

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 INFRASTRUCTURE FUNDING STATEMENT (22/23)

Approval is sought for the publication of the annual Infrastructure Funding Statement [Annex 1] and associated documents outlining S106 contributions secured, allocated and spent where appropriate over the monitoring period of 22/23.

1.1 Background

- 1.1.1 The council has a statutory requirement under regulation 121A to publish an annual Infrastructure Funding Statement (IFS) by the end of December, the IFS must outline S106 matters including how funds held are being utilised in accordance with the legal agreement wording. The IFS for the reporting period of 22/23 covers a variety of factors including the updated S106 protocol, and S106 contributions.
- 1.1.2 The IFS contains an overview of S106 agreements signed within the reporting period and what financial and non-financial contributions have been agreed to mitigate the impact of the planning application.
- 1.1.3 As part of the publication of the IFS a spreadsheet showing all monies held in relation to S106 contributions is included [**Annex 2**] what TMBC has in the relevant S106 account at the time of writing and provide the opportunity for queries to be raised with the Senior Development Obligations Officer (SDOO).
- 1.1.4 During and after the reporting period a consultation was undertaken in relation to a newly proposed system to largely replace S106 agreements in lieu of contributions being received via the Infrastructure Levy, a response has been issued to the consultation and we are awaiting information on the decision from central government.

1.2 Financial and Value for Money Considerations

- 1.2.1 The report outlines the financial standing of S106 monies held overseen by our finance department and monitored by the SDOO.

1.2.2 Any queries relating to contributions should be raised with the SDOO.

1.3 Legal Implications

1.3.1 The council is obligated as set out within the agreements to collect developer contributions, oversee the monitoring of the development and the spend of the relevant funds.

1.3.2 The information set out within the report is accurate and has been extensively checked and coordinated.

1.4 Risk Assessment

1.4.1 TMBC has undertaken risk assessments when using S106 funds and implements a multistage checking system to ensure the monies are being spent on the relevant projects as required within the legal agreement.

1.5 Recommendations

HPSSC is asked to:

1.5.1 Endorse the Infrastructure Funding Statement and associated documents and recommend its publication by the end of December 2023 for approval by the Cabinet Member for Transformation and Infrastructure.

Background papers:

Annex 1 – Proposed Infrastructure Funding Statement

Annex 2 – Spreadsheet outlining S106 funds held

Annex 3 – Infrastructure Levy consultation response

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