

# Infrastructure Funding Statement

## December 2025

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# 1. Introduction and Context

- 1.1 This document represents the borough's fifth 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 2024 to 31 March 2025. 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 Whilst the Council is currently progressing a new Local Plan, 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 continually 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 (2024/25)

- 2.1 Annex 1 to this Statement sets out all financial contributions held by the Council as of 31 March 2025. The Annex includes the following information:
- Development site;
  - Planning reference;
  - Purpose of the contribution;
  - Opening balance as at 1<sup>st</sup> April 2024 (this includes sums going back to 1996, although three are commuted sums);
  - Contributions received during 2024/25;
  - 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 2025;
  - 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
£4,641,218.20	£809,339.30	£272,766.91	£5,401,825.55

- 2.2 Annex 2 to this statement provides 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 (2024/25)

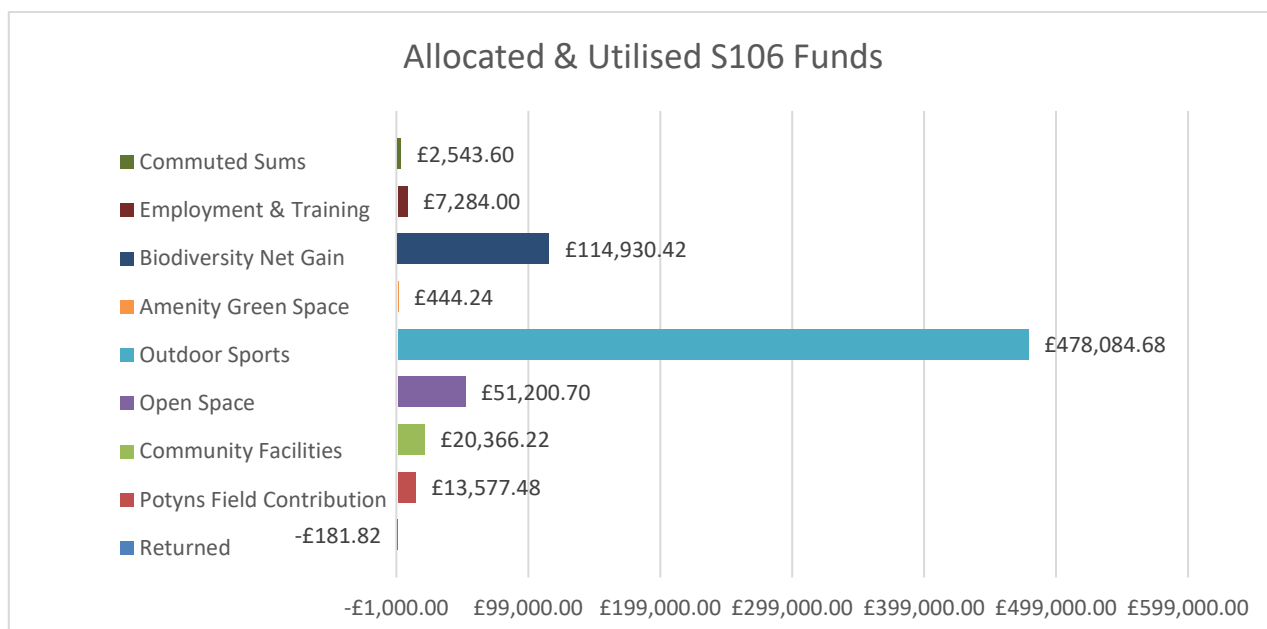
- 3.1 A total of 142 affordable housing units have been agreed within the S106 or Deed of Variation agreements for on-site provision via signed S106 agreements for the reporting period.
- 3.2 In terms of financial contributions secured, where agreements entered into give a firm, final amount, the following have been secured for the reporting period:
- £100,000 towards the provision of off-site Affordable Housing.
  - £123,920.38 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;
  - £482,010.50 towards off-site public open space provision;
  - £265,200 towards primary education facilities;
  - £125,119.02 towards primary education land;
  - £573,990.05 towards secondary education facilities;
  - £269,244.19 towards secondary education land; and
  - £38,488.33 towards special education.
- 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.), 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.
- 3.4 The Council has published its updated Section 106 Protocol (annex 3) 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 (2024/25)

- 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 (2024/2025) some of the funds listed have been allocated in previous years and spent within the monitoring period, inclusively there are some which have been allocated in this reporting period which will be spent and reported on within the 25/26 period.



Allocated & Spent S106 monies	
Allocated project	Amount allocated
Commuted Sums	£2543.60
Employment & Training	£7,284
Biodiversity Net Gain	£114,930.42
Amenity Green Space	£444.24
Outdoor Sports	£478,084.68
Open Space	£51,200.70
Community Facilities	£20,366.22
Potyns Field Contribution	£13,577.48
Returned	£181.82

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 - St James's Street Property Management Ltd. This relates to the Peters Village development where a contribution was collected for the provision of Youth and Community Facilities.

