

# Infrastructure Funding Statement



**2023 -2024**



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# 1. Introduction

- 1.1. The Community Infrastructure Levy(amendment) (England) (no.2) Regulations 2019 place a duty on Local Authorities to provide a summary of all financial and non-financial developer contributions that they have been involved with over the course of a given financial year. The Infrastructure Funding Statement (IFS) is the platform in which to do this and must include a report on Planning Obligations Section 106 (S106), Section 278 (S278) and the Community Infrastructure Levy (CIL), in relation to the previous financial year. The legislation also requires Local Authorities to report on the infrastructure projects or types of infrastructure which it intends to wholly or partly fund by CIL.
- 1.2. Along with summary information, this IFS will also provide some examples of infrastructure projects that Kent County Council (KCC) has delivered, planned, or allocated contributions towards during 2023/24 as a means to demonstrate how developer contributions are an essential tool in unlocking and delivering growth across the county.
- 1.3. KCC is responsible for delivering and maintaining a wide range of strategic infrastructure such as roads, schools and social care but it may not be the Local Planning Authority for entering into legal agreements with developers. Thus, KCC works closely with its local District and Borough colleagues to ensure that its statutory responsibilities can be met and there is a smooth and timely transfer of developer contributions between the respective authorities. KCC will report the net result of such transfers within its IFS.
- 1.4. Throughout the IFS there will be references to the following definitions:
  - **Secured** – Contributions that have been included within a signed legal document for a planning application. These contributions have not been collected / delivered and if the planning application is not implemented, they will never be received.
  - **Received** – Contributions received, either monetary or non-monetary (in kind), that have been transferred to KCC.
  - **Allocated** – Contributions that have been received and allocated to specific projects.
  - **Spent / Delivered** – Monetary or non-monetary contributions that have been spent or delivered.
  - **This Financial Year** - unless stated otherwise, this refers to the period 01/04/2023 – 31/03/2024.
  - **District** – unless stated otherwise, used to refer to one or more of Kent’s District and Borough Councils.

## 2. Developer Contributions

### Section 106 Planning Obligations

- 2.1. Section 106 Agreements are a legal mechanism used to fund additional infrastructure needed as a result of increased demand caused by development within a local area.
- 2.2. Section 106 monies are secured for a range of infrastructure. They can only be sought where they meet the three legal tests, set out in paragraph 122 of the Community Infrastructure Levy Regulations 2010:
  - they are directly related to the development,
  - fairly and reasonably related in scale and kind to the development, and;
  - necessary to make the development acceptable in planning terms.
- 2.3. KCC secures contributions towards primary and secondary education, highways and transportation, adult social care, sustainable urban drainage, strategic waste disposal services, libraries, adult education and integrated children's services. Kent's District and Borough councils secure contributions towards infrastructure such as affordable housing, healthcare, local play areas and some aspects of further education. All of these items are essential in building and maintaining sustainable communities.
- 2.4. S106 agreements are secured on a site-by-site basis with payments typically being made in instalments as the development is built out. Contributions can only be spent against the purposes for which they are collected.
- 2.5. Unilateral Undertakings (UUs), which are a simplified version of a planning agreement entered into between the landowner and KCC, will also be included within this section.

### Community Infrastructure Levy (CIL)

- 2.6. Under CIL, each District is to create a charging schedule which is applied to the floor space of the development. The funding raised from CIL is collected by the Districts, pooled into a 'pot' and can be spent on a wide range of infrastructure types.
- 2.7. The infrastructure that receives CIL funding will be determined by the local District. Whilst KCC is not directly responsible for collecting CIL, it is heavily involved in discussions about accessing these funds in order to deliver its statutory duties and ensure that all communities, both new and existing, within Kent benefit.

### Section 278 Highway Agreements

- 2.8. Additional legal agreements that can fund infrastructure are Section 278 Agreements (S278). These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and Developers. S278 agreements are required to secure alterations or improvements to the highway.

