

## Housing and Planning Scrutiny Select Committee

02 December 2025

### Part 1 - Public

#### Matters for Cabinet - Non-key Decision



Cabinet Member                                      Councillor Adem Mehmet: Transport & Infrastructure

Responsible Officer                                      Eleanor Hoyle: Director of Planning Housing &  
Environmental Health

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Obligations Officer

#### Infrastructure Funding Statement 2024/25

##### 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 24/25 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 link to the 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 which was updated and approved at the February 2024 Overview and Scrutiny Select Committee 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

The opening balance for S106 contributions at the start of the 2024/2025 monitoring period was £4,641,218.20. During the period, £809,339.30 was received, and £272,766.91 was either spent or transferred. As a result, the closing balance at the end of the monitoring period was £5,401,825.55.

### Summary of obligations agreed within S106

- 5.1 During the monitoring period, a total of 16 S106 agreements were entered into, which included a range of contributions to support local infrastructure and services. These agreements secured 142 affordable housing units for on-site provision. In addition, several financial contributions were agreed, including £100,000 for the provision of off-site affordable housing, £123,920.38 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 £482,010.50 for off-site public open space provision, £265,200 for primary education, £125,119.02 for primary education land, £573,990.05 for secondary education, £269,244.19 for secondary education land, and £38,488.33 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

- 5.2 During the 2024/2025 period, monies have been allocated to a variety of projects that improve infrastructure within the borough, these include amenity green space, biodiversity net gain, outdoor sports, community facilities, Potyns Field contribution, commuted sums, public open space. The allocation amounts to £688,431.34.
- 5.3 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 £181.82 being returned to St James Property Management Ltd.

### Open Space

- 5.4 Tonbridge and Malling Borough Council has been working closely with local Parish Council's to fund 10 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 installation of equipment at Offham Recreation Ground, tree planting at Taddington Wood, new goals provided in West Malling Playing Fields, installation of an outdoor tennis table in Leybourne, installation of varying outdoor sports equipment in Leybourne parish, installation of an outdoor gym in Offham, repairs to the MUGA fencing at the Larkfield Playing

Fields, installation of fencing around exercise equipment at East Peckham Playing Fields, and the provision of a new WC facility at the East Peckham Playing Fields. These initiatives aim to improve the quality and accessibility of outdoor facilities for local communities.

### **Affordable Housing**

- 5.5 During the monitoring period, a contribution of £45,000 was received from the development approved under reference 20/02239/FL (Development site South of 1 and 2 Orwell Spike) towards affordable housing was secured and collected. In addition to this a total of 158 affordable housing units were delivered onsite.

### **Employment and training**

- 5.6 TMBC has awarded S106 funding to 5 local projects to support employment and training opportunities, the funds were provided through the S106 relating to 20/01820/OAEA (Former Aylesford Newsprint). The projects receiving funds were provided by Oaks Specilast College, Runway training, Compaid, and Communigrow.
- 5.7 TMBC will be seeking to further use the funds from this contribution to enable the provision of more employment and training schemes benefitting 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 Forstal Road recreation ground, provision of outdoor sports equipment in Leybourne, and drainage and irrigation upgrades at Kings Hill Sports Park.
- 5.9 Looking ahead to the 2025/2026 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.

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**

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

- 6.1.3 The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

## **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**

- 8.1.1 The council is required to publish an IFS annually by the 31<sup>st</sup> December for the relevant monitoring period.
- 8.1.2 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.
- 8.1.3 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 This IFS includes an update on the BNG scheme being delivered in Boughton Monchelsea utilising funds from the former Aylesford Newsprint Site.
- 9.1.2 Adaptation and resilience have not been considered.
- 9.1.3 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	Annex 1 – Proposed Infrastructure Funding Statement Annex 2 – Spreadsheet outlining S106 funds held