### Open space, sports and recreation enhancements

- 4.3 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.
- 4.4 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 has recently updated and adopted its Open Space Study as of July 2025, to help inform both its emerging local plan as well as to provide information and evidence to support planning decisions. However as this was published outside of the monitoring period, the information was not taken into consideration in relation to this report.
- 4.5 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 (25/26).
- 4.6 Whilst utilising the information provided by local Parishes within the Parish Infrastructure Statements there have been 10 Open space projects completed which were funded via S106 agreements within the monitoring period as listed:
- Installation of equipment at Offham Recreation Ground;
  - Tree planting at Taddington Wood;
  - New goals at West Malling Playing Fields;
  - Installation of Outdoor Tennis Table in Leybourne;
  - Installation of various Outdoor Sports equipment within Leybourne Parish;
  - Installation of Outdoor Gym equipment in Trottiscliffe;
  - Repairs to the MUGA at Larkfield Playing Fields;
  - Replacement skatepark signage at Larkfield Playing Fields;
  - Installation of fencing around exercise equipment at East Peckham Playing Fields; and
  - Provision of a new WC facility at the East Peckham Playing Fields.



**Figure 1 – Tree planting undertaken in Taddington Wood**



**Figure 2 – Agility trail installation in Offham**



**Figure 3 – Outdoor Tennis Table installation in Leybourne.**



### Affordable housing:

A total of £45,000 was secured and collected over the monitoring period towards the provision of off-site affordable housing. In addition, there were 164 affordable housing units provided on-site at various developments across the borough in relation to S106 agreements. The units delivered have been a mixture of tenures and bedroom sizes.

### Employment and Training:

- 4.7 TMBC has awarded a total of £7,284 towards 5 local projects to support employment and training opportunities within the community which were funded via S106 agreements within the monitoring period as listed:
- Two separate projects via Oaks specialist college;
  - Runway training;
  - Compaid; and
  - Communigrow

### Adult Education

- 4.8 The TMBC OneYou team has used the remaining balance of Adult Education funds previously transferred and spent in November 2023 to deliver cookery classes with a community chef over the 24/25 period, these classes were delivered in the following locations:
- Snodland Children Centre over a 4-week period with a total of 8 attendees;
  - Six in One Club, Tonbridge delivered two 5-week cookery courses with 18 total attendees;
  - Wouldham Village Hall over a 4-week period with a total of 7 attendees;
  - Tonbridge Masjid event with 15 people for cookery class
  - St Stephens School over a 5-week period with 6 total attendees;
  - Church Farm Hall delivered three 5-week cookery courses with 24 total attendees;
  - St Stephens House over a 4-week period with 6 attendees;
  - St Stephens House over a 5-week period with 6 total attendees;
  - Tonbridge Baptist Church delivered a 1-week Youth cookery course with a total of 6 attendees;
  - Tonbridge Baptist Church delivered a 3-week Youth cookery course with a total of 12 attendees;
  - East Malling Centre over a 5-week period with a total of 8 attendees;
  - Tonbridge Hub over a 4-week period with 6 attendees; and
  - Communigrow over a 4-week course with 6 attendees

### Biodiversity Net Gain

- 4.9 A transfer of £114,930.42 has been completed to Adonis Blue for the continual Biodiversity Net Gain works in Boughton Monchelsea, this contribution has been funded from the S106 relating to the Former Aylesford Newsprint Site being developed by Panattoni.
- 4.10 To date the BNG improvements at this site have included the following:
- Green hay spreading in the centre of meadow;
  - 3kg of Wildflower seeds sown in the north of the site;
  - Approx. 750 trees planted;
  - Excavations for pond creation;
  - Stock fencing and gates installed; and
  - Local farmer working with contractor to allow sheep grazing onsite;

4.11 From the above works there have been mixed results on the outcomes with the area habitats, such as poor to moderate condition on the grassland, however the hedgerows have shown moderate to good condition within the monitoring period. Further works are set to be undertaken at the site and continual monitoring for a 30 year period.

Figure 4 – Excavations for pond creation



Figure 5 – Map of the BNG site in Boughton Monchelsea



Figure 6 – View from South-east corner showing establishing wildflower meadow





## 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
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
Installation of Outdoor Gym	Forstal Road Recreation Ground

- 5.2 Future priorities being considered within the 2025/2026 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 towards improvements and upgrades to Tonbridge Racecourse Sportsground, Swanmead, Tonbridge Farm Sportsground and, 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 Adopted 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 (Annex 4) which sets out how affordable housing will be secured across the Borough

at this time, and in advance of progressing the new Local Plan. Prospective developers will be directed to the Protocol in all circumstances.

## 6. Review of Governance Arrangements

### Monitoring arrangements:

- 6.1 The Council updated its Planning Obligations Protocol in February 2024 (annex 3). 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.
- 6.2 Within the monitoring period of 2024/2025 TMBC have received a total of £15,660 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 Within the monitoring period 3 meetings were held for the officers monitoring group. This group, which includes relevant officers from both TMBC and KCC, has met to discuss ongoing S106 agreement negotiations, development progress and updates relating to project allocation and delivery. The group has provided the opportunity for officers to meet and discuss various points which has enabled a more streamlined and open approach to S106 matters.
- 6.5 The strategic monitoring group which consists of a politically balanced group of members and internal colleagues met 3 times within the monitoring period. The meetings discussed an update on current S106 negotiations as provided from the officer monitoring group, current allocations, projects completed and any other matters.
- 6.6 Since the implementation and creation of the public open space list using information provided by parish councils and TMBC a total of 9 allocations took place within the monitoring period, with multiple projects being reported on within the next monitoring period. The public open space list will be utilised for making allocations of S106 funding and undertaking negotiations with developers. 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 2024/25 spreadsheet

Annex 2 - [Link to KCCs policies which include the Infrastructure Funding Statement](#)

Annex 3 - [Link to the S106 protocol](#)

Annex 4 - [Link to the Affordable Housing Protocol](#)

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**Serving our community**

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