## Forecasting

- 2.9. National guidance recommends that Councils should consider reporting on estimated future income where possible. KCC will look at incorporating forecasting of developer contributions within future versions of the IFS, although KCC will ultimately rely on information provided by Kent's Districts and Boroughs.

### 3. S106 Contributions

#### Contributions received or invoiced before the start of 2022/23 that had not been spent

- 3.1. Table 1 below shows the total amount of S106 money held or invoiced but not spent by KCC on 31<sup>st</sup> March 2023, the end of the previous financial year (2022/23). Invoiced money has not necessarily been received.
- 3.2. It is important to note that large accumulations of contributions are not uncommon as some projects require a great deal of starting capital, plus the sums are spread across 12 Kent Districts and Boroughs.

**Table 1 – Received or invoiced contributions yet to be spent and held by the Council at 31st March 2023 (Year start position)**

Service Area	Amount
Adult Social Care s106 agreements	£2,452,601
Adult Social Care UUs	£458,921
Community Services <sup>1</sup> s106 agreements	£4,513,967
Community Services UUs	£738,106
Education <sup>2</sup> s106 agreements	£50,778,822
Education UUs	£9,652,510
Highways <sup>3</sup> s106 agreements	£29,179,185
Highways UUs	£3,456,621
Kent Thameside s106 agreements	£3,346,373
<b>Total</b>	<b>£104,577,107</b>

- 3.3. The majority of the developer contributions held are in education and highways. To give some context, the timing of developer contributions rarely matches with when the spend is incurred. On some occasions KCC receives money before the capital project and spend is due to take place or, KCC has to await match funding from other sources. KCC is often asked to bear the risk on developer contributions by delivering schemes in advance and then having to wait to receive contributions over a number of years.

#### Contributions agreed in 2023/24 through S106 Agreements

- 3.4. Table 2 outlines the financial contributions that have been secured by KCC through signed S106 agreements this financial year. The majority of this will be transferred to KCC from Kent's Districts and Boroughs.
- 3.5. Whilst money may be secured through S106, it is not a guarantee that the money will ever be received. If the development does not go ahead or planning circumstances change (through appeals, renegotiations etc.), then the amounts of money that KCC actually receives will be different.

<sup>1</sup> Community services includes Community Learning and Skills, Libraries and Youth Services

<sup>2</sup> Education includes Primary and Secondary Educational facilities

<sup>3</sup> Highways includes works to the road network, cycle lanes, pedestrian access, and public rights of way

**Table 2 – Contributions secured in 2023/24 through S106 Agreements**

<b>Service Area</b>	<b>Amount</b>
Community Services	£1,929,926
Education	£82,627,371
Highways	£3,466,824
Land (for Educational facilities)	£11,417,706
Social Care	£1,618,183
Strategic Waste Services	£967,862
Monitoring Fees	£25,148
Public Rights of Way	£845,974
<b>Total</b>	<b>£102,898,994</b>

**Contributions received in 2023/24 (regardless of S106 Date)**

- 3.6. Table 3 shows the total amount of money received by KCC from developer contributions this financial year. The majority of this money is transferred from Districts and Boroughs at KCC's request.
- 3.7. In many instances the money received was agreed and signed for in S106 agreements predating this financial year.

**Table 3 – Total s106 contributions received this financial year by KCC**

<b>Service Area</b>	<b>Amount</b>
Adult Social Care	335,606
Community Facilities	1,481,873
Education	22,009,961
Highways	5,577,154
Public Rights of Way	397,253
Kent Thameside	1,114,107
<b>Total</b>	<b>30,915,953</b>

**Contributions spent in 2023/24**

- 3.8. Table 4 provides details on the amount of S106 contributions spent by the KCC this financial year.
- 3.9. Some of this will be money that was received and allocated in previous years but could only be spent when sufficient sums were received to pay for a project in its entirety.

