

## Housing and Planning Scrutiny Select Committee

02 December 2025

### Part 1 - Public

### Matters for Cabinet - Key Decision



Cabinet Member	Cllr Adem Mehmet, Cabinet Member for Infrastructure & Tonbridge Regeneration
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
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### Adoption of a Calculator for Indoor Sports, Outdoor Sports and Playing Pitch developer contributions

#### 1 Summary and Purpose of Report

- 1.1 This report is to advise Members on progress towards implementing a key action from the agreed Indoor Sports and Outdoor Sports & Playing Pitch Strategies.
- 1.2 The report proposes adoption by the Council of the Sports England model calculator approach to securing developer contributions towards indoor and outdoor sports facilities in the borough and lays out some of the key considerations.

#### 2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 By ensuring that where development is approved it provides appropriate funding for sports facilities, the Council can ensure that these facilities are delivered against a strategic plan and mitigate the impact of development in local communities.

#### 3 Recommendations

The Scrutiny Select Committee is asked to;

- 3.1 RECOMMEND to Cabinet the adoption of the Sports England calculator and associated metrics for Development Management purposes by the Council to Cabinet to secure appropriate contributions towards indoor and outdoor sports facilities in the borough.

- 3.2 NOTE the attached draft guidance note on operational use of the calculator, which will be finalised by officers, in consultation with the Cabinet Members for Planning and Infrastructure ahead of being presented to Cabinet for approval alongside the recommendation at 3.1

#### **4 Introduction and Background**

- 4.1 Currently policy CP25 of the Core Strategy seeks to ensure that infrastructure necessary to serve a development proposal is either available or will be made available by the time it is needed. This can take the form of the actual infrastructure required or for financial contributions to be secured either through conditions or S106 legal agreements.
- 4.2 Contributions are secured for a number of infrastructure projects, for instance highway improvement works, secondary/primary schools, land acquisition costs for schools, health care (to name but a few) which seek to mitigate the impacts of development. Tonbridge and Malling Borough Council also seek provision of and collects contributions for open space under policy OS3 of the Managing Development and the Environment DPD.
- 4.3 As part of the evolving evidence base for the emerging Local Plan the Indoor Sports Strategy and Playing Pitch & Outdoor Sports Strategies were endorsed by this committee in July 2025 and approved by Cabinet in September 2025. These reports highlighted that further actions would be required to implement the strategies. These strategies require further work, in the form of 'Stage E reviews', which there is agreement in place to complete alongside the development of the Regulation 19 Local Plan.
- 4.4 In order to meet identified deficiencies in the borough and secure mitigation set out by these strategies, work has been commissioned to prepare a calculator, using the Sports England model, to identify relevant contributions for forthcoming housing developments. Alongside this, an advice note for use by Development Management officers in securing developer contributions is also being drafted.
- 4.5 Although the calculator provides a set of figures to be requested for contributions, these are subject to the same viability processes as other developer contributions and as they are not required by statutory providers of Highways, Education or Health, they will be assessed in a similar way to Affordable Housing contributions. As part of the Local Plan process, the Council will develop detailed developer contributions guidance and Members may need to consider what priority if any they wish to give to different types of contribution. However, at this stage, as the evidence base is still emerging, these considerations will need to be made on a case-by-case basis by the Local Planning Authority in consultation with the relevant Council teams.
- 4.6 The usual parameters for developer contributions still apply to these contributions, in that there will be a requirement for the requesting authority, in this case the

Local Planning Authority, to be able to demonstrate if required how the schemes identified for the contributions to be utilised for are directly mitigating the impact of the development they are being requested from.

- 4.7 This includes consideration of geographical proximity, the time period in which the development and the project or scheme identified for contributions are happening and how the project or scheme is being funded in totality. The tests are set out at Regulation 122 of the <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>
- 4.8 This will apply to 10 units or more - - see NPPF definition: Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Members will note that current Policy OS3 sets a threshold of 5 units for open space contributions; this is being reviewed as part of the development of the Local Plan and the intention is to set the sports facilities contribution in line with the Major development definition as above.
- 4.9 It is important to note that the Council has not previously sought contributions in a structured, policy led approach for sports facilities, although individual schemes have been identified and supported through developer contributions in the past. As set out above, it should also be noted that the Council has an existing calculation spreadsheet for the provision of Open Space, which is scheduled to be reviewed alongside the preparation of the Regulation 19 Local Plan.

