

MALDON DISTRICT COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

2022/2023

1st April 2023

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1.0 Introduction

1.1 Government guidance requires Maldon District Council, as a Local Planning Authority (LPA) to produce a yearly Infrastructure Funding Statement (IFS) not later than 31st December each year.

1.2 Planning Obligations, or S106 agreements are legal agreements entered into with developers and landowners to mitigate the impacts of a development proposal; they are also called Developer Contributions. Planning obligations can be agreed to mitigate the impact of unacceptable development to make it acceptable in planning terms. However, planning obligations must meet the following three legal tests if there are to constitute a reason to grant planning permission. They must be:

- necessary to make the development acceptable in planning terms; and
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.3 LPAs can, in turn, decide whether to set a Community Infrastructure Levy (CIL) for their area, which is a fixed-charge levied on most new development to help fund identified infrastructure requirements. At the present time Maldon District Council does not operate a CIL Charging Schedule, so the IFS will only be reporting on S106 obligations.

1.4 Income from developer contributions is used to help fund the infrastructure needed alongside new development and this helps to maximise the benefits and opportunities from growth in the District. Infrastructure includes the delivery of affordable homes and other community facilities such as play parks, open space and youth facilities. The district also negotiates in conjunction with the Mid Essex NHS Integrated Care Partnership (formerly the Mid Essex NHS Clinical Commissioning Group) to achieve contributions towards health infrastructure improvements.

1.5 Essex County Council is responsible for collecting planning obligations for some of the other elements of the District's infrastructure where it is legally responsible for their delivery such as:

- Early learning and primary schools
- Secondary schools
- Highway improvements¹
- Transport planning
- Improvements to cycling and walking routes – sometimes shared with Maldon District Council

Consequently, Essex County Council is responsible for producing its own IFS for anything which it collects funding for and spends directly. Set out at **Appendix A** for information only is Essex County Council's secured S106 contributions for the Maldon District.

¹ Via Section 278 Agreements (Highway Act 1980)

1.6 For completeness, set out at **Appendix B**, are details of all the S106 agreements relating to Maldon District.

2.0 Section 106 Income for 2022/23

2.1 S106 agreement income is collected with a view to delivering Maldon District's Infrastructure Delivery Plan², which accompanies the 2017 approved Maldon District Local Development Plan (LDP). The LDP can be found: www.maldon.gov.uk/ldp.

Set out below in **Tables 1 and 2** is the total amount of funding received into the Council for the financial year 2022/23 broken down into its funding use.