**Table 4 – Total contributions spent by KCC in 2023/24**

<b>Service Area</b>	<b>Amount</b>
Adult Social Care	116,360
Community Facilities	944,848
Education	10,606,914
Highways	4,038,566
Public Rights of Way	52,744
Kent Thameside	1,306,602
<b>Total</b>	<b>17,066,034</b>

## Contributions returned in 2023/24

3.10. Most s106 agreements come with a return clause where if contributions remain unspent after a certain period, then KCC is legally obliged to hand the contribution back to the developer.

3.11. No s106 contributions had a return clause triggered during 2023/234

## Non-monetary contributions agreed in 2023/24 through S106 Agreements

3.12. Table 5 provides a summary of the non-monetary (in kind) contributions that were agreed through S106 agreements in the financial year 2023/24. Non-monetary contributions include provision of land transfers for the provision of Primary and Secondary schools.

**Table 5 – Non-monetary S106 contributions**

Item	Application	District	Amount
Land transfer for a 2FE Primary School	CA/16/0600	Canterbury	N/A
Land transfer for a 2FE Primary School	CA/16/0600	Canterbury	N/A
Land transfer of 1.6ha for a 1FE Primary School	SE/19/05000	Sevenoaks	N/A
Land transfer of 5ha for a 6FE Secondary School	SE/20/02988	Sevenoaks	N/A
Land transfer for School Car Park	SW/21/504028	Swale	N/A
Land transfer of 3ha for a 3FE Primary School	TM/22/00113	Tonbridge & Malling	N/A

## Money borrowed

3.13. In the last financial year, no S106 money was spent repaying money borrowed.



## 4. Community Infrastructure Levy (CIL) Contributions

- 4.1 KCC is not responsible for collecting or distributing CIL receipts. However, as part of ongoing negotiations between the County Council and those Districts and Boroughs charging CIL, governance exists or is in the process of being formed that sets out the requirements for KCC to access these funds.
- 4.1. The processes set out for KCC to access a District's CIL receipts varies between Districts. These processes may take the form of either a set percentage of CIL receipts transferred from a District to KCC annually, or a requirement to make bids against a District's CIL receipts. Further details can be found in Section 6.

### Unallocated receipts from previous years

- 4.2. KCC has no unallocated CIL receipts from previous years.

### Total CIL receipts

- 4.3. Table 6 outlines the CIL monies that KCC has received during 2023/24.

**Table 6 – CIL Monies received during 2023/24**

Item	
Sevenoaks Education	1,500,000
Folkestone & Hythe Waste	347,282

### CIL retained at end of year

- 4.4. Table 7 below outlines the CIL monies that KCC has retained at the end of year (31<sup>st</sup> March 2024). This relates to CIL monies received in 2023/24 that were allocated towards Education and Waste projects.

**Table 7 – CIL Monies retained at end of year**

Item	Amount
Folkestone & Hythe Waste	955,915

### CIL receipts allocated and spent in the year 2023/24

- 4.5. KCC has spent £1,500,772 of CIL received

**Table 8 – CIL Monies allocated and spent during 2023/24**

Item	Amount
Folkestone & Hythe Waste	772
Education- Trinity, Weald of Kent & Tunbridge Wells Grammar Schools	1,500,000

## Amount of CIL spent on administrative expenses

4.6. No CIL receipts were spent on administrative expenses by KCC in 2023/24.

## CIL Spending Governance

4.7. KCC's process for receiving CIL is determined at District level. It is important to note that not all Districts have adopted a CIL. Table 9 below summarises the current position of local planning authorities with regards to a CIL charging regime and how these funds can be accessed.

