

# Housing and Planning Scrutiny Select Committee

03 December 2024

## Part 1 - Public

### Matters for Cabinet - Non-Key Decision



Cabinet Member	Councillor Martin Coffin: Transport & Infrastructure
Responsible Officer	Eleanor Hoyle: Director of Planning Housing & Environmental Health
Report Author	Chelsea Honey-Bradfield: Senior Development Obligations Officer

### Infrastructure Funding Statement (23/24)

#### 1 Summary and Purpose of Report

- 1.1 The Infrastructure Funding Statement sets out infrastructure delivery and contributions collected by TMBC, allocations made within the monitoring period, projects delivered within the relevant period and new agreements entered into with an outline of the contributions agreed over the 23/24 period.

#### 2 Corporate Strategy Priority Area

- 2.1 Investing in our local economy to help support residents and businesses and foster sustainable growth.
- 2.2 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.3 The Infrastructure Funding Statement can effectively report on how S106 agreements support local economic development and sustainable growth by outlining how developer contributions are directed to vital infrastructure projects, such as transport, community facilities, open space, affordable housing, and local employment and training opportunities. Furthermore, S106 agreements can ensure that new housing developments are accompanied by provisions for affordable housing and improving housing options for local people. The IFS is a useful reporting tool as it provides a transparent and accountable overview of how contributions are being used to fund infrastructure projects, allowing stakeholders and the public to see how funds are allocated as well as the contribution that they make to the Council's corporate priorities.

### **3 Recommendations**

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

### **4 Introduction and Background**

- 4.1 The council has a statutory requirement under The Community Infrastructure Levy Regulations 2010 (Regulation 121A) to publish an annual Infrastructure Funding Statement (IFS) by the end of December each year. The purpose of the IFS is to provide a summary of all financial and non-financial developer contributions.
- 4.2 TMBC is not a Community Infrastructure Levy (CIL) charging authority therefore the IFS focuses on reporting on S106 developer contributions.
- 4.3 S106 contributions are legal agreements that can be attached to a planning permission to mitigate the impact of a development. Planning obligations can only be sought when they are related to the application they refer to; are of reasonable related scale and type to the development and are necessary to make the development acceptable in planning terms. S106 obligations can be both financial and non-financial and can be provided on-site, such as through the provision of affordable housing, or off-site as financial payments, such as through a financial contribution to provide for a specific piece of infrastructure.
- 4.4 A section 278 agreement is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the local highway authority to make permanent alterations or improvements to a public highway, as part of a planning approval. Examples of the works covered by a section 278 agreement include new or changed access into a development site; and / or new/alteration of signalised crossings or junctions close to the development site.
- 4.5 The IFS must outline S106 matters including how funds held are being utilised in accordance with the legal agreement. The IFS contains an overview of S106 agreements signed within the reporting period and what financial and non-financial contributions have been agreed. In addition, the IFS also includes a S106 protocol (Annex 2 of IFS report) setting out the importance of implementing and monitoring planning obligations, ensuring contributions are spent on the intended purpose and that associated development contributes to the sustainability of the area. The protocol outlines the role of developers and applicants, the role of the County Council, involvement of stakeholders including Councillors, Parishes and local community groups, as well as the preparation of agreements and monitoring arrangements. At Annex 1 (of the IFS Report) a spreadsheet is provided showing all monies held in relation to S106 contributions and what TMBC has in the relevant S106 account at the end of the monitoring period.

## 5 Infrastructure Funding Statement headlines

### Contributions Collected

- 5.1 The opening balance for S106 contributions at the start of the 2023/2024 monitoring period was £4,475,850.04. During the period, £1,431,061.32 was received, and £1,265,693.16 was either spent or transferred. As a result, the closing balance at the end of the monitoring period was £4,641,218.20.

### Summary of obligations agreed within S106

- 5.2 During the monitoring period, a total of 14 S106 agreements were entered into, which included a range of contributions to support local infrastructure and services. These agreements secured 555 affordable housing units for on-site provision. In addition, several financial contributions were agreed, including £363,168 for the provision and enhancement of medical practices to meet the increased demand generated by the new developments, to be transferred to the Integrated Care Board (ICB). Other contributions include £578,557 for off-site public open space provision, £291,691.66 for primary education, £278,585.88 for secondary education, and £27,083.85 for special education. These contributions are designed to mitigate the impact of the developments on local amenities and ensure that services can accommodate the growing population.

