planning Expenditure (2023/24)

- 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 Chart 1 below shows how S106 monies currently held by Tonbridge and Malling Borough Council have been allocated and utilised over the current reporting period (2023/2024).



Allocated & Spent S106 monies	
Allocated project	Amount allocated
Returned	£51.52
Transport & Travel	£54,048.18
Youth and community facilities	£118,000.00
Adult education	£97,154.69
Riverside Lighting Scheme	£20,698.76
Biodiversity Net Gain	£103,673.14
Outdoor Sports	£447,635.42
Public Open Space	£32,941.72
Play Areas	£22,824.20
Commuted Sums	£30,476.18

4.3 There has been an instance where the contribution deadline passed and the contribution funding was not utilised and therefore had to be returned to the developer Redrow Homes. This relates to the Former Priory Works development where a contribution was collected for the provision of open space in Tonbridge, Hadlow, and Hildenborough areas.

Open space, sports and recreation enhancements

4.4 Requirements for public open space provision, enhancement and maintenance are still set out within the Managing Development and the Environment Development Plan Document (MDE DPD). There are many types of open space that can be addressed through S106 agreements including 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. The provision of new or the enhancement of existing indoor sport and recreation facilities can also be addressed through S106 agreements.

- 4.5 The Open Space Strategy 2015 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. The Council is currently updating its Open Space Study to help inform both its emerging local plan as well as to provide information and evidence to support planning decisions. This will provide an up-to date position on current deficiencies in open space and accessibility to open spaces, as well as identify how the Borough's existing open spaces can be improved and indeed where new open spaces would contribute to the health and well-being of our communities.
- 4.6 In addition, 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, open space and play area enhancements which will be reported on in the next period (24/25).
- 4.7 Whilst utilising the information provided by local Parishes within the Parish Infrastructure Statements there have been 14 Open space projects funded via S106 agreements within the monitoring period as listed:
- Installation of a new swing seat at Taddington Wood;
 - Installation of an Outdoor Gym and Tennis Table at Addington Recreation Ground;
 - New MUGA lighting at Ditton;
 - Installation of a Trim Trail in Ditton;
 - Installation of an Outdoor Gym in East Malling & Larkfield;
 - MUGA resurfacing in Ditton;
 - Installation of an Outdoor Gym in Mereworth;
 - Provision of new football goals in Offham;
 - Widening, resurfacing and enhancing the exercise track in Offham;
 - Installation of an Outdoor tennis table in Offham;
 - Replacement signage at the skate park in East Malling & Larkfield
 - Repairs to the MUGA in East Malling & Larkfield;
 - Drainage upgrades to Williams Field and Hy-Arts in Hadlow;
 - Installation of a Zip Line in Wouldham; and
 - Lighting enhancements to the Kings Hill Sports Park



Figure 1 – Swing Seat installed at Taddington Wood



Figure 2 – Outdoor Gym installation in Mereworth



Figure 3 – Resurfacing and Upgraded Tennis courts in West Malling.

Affordable housing:

There have been no financial affordable housing contributions secured or collected over the monitoring period, all affordable housing secured over the reporting period has been via on-site provision only. A total of 59 affordable housing units have been provided on site at various developments across the borough. The units delivered have been a mixture of tenures and bedroom sizes.

Adult Education:

- 4.8 TMBC has been successful in working with the One You team and Wouldham Parish Council to utilise Adult Education funding from the S106 agreement at Peters Village to provide various courses within the Wouldham area, these have included the following:
- Cooking on a budget;
 - Level 3 Emergency First aid at work;
 - British Sign Language;
 - Level 2 Food Hygiene;
 - Level 2 Food Allergens;
 - Textiles and Crafts;
 - Line dancing;
 - Menopause café;
 - Weight loss program for residents of Wouldham
 - 4 Slow cooker specific courses; and 1 other cooking course
- 4.9 There has been an overwhelming positive result from the ability to provide courses across the borough TMBC has received the below testimonials relating to the courses:
- **Textiles and Crafts feedback** - *"I've enjoyed attending these classes and have tried out various projects myself. I am now volunteering to support the class to move forward."*
 - **Line Dancing feedback:**
 - *"This is a fantastic group, it provides me with a great way to exercise and keep fit as well as forcing me to remember the steps!"*
 - *"I really look forward to these classes and it has made me more confident to get out and about."*
 - *"A great little group, fun and welcoming and I feel part of the team"*
 - **Slow Cooker courses Wouldham & Snodland feedback:**
 - *"Extremely useful for me to take home and share with my family"*
 - *"I didn't realise how simple the slow cooker is, very useful"*
 - *"It is a great course to be offered."*
 - **Wouldham cookery Course feedback** – *"Mags is a great teacher, very informative, friendly and patient. Spent two hours each week having a good time and its good to spend time to think about what we're doing. Great Course."*