**Table 9 – District CIL regimes and access to CIL funding**

District	CIL Position	Process for accessing CIL funds
Canterbury	Adopted Apr 2020	Bidding process under development
Dartford	Adopted Apr 2014	Representation within Leader's Advisory Group and projects within Dartford's Infrastructure Delivery Plan
Folkestone and Hythe	Adopted Jul 2016	Set proportion of funds passed to KCC annually to spend on CIL infrastructure priorities
Maidstone	Adopted Oct 2017	Application to annual bidding process
Sevenoaks	Adopted Feb 2014	Application to CIL Spending Board

4.8. KCC has created an internal CIL working group which includes representation from all of KCC's infrastructure services that make use of developer contributions including Highways, Education, Adult Social Care, Libraries, Youth Services, Community Learning and Skills, Sustainable Urban Drainage and Strategic Waste Services. The role of this group is to consider how to bid for and spend any CIL receipts it receives, assessing policy and infrastructure demands to do so.

4.9. KCC made an application to Sevenoaks District Council for CIL funding in July 2023. A bid of £209,000 was approved by the CIL Board in November 2023 to improve nine Public Rights of Way across the district. The improvements will include the provision of all-weather surfaces, signage and measures to encourage biodiversity.

## 5. S278 Contributions

- 5.1. KCC, as the local highways authority, is responsible for the maintenance and development of the local road network within its borders. If planning permission has been granted for a development that requires changes or improvements to public highways, then KCC will often enter into a Section 278 (s278) Agreement with the developer. This agreement details and enables these changes to be made which the developer pays for and constructs. Examples of works that may be featured in a s278 include roundabouts, improved facilities for pedestrians and cyclists, and traffic calming measures.
- 5.2. The value of s278 agreements takes the form of a performance bond paid to KCC by the developer based on the cost of the highway works (including utility works). A performance bond protects KCC against the risk of unforeseen expenditure if the works are not completed by the developer. If the works are delivered, then the bond is repaid to the developer, generally in parts based on completion stages.
- 5.3. KCC can also request a commuted sum payment from the developer. A commuted sum covers the maintenance and renewal costs (for 30 years) of assets built by the developer as part of an agreement and then adopted into public ownership by KCC.
- 5.4. S278 agreements are subject to reasonable and proportionate fees which KCC can charge as part of delivery and monitoring arrangements outlined within each agreement. These charges cover KCC costs associated with the necessary work involved, for example commissioning road safety audits.

### Bonds agreed in 2023/24 through S278 Agreements

- 5.5. Table 10 outlines the value of bonds within signed S278 agreements this financial year.

**Table 10 – Total value of S278 bonds signed in 2023/24**

Item	Amount
S278 bonds signed with KCC	£21,029,384

### Fees received in 2023/24 (regardless of S278 Date)

- 5.6. Table 11 outlines the total value of fees that have been paid to KCC as part of S278 agreements this financial year.

**Table 11 – Total value of S278 fees received in 2023/24**

Item	Amount
S278 fees received by KCC	£1,831,982

## 6. Future Spending Priorities

**Table 12 – Received or invoiced s106 contributions yet to be spent and held by the Council at 31st March 2024 (Year-end position)**

Service Area	Amount
Adult Social Care	3,130,768
Community Facilities	5,789,098
Education	71,834,380
Highways	34,518,902
Kent Thameside	3,153,878
Waste CIL	955,915
<b>Total</b>	<b>119,382,941</b>

- 6.1. During the financial year 2023/24, KCC's position with unspent s106 contributions has moved from £105,186,512 to £119,382,942. This is a net increase of £14,196,430 (13.5%) i.e. KCC has received more contributions during 2023/24 than it has spent.
- 6.2. The largest planned infrastructure projects that monies are allocated towards are summarised in Table 13. The delivery schedule of these infrastructure projects is informed by a number of factors, including whether sufficient finance is available but also land availability and Central Government policy. Spend projection dates are estimated and where not shown are awaiting the progression of associated contributing developments.