Table 1

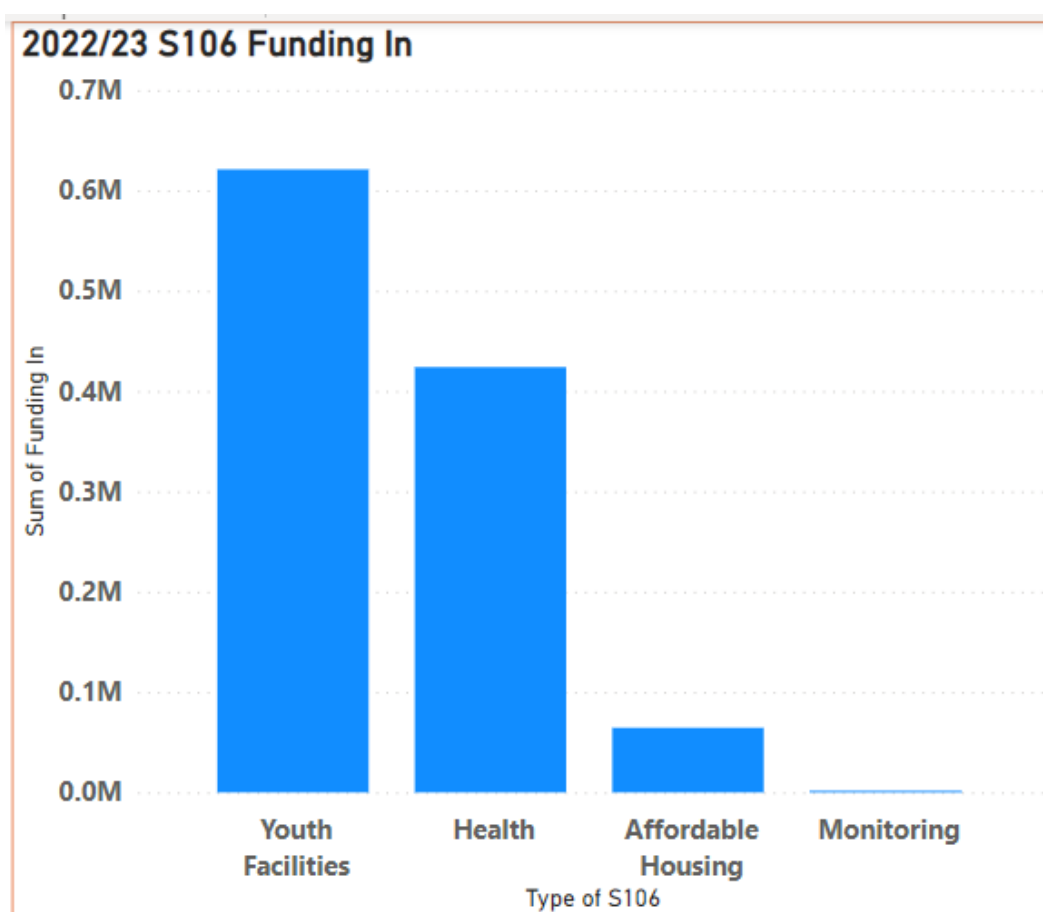


Table 2

Type of S106	Funding In
Affordable Housing	£64,448.00
Youth Facilities	£621,021.70

² https://www.maldon.gov.uk/info/7050/planning_policy/9810/infrastructure_delivery

Monitoring	£850.00
Health	£423,912.30
Total	£1,110,232.00

2.2 This is an increase on the 2021/22 position, following the payment of a further £167,435.89 to the Council.

3.0 Section 106 Expenditure for 2022/23

3.1 The Council holds the funding from S106 agreements until it is either called for by a third-party organisation that needs it to invest in infrastructure within their control, or the Council is in a position to spend the funding directly on that infrastructure; this would normally be when all the contributions have been collected. After the S106 legal agreement is signed when planning permission is granted, the Council does not have freedom over where this funding can be spent. The funding can only be spent on projects if they align with the terms of the relevant legal agreements.

Set out below in **Tables 3 and 4** is the total amount of S106 funding spent during the financial year 2022/23