Figure 4 – One of the many Slow cooker courses offered.



5. Future priorities

- 5.1 Alongside the monies allocated and spent within the reporting period, there have been sums of money which have been allocated with the works set to take place within the next monitoring period, these have been outlined and listed below showing the allocated project and either site location or parish delivering the scheme:

Allocated Projects and Site	
Allocated project	Project site
Upgrades and equipment installation	Offham Recreation Ground
Installation of Outdoor Gym	Trottiscliffe
Installation of various Outdoor Sports Equipment	Bomb hole Site and MUGA site in Leybourne
Repairs to MUGA fencing	East Malling & Larkfield
Employment and Training opportunities	Various locations throughout TMBC
Disability friendly play equipment	Hildenborough
Perimeter track works	Riding Lane Recreation Ground, Hildenborough
Tree planting and Woodland management	Taddington Valley/Tunbury Avenue

- 5.2 Future priorities being considered within the 2024/2025 monitoring period are set to include utilising parks and gardens contributions for various upgrades to Haysden Country Park, Leybourne Lakes Country Park, Leybourne Woods and Castle Lake further allocation of outdoor sports contributions to various local parishes to improve open space, sports and recreation facilities for their communities and allocation of monies for Employment and job training opportunities within the borough.
- 5.3 In terms of future spending priorities, the Council will continue to ensure, as appropriate, for affordable housing to be provided on site in accordance with the Development Plan. 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.

6. Review of Governance Arrangements

Monitoring arrangements:

- 6.1 The Council updated its Planning Obligations Protocol in February 2024. This sets out the importance of implementing and monitoring planning obligations to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. The updated protocol included newly agreed charges which would come into effect from 01 April 2024, the Council commenced charging a monitoring fee of £400 per S106 obligation.
- 6.2 Within the monitoring period of (2023/2024) TMBC have received a total of £23,220 from S106 monitoring fees. The monitoring fee charge will be reviewed annually as part of the discretionary fee process.
- 6.3 The monitoring of agreements is undertaken by the Senior Development Obligations Officer who ensures that contribution amounts are correct, paid in a timely manner whilst ensuring that funds are spent on appropriate projects that meet the tests as outlined within Regulation 122 of the CIL Regulations (as amended by the 2011 and 2019 Regulations). The monitoring fees relating to S106 agreements are due to be paid at the time of signing the S106 agreements or at a time specified within the agreement.
- 6.4 To help facilitate the identification and delivery of S106 projects the Council has established a monitoring group to oversee S106 matters. The group consists of relevant officers from both TMBC and KCC. The group's purpose is to provide a current view of ongoing S106 negotiations and matters, allocations and spends. The meetings will include a politically balanced group of members and internal colleagues to discuss S106 negotiations, allocations and any other matters. So far, one meeting has taken place. We will report further as relevant in the next IFS monitoring period of 2024 – 2025.
- 6.5 A part for the next reporting period will be to monitor current S106 agreements and new agreements, the collation of a public open space list which will be utilised when making allocations of S106 funding, a review of the monitoring process and S106 protocols will be completed. Tonbridge and Malling Borough Council remains committed to the monitoring of agreements ensuring the monies are used in the proper manner.

7. Conclusions

- 7.1 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.

8. Background papers

Annex 1 – Infrastructure Funding Statement 2023/24 spreadsheet

Annex 2 – [TMBC planning obligations protocol February 2024](#)

Annex 3 - [Link to KCCs policies which include the Infrastructure Funding Statement](#)

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Serving our community

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