**Table 13 – Largest planned infrastructure projects with unspent contributions**

Project	Unspent Monies (Allocated) £m	District	Spend Projection
Maidstone Integrated Transport	5.9	Maidstone	2024 onwards
Chilmington Green, Secondary	6.3	Ashford	2024
A228 and B2160 junction Improvements with B2017 Badsell Road Paddock Wood	4.4	Tunbridge Wells	2024
Herne Relief Road	2.2	Canterbury	2024
New Hermitage Lane Primary	4.4	Tonbridge & Malling	2026
Dartford Bridge Primary	3.6	Dartford	2025
Strategic Transport Infrastructure Programme, Kent Thameside	3.2	Dartford	2024
Cornwallis Academy	3.8	Maidstone	2024
New Shorncliffe Garrison Primary	3.3	Folkestone & Hythe	
New Herne Bay Primary	3.0	Canterbury	
New Westwood Cross Primary	3.2	Thanet	
New Kingsnorth Primary	2.9	Ashford	
Bearsted Road/M20 Jnct 7	1.8	Maidstone	2024 onwards
Headcorn Primary	1.4	Maidstone	
New Quinton Road Secondary	2.6	Swale	2026
New Faversham Primary	2.1	Swale	

Swale Housing Infrastructure Fund	1.2	Swale	2024
Greenfields Primary	1.5	Maidstone	
Sturry Link Road	1.6	Canterbury	2026
New Aylesford Primary	1.4	Tonbridge & Malling	
Marden Primary	1.9	Maidstone	
Palmarsh Primary	1.5	Folkestone & Hythe	
New Rushenden Primary	1.4	Swale	
Cable Wharf Primary	1.1	Gravesham	2025
Mascalls Academy	1.2	Tunbridge Wells	
Valley Invicta Primary School at Kings Hill	1.1	Tonbridge & Malling	
Pilgrims' Way Primary	1.0	Canterbury	
	<b>69.0</b>		

- 6.3. KCC remains committed to seeking developer contributions across the County to ensure that development pays a fair proportion for its impact on Kent's infrastructure, both existing and new.
- 6.4. Kent County Council emphasises the importance on taking an 'Infrastructure First' approach, reflected in Framing Kents Future): *“As the county continues to grow, we will seek to ensure that all communities, new and existing, have the right infrastructure around them for a good quality of life. This includes taking an 'Infrastructure First' approach to new development, improving digital connectivity and access, supporting our rural areas, ensuring people have access to safe and efficient travel options and that all communities can benefit from a strong social infrastructure.”*
- 6.5. Districts' Infrastructure Delivery Plans (IDPs) provide a long-term plan of infrastructure requirements arising from the allocation of housing within their Local Plans. These IDPs set out what is needed, where it is needed and when it is needed. These plans include KCC services.
- 6.6. KCC will continue to work in partnership with those Districts that are CIL charging authorities and set out governance arrangements in order to comply with their bidding processes. Regardless of the bidding requirements, KCC will prioritise the infrastructure projects that should be delivered first given the possible CIL monies available for KCC to bid for or spend.

## 7. Case Studies

- 7.1. The following case studies provide some highlights of development funded infrastructure that has been delivered within Kent Districts and Boroughs. Further information regarding the breakdown of information for Districts and Boroughs can be found on the accompanying Excel sheet [Here](#).

### Focus on: Ashford

#### Case Study: Brockmans Lane, Park Farm, Ashford

**S278 bond value: £326,018**

The scheme comprises offsite highway works relating to the Park Farm South residential development site.

A section of Brockmans Lane was widened and a new access provided to the development. Traffic signals relating to an existing three way junction with Finn Farm Road (north and west) were moved further south on Brockmans Lane to provide more space for vehicles to manoeuvre through a constrained layout.

The improved Brockmans Lane and traffic signal location now form the main vehicular access route to the development site. This will enable the Finn Farm Road (north) to become a pedestrian and cycle only route which prioritises non-motorised users.

The detailed design and technical approval process took place in late 2021 with delivery of the highway works in 2023.