Table 3

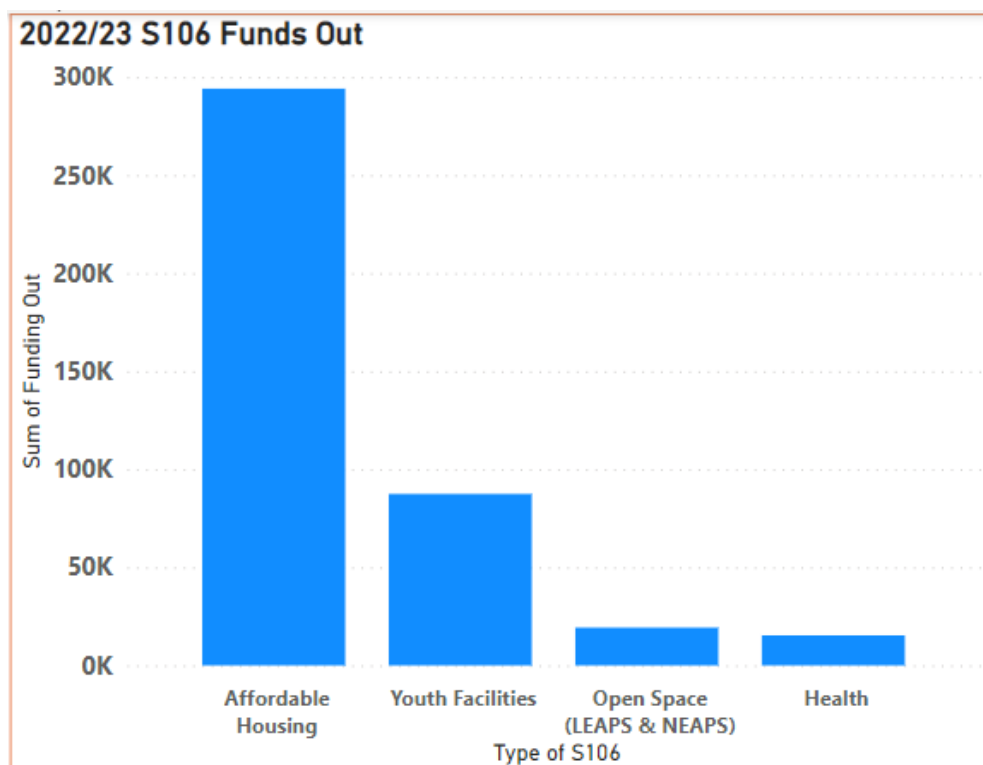


Table 4

Sum of 2022/23 Funds out	Type of funding
294,101.45	Affordable Housing
87,450.91	Youth Facilities
19,291.62	Open Space (LEAPS&NEAPS)
15,360.00	Health
416,203.98	

3.2 Table 5 below sets out the expenditure details of the funds have been expended in 2022/23.

Table 5

Type of Funding	Amount	Project
Affordable Housing	£82,000.00	Community Housing Officer
Affordable Housing	£4,250.00	Valuation Work for the purchase of affordable housing in the District.
Affordable Housing	£207,851.45	Pre-planning submission work for the delivery of affordable housing in Heybridge.
Youth Facilities	£87,450.91	As per S106 agreement these funds were passed to Site 2d as pooled contributions to be spent on youth facilities' on site.
Open Space (LEAPS & NEAPS)	£19,291.62	As per S106 agreement these funds were passed to Site 2d as pooled contributions to be spend on Open Space, LEAPS & NEAPS on site.
Health	£15,360.00	Remitted to the NHS so they could carry out an options appraisal to improve health facilities in Burnham-on-Crouch.
TOTAL	£416,203.98	

4.0 Total Funding Negotiated, Received and Spent Since 1992

4.1 The Council has, since 1992, negotiated a substantial amount of funding through S106 agreements and this section sets out how much has been negotiated, how much has been received and how much has been spent. It also sets out for what purpose that funding has been used for.

4.2 **Tables 6 and 7** below set out the total amount of funding negotiated since 1992 compared with the total amount of funding received to date.