### Planning Expenditure

- 5.3 During the 2023/2024 period, monies have been allocated to a variety of projects that improve infrastructure within the borough, these include Transport & Travel, Youth and Community facilities, Adult Education, Biodiversity Net Gain, Outdoor Sports, Play Areas, Commuted Sums, Public Open Space and the Riverside Lighting Scheme. The allocation amounts to £927,452.29.
- 5.4 There has been an instance where the contribution deadline passed and the contribution funding was not fully utilised within the time period, therefore the remainder of the funds have been returned to the developer, this return amounted to £51.52 being returned to Redrow Homes.

### Open Space

- 5.5 Tonbridge and Malling Borough Council has been working closely with local Parish Council's to fund 14 open space projects using S106 contributions. These projects have helped to enhance recreational facilities across the borough and include a variety of improvements, such as the installation of a new swing seat at Taddington Wood, an outdoor gym and tennis table at Addington Recreation Ground, and new MUGA (Multi-Use Games Area) lighting and a trim trail in Ditton. Additionally, outdoor gyms have been installed in East Malling & Larkfield and Mereworth, while Offham has seen the provision of new football goals, resurfacing

and widening of the exercise track, and the installation of a new outdoor tennis table. Other upgrades include replacement signage and repairs to the skate park in East Malling & Larkfield, drainage improvements at Williams Field and Hy-Arts in Hadlow, a zip line installation in Wouldham, and lighting enhancements at Kings Hill Sports Park. These initiatives aim to improve the quality and accessibility of outdoor facilities for local communities.

### **Affordable Housing**

- 5.6 During the monitoring period, no financial contributions towards affordable housing were secured or collected. Instead, affordable housing provision was made on-site.

### **Adult Education**

- 5.7 TMBC has successfully partnered with the One You team and Wouldham Parish Council to use Adult Education funding from the S106 agreement at Peters Village to offer a variety of courses in Wouldham and the surrounding area. These courses have included topics such as cooking on a budget, emergency first aid, British Sign Language, food hygiene and allergens, textiles and crafts, line dancing, menopause support, weight loss programs, and several slow cooker-specific cooking classes. These initiatives aim to enhance community wellbeing and provide valuable skills for local residents.

### **Future Priorities**

- 5.8 During the reporting period, several projects have been allocated funding, with works set to take place in the next monitoring period. These include upgrades and equipment installation at Offham Recreation Ground, the installation of an outdoor gym in Trottiscliffe, and various outdoor sports equipment at the Bomb Hole Site and MUGA site in Leybourne. Other projects include MUGA fencing repairs in East Malling & Larkfield, employment and training opportunities across the borough, disability-friendly play equipment in Hildenborough, perimeter track works at Riding Lane Recreation Ground in Hildenborough, and tree planting and woodland management at Taddington Valley/Tunbury Avenue.
- 5.9 Looking ahead to the 2024/2025 monitoring period, priorities include using parks and gardens contributions for upgrades to Haysden Country Park, Leybourne Lakes, Leybourne Woods, and Castle Lake, as well as further allocations for outdoor sports contributions to improve local facilities. Employment and job training opportunities will also continue to be a focus.
- 5.10 The Council will also prioritise on-site affordable housing provision in line with the Development Plan. Where this is not feasible, commuted sums will be collected, with funds directed to address the borough's identified housing needs.

## 6 Financial and Value for Money Considerations

- 6.1 The report outlines the financial standing of S106 monies held overseen by our finance department and monitored by the Senior Development Obligations Officer.
- 6.2 Any queries relating to contributions should be raised with the Senior Development Obligations Officer.

## 7 Risk Assessment

- 7.1 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.

## 8 Legal Implications

- 8.1 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.
- 8.2 The information set out within the report is accurate and has been extensively checked and coordinated.

## 9 Cross Cutting Issues

### 9.1 Climate Change and Biodiversity

- 9.1.1 Adaptation and resilience have not been considered.
- 9.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### 9.2 Equalities and Diversity

- 9.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	Infrastructure Funding Statement Annex 1- Spreadsheet outlining S106 funds held Annex 2 – Planning Obligation Protocol