## Case Study: New Digital Learning Centre, The Norton Knatchbull School, Ashford

<b>Scheme Total Cost</b>	<b>£2,092,510</b>
<b>Developer contributions used to date</b>	<b>£1,383,302</b>
<b>Scheme Delivered</b>	<b>September 2021</b>

A new Digital Learning Centre was opened for students in September 2021 offering larger and improved facilities. The expansion provided 5 new classrooms, including two exemplar science labs and prep room on the ground floor and three specialist computing labs on the first floor. The classrooms were designed to provide flexibility for both staff and students and engender collaboration during lessons, creating a unique environment in which to learn.

The building is fully accessible to all students.

The additional space and learning facilities delivered enabled the school to offer an additional 71 places in each year group.



**Table 14 – Ashford developer contributions summary**

<b>Ashford 23/24</b>	<b>Secured</b>	<b>Received</b>	<b>Spent</b>
	£8,016,498	£1,103,358	£2,049,010

# Focus on: Tonbridge & Malling

## Case Study: Station Road, Aylesford

**S278 bond value: £1.4m**  
**Scheme Delivered : 2023**

The scheme links a new industrial estate road to the existing highway network and provides pedestrian links to local amenities.

The works included carriageway widening, resurfacing, lighting, lining and signing on Station Road to form a new signalised junction. It included provision of a shared footway/cycleway facility, along with tactile and corduroy paving, to enhance pedestrian movements through the junction.

A standalone pedestrian crossing facility was installed to the east of the junction to provide links to Aylesford Train Station.

The detailed design and technical approval process took place in 2022-23 with delivery of the highway works shortly thereafter and snagging works completed in 2024.



**Table 15 – Tonbridge & Malling developer contributions summary**

<b>Tonbridge &amp; Malling 23/24</b>	<b>Secured</b>	<b>Received</b>	<b>Spent</b>
	£23,746,739	£2,731,734	£999,799



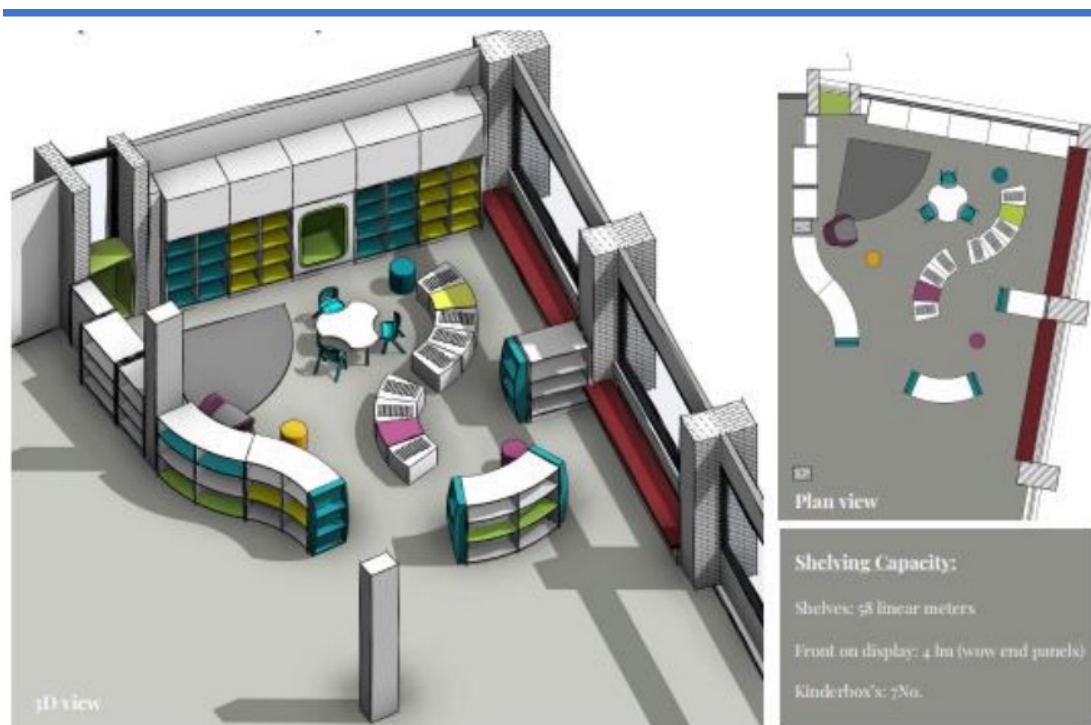
## Focus on: Thanet

### Case Study: New Children's library, Margate Library.

<b>Scheme Total Cost</b>	<b>£50,000</b>
<b>Developer contributions Used</b>	<b>£5,350</b>
<b>Scheme Delivered</b>	<b>March 2024</b>