Table 6

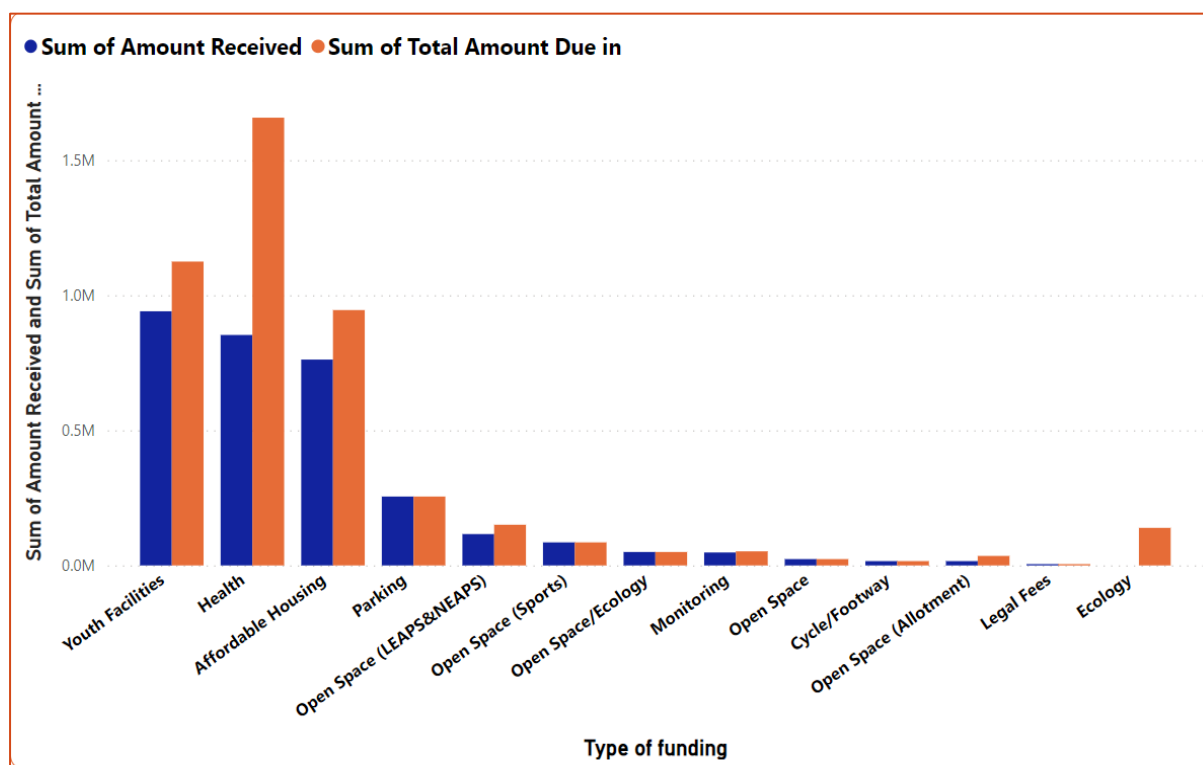


Table 7

Type of funding	Sum of Amount Received	Sum of Total Amount Due in
Affordable Housing	762,070.72	945,270.72
Cycle/Footway	16,000.00	16,000.00
Ecology	0.00	139,177.40
Health	853,116.83	1,657,469.83
Legal Fees	200.00	200.00
Monitoring	47,994.69	52,244.69
Open Space	23,440.00	23,440.00
Open Space (Allotment)	15,999.41	35,239.41
Open Space (LEAPS&NEAPS)	116,121.62	150,681.62
Open Space (Sports)	85,375.00	85,375.00
Open Space/Ecology	49,808.45	49,808.45
Parking	255,000.00	255,000.00
Youth Facilities	940,815.30	1,124,848.39
Total	3,165,942.02	4,534,755.51

4.3 Table 8 sets the total amount of funding spent through S106 since 1992, details of this spend have been set out in previous IFSs.

Table 8

Type of Funding	Amount Spent
Affordable Housing	£515,525.45
Health	£52,861.44
Open Space	£23,440.00
Open Space (LEAPS&NEAPS)	£63,291.62
Open Space (Allotment)	£8,000.00
Open Space/Ecology	£49,808.45
Open Space (Sports)	£85,375.00
Cycle/Footway	£3,120.19
Youth Facilities	£87,450.91
Parking	£255,000.00
Total	£1,143,873.06

4.4 Table 9 sets out the amount of funding still to be paid by developers for infrastructure in Maldon District. This includes funding where the triggers for payment have not yet been met.

Table 9

Type of Funding	Amount left to Remit
Affordable Housing	£183,200.00
Health	£804,353.00
Open Space	£0.00
Open Space (LEAPS&NEAPS)	£34,560.00
Open Space (SUDS)	£0.00
Open Space (Allotment)	£19,240.00
Open Space/Ecology	£0.00
Open Space (Sports)	£0.00
Monitoring Environment	£0.00
Ecology	£139,177.40
Cycle/Footway	£0.00
Youth Facilities	£184,033.09
RAMS	£40,185.00
Monitoring	£4,250.00
Legal Fees	£0.00
Parking	£0.00
Total	£1,408,998.49

4.5 In the financial year 2022/23 the Council did not have to refund any funding to developers regarding S106 clauses going out of time.