## **5 Proposal**

- 5.1 It is proposed that the Sports England Facilities Calculator functions and associated metrics relevant to Indoor Sports Facilities, Outdoor Sports Facilities and Playing Pitches are adopted by the Council. In respect of Playing Pitches, the Sports England Calculator considers demand for football, rugby, hockey, and cricket but excludes demand for tennis courts, netball, courts, baseball pitches, bowling greens, and athletics tracks. However, in order to ensure that need for a wider range of provision as identified in the Council's recently adopted Playing Pitches & Outdoor Sports Strategy can be mitigated for, it is proposed that additional metrics are utilised including the Fields In Trust Calculator alongside Sport England Facility Cost Guidance. This will be detailed in the operational advice note and provided as guidance for applicants.
- 5.2 For indoor leisure facilities, the approximate per unit contribution that is proposed is £478. How this applies to the draft allocations in the Regulation 18 Local Plan is laid out at Annex 1 for information. This figure could then be utilised as a guide for any other development proposals that come forward as speculative proposals, followed by a detailed calculation being progressed at application stage.

- 5.3 For playing pitches & outdoor facilities, the calculations are split down by various sports and types of provision, and therefore a standard per unit figure cannot be provided. Schemes will be considered on a case-by-case basis, utilising the adopted strategy and the need identified in it as the starting point.
- 5.4 The draft guidance note is attached to this report and this will be finalised prior to this report being presented to Cabinet for approval. This will enable officers to identify relevant contributions and discuss these with applicants.

## **6 Other Options**

- 6.1 The strategies that have been adopted will be based following their stage E reviews on proposed housing growth as laid out in the Council's emerging Local Plan. An alternative option would be to develop the calculator alongside the Local Plan process. However, due to the fact that there are a number of sites (both proposed allocations and otherwise) already being presented to the Local Planning Authority, either via pre-application enquiries or as applications for approval, it is considered prudent to ensure that where this evidence exists, the Council is able to gather relevant contributions to support the development of appropriate sports and leisure facilities which have already been identified as being required to meet the needs of Tonbridge and Malling residents to mitigate the impacts of these developments should they be approved.

## **7 Financial and Value for Money Considerations**

- 7.1 A key source of evidence for potential schemes will be the Council's Capital Plan lists, as these can provide evidence to explain the project or scheme and the proposed scope and approach to delivery. As part of preparation for the updated Capital Plan to be presented to Members for approval in February 2026, these schemes are being reviewed by the Director of Planning, Housing & Environmental Health and the Head of Planning to ensure that they are meeting this purpose as well as the other core purposes that they have for budget setting and scheme evaluation.
- 7.2 It should be noted that due to the nature of developer contributions and the wider considerations for their being secured as laid out in this report, it is not a straightforward calculation to consider the level of contribution that could be available for any particular scheme or project. This would depend on timing, location and individual development viability.

## **8 Risk Assessment**

Developers challenge the proposed contribution	Adopted evidence – current versions already adopted, updated versions to be adopted following stage E review.  Adopted calculator following this
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	<p>process.</p> <p>Development of guidance note for public information.</p>
Projects are not sufficiently defined as to demonstrate deliverability	Adopted strategies provide a strategic plan. Council can then have proposals for specific Council owned/led schemes and advise third party owners/operators on requirements.
Contribution is successfully challenged at appeal	<p>Development of guidance note for public information.</p> <p>Inclusion of relevant policies in emerging Local Plan.</p>

## 9 Legal Implications

- 9.1 Developer contributions will remain subject to legal requirements, currently section 106 agreements. Should the Council become a CIL charging authority (which there are no current plans to do), the relevant legislative requirements would replace s106 to a large extent.
- 9.2 The Council as Local Planning Authority will need to see a reasonable 'cut off' for existing applications is, as although this guidance could technically become effective immediately from when it is approved and would therefore have a potential impact on any scheme that had not yet been determined, if a scheme has already been submitted with an established viability position based on existing known developer contributions, the Council must be seen to act reasonably. Therefore officers are proposing that this will apply to recently submitted applications but for the avoidance of doubt will not apply to those applications that already have a resolution to approve (by Area Planning Committee) or where applications have been under negotiation for a considerable period of time and matters such as viability have already been the focus of considerable discussion.

## 10 Consultation and Communications

- 10.1 An important stakeholder group for this policy change is developers and agents. A specific communication will be made via case officers for any cases in the pre-application or early stages of the application processes to ensure that these schemes are aware of this change.
- 10.2 Engagement with Members is proposed to take place as laid out in this report, alongside contributions being collected under this approach being reported to

Members via the s106 Strategic Monitoring Group and via formal reporting including the Infrastructure Funding Statement at the end of each calendar year.

## **11 Implementation**

- 11.1 The changes would be advertised on the relevant pages on the Council's website and communicated to developers and agents.
- 11.2 Future consideration will be given to developing a contributions statement for the developer contributions specifically collected by the Council, mirroring the documents provided by the County Council and the Integrated Care Board.

## **12 Cross Cutting Issues**

### **12.1 Climate Change and Biodiversity**

- 12.1.1 Limited or low impact on emissions and environment.
- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### **12.2 Equalities and Diversity**

- 12.2.1 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	<p>Annex 1 - Potential contributions for indoor sports facilities – draft Local Plan allocations</p> <p>Annex 2 – draft guidance note on contributions for indoor and outdoor sports facilities</p>