Libraries, Registration & Archives carried out a refurbishment of the children's library at Margate library.

Margate library is situated within Margate town centre in the Gateway building sharing facilities with district council services. The project expanded the footprint of the children's library, improved furniture & facilities including new carpets & seating.





**Table 17 – Thanet developer contributions summary**

Thanet 23/24	Secured	Received	Spent
	£4,947,816	£3,935,326	£1,049,121

## Focus on: Gravesham

### Case Study: Northfleet, Adolescent Response Team (ART)

**Developer contributions Used  
Scheme Delivered**

**£13,277  
2023/2024**

The Adolescent Response Team (ART) is a flexible workforce, delivering services to children and families on evenings, weekends, and holidays to support KCC's approach to contextual safeguarding.

The model was developed and implemented in recognition of the links between contextual harm and family breakdown, learning from other high performing local authorities and learning from our partnerships with the University of Bedfordshire and the London Borough of Waltham Forest.

The ART service is uniquely creative and solutions-focussed in enabling a swift, flexible, and intensive response to meet the needs of children. The ART approach:

- provides evening and weekend non-case holding support at times of crisis for adolescents and their families, where contextual risks threaten family or placement breakdown
- works in an integrated way with wider adolescent services (Family Hub Work, Social Work, Early Help and Youth Justice) and multi-agency partners, through the District Contextual Safeguarding Meetings, to assess and respond to identified locations and spaces of contextual concern

#### **Work with individual children and families**

The referral inbox is monitored from 9am – 5pm. The referring case holder is responded to within 1 hour with details of allocation to an Adolescent Response Practitioner (“Responders”) or to discuss the request further. Responders can visit children and families 7 days a week (including holidays) up to 8pm.

Responders adopt a model of support which is relevant to the child, approaching each child/family as an independent source and offer support ‘in the moment’ to prevent, de-escalate and stabilise the situation. This approach builds familial resilience and prevents children coming into care.

Responders are trauma informed and many are Dialectical Behaviour Therapy (DBT) trained. They appreciate and understand the complexity of adolescents and the impact this can have on a family in crisis. Senior staff are available to support and guide responders in addition to the support of lone working and staff supervision practices and development opportunities.

#### **Community Contextual Safeguarding Work**

The ART Service is fully cognisant of the growing evidence of child criminal exploitation in Kent and work closely with the Gangs & County Lines Police Team and Violence Reduction Unit. This collaboration aims to identify children who are

being exploited, to disrupt exploitation activity, and support children to identify and actively withdraw from those causing them harm. It is evident that increasing the intensity of support to these individuals is crucial in disrupting grooming activity, alongside offering, promoting, and often joining children to engage in alternative pro-social activities.

ART support the community multi-agency team to undertake location assessments aimed at understanding the context of the harm.

These assessments are a foundation for developing a collaborative multi-agency plan to support positive change for not only the children present in those spaces but also the broader local community.

In 2023/24, in Northfleet, these sessions were strategically implemented in response to locations and spaces identified during District Contextual Safeguarding Meetings (DCSM) as posing a potential risk of harm to children. These include 'hotspot' areas and urban locations, parks, abandoned premises, private businesses, and housing estates.

**Table 18 – Gravesham developer contributions summary**

<b>Gravesham 23/24</b>	<b>Secured</b>	<b>Received</b>	<b>Spent</b>
	£286,369	£2,704,969	£640,319