5.0 Affordable Homes

5.1 The Council's approved LDP Policy H1 encourages developers to build between 25% and 40% of their development in the District as affordable homes. The actual percentage will depend on the specific location of the development in the district and the viability of the scheme in financial terms. The Council encourages the affordable homes to be delivered on the individual development sites wherever possible, where they can be dedicated to households that need them. In some circumstances, this may not be possible and then an agreed financially equivalent sum of money (the amount paid for an Affordable Unit that is of the greatest demand by the Local Housing Needs Assessment (formerly the Strategic Housing Market Assessment) at that point in time) may be paid as a contribution.

This important aspect of on-site provision represents a significant contribution to the number of new homes provided to meet the affordable housing need of the District.

What is meant by an "Affordable Home" is defined in the LDP and in the Annex 2 of the [National Planning Policy Framework](#)³.

In the financial year 2022/23, the Council was informed of, which it verified through site visits and related datasets that the following new affordable homes were delivered in the District.

Affordable Rented Homes	87
Intermediate/Shared Ownership Homes	22
Total Affordable Homes	109

5.2 The total number of housing completions in 2022/23 was 429. Therefore, the 109 affordable housing completions represents approx. 25.40% per cent of the total number of new homes completed for the period.

6.0 Governance

6.1 In 2021, the Mid and South Essex NHS Integrated Care Partnership (formerly Clinical Commissioning Group (CCG)) appointed its first Planning Officer who now supports Councils in its area and vice-versa with the delivery of health-related projects that have benefited from s106 contributions. In 2022/23, the NHS drew down from S106 funding held by MDC for an options appraisal for health improvements in Burnham on Crouch. The work to progress this project is expected to move forward in the year ahead once the NHS has determined which option to advance. The collaboration between the council and NHS has been significantly improved, with meetings now taking place every 6-8 weeks with a project action log tracking progress.

6.2 The Council is also liaising with Essex County Council on the delivery of its infrastructure (primary and secondary schools' expansion, early-years facilities,

³ Since the introduction of the Government's First Homes Scheme in May 2021, the term may also include homes that are made available on the free market with a government subsidy for the first owners of new homes.

highways, etc.) to establish a better understanding of infrastructure upgrades and its project delivery timetables. This will not only provide a clearer picture of delivery but will assist in planning for new infrastructure within the LDP Review. Officers meet with ECC on a 6-weekly cycle and ensure that liaison is occurring when there is potential for combined or overlapping health and ECC infrastructure.

6.3 The Council is starting to work on a comprehensive project through its Parks, Coastal & Assets Service to spend the Youth Facilities funding in accordance with the terms of the relevant S106 agreements

6.4 In the interests of transparency, alongside this IFS and available to download from our website, is an MSEXcel spreadsheet of all the S106 agreements relating to the District. The spreadsheet sets out the funding due-in, received and spent and what each clause in the agreements relate to.

Appendix A – Essex County Council S106 Funding Details

Please note this information is what is known to the Council, provided by ECC and is accurate to 31st March 2023. For further information please contact ECC direct.

Type of funding	Amount Received	Amount Spent	Amount left to Remit	2021/22 Funds in	2021/22 Funds out	2022/23 Funds in	2022/23 Funds out
Education	£10,479,305.14	£144,893.49	£5,421,047.82	£656,556.54	£0.00	£422,275.76	£67,616.13
Highways	£2,723,487.12	£359,929.72	£7,956,993.96	£5,000.00	£0.00	£0.00	£21,448.53
Public Transport	£440,539.93	£263,362.42	£1,319,487.66	£0.00	£0.00	£0.00	£0.00
Education Transport	£141,894.32	£41,694.37	£509,401.20	£0.00	£0.00	£0.00	£0.00
Travel Plan	£3,000.00	£0.00	£7,500.00	£0.00	£0.00	£0.00	£0.00
Total	£13,788,226.51	£809,880.00	£15,214,430.64	£661,556.54	£0.00	£422,275.76	£89,064.66

The 2022/2023 funding has been spent on the following:

- Part of the 2FE expansion of Ormiston Rivers Academy in Burnham-on-Crouch
- Resurfacing works carried out in 2019 in Tolleshunt D`Arcy – the developer sent MDC the funding and it has now been passed back to ECC which carried out the works.