

MALDON DISTRICT COUNCIL

INFRASTRUCTURE FUNDING STATEMENT

2023/2024

1st April 2024

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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 they 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 directly².

¹ Via Section 278 Agreements (Highway Act 1980)

² <https://www.essex.gov.uk/planning-land-and-recycling/planning-and-development/planning-advice-and-guidance/guidance>

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

2.0 Section 106 Income for 2023/24

- 2.1 S106 agreement income is collected with a view to delivering Maldon District's Infrastructure Delivery Plan³, 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 **Chart 1 and Table 1** is the total amount of funding received into the Council for the financial year 2023/24 broken down into its funding use.

Chart 1

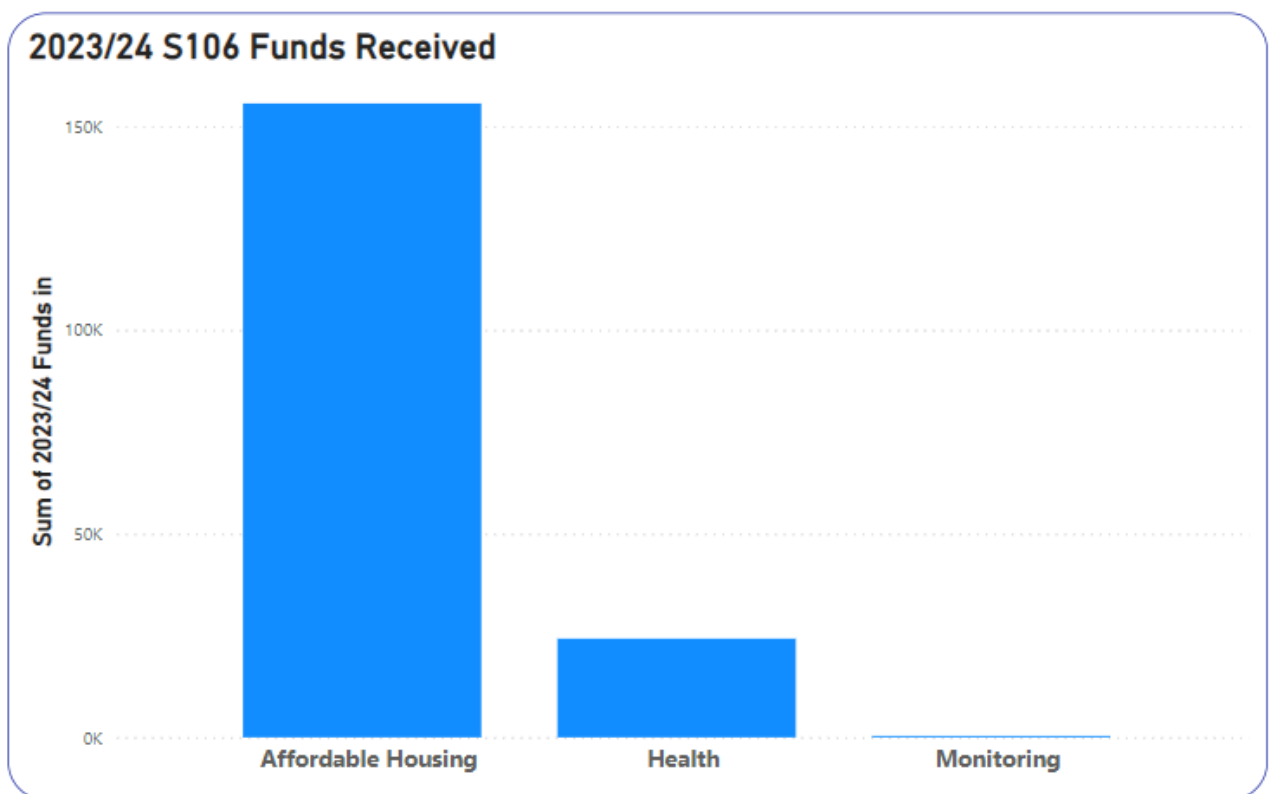


Table 1

Type of S106 Contribution	Funding In
Affordable Housing	£155,599.31
Health	£24,234.25
Monitoring	£330.00
Total	£180,163.56

³ https://www.maldon.gov.uk/info/7050/planning_policy/9810/infrastructure_delivery

3.0 Section 106 Expenditure for 2023/24

- 3.1 The Council holds the funding from S106 agreements in reserves until it is either called for by a third-party organisation that needs it to invest in infrastructure within their control, or when the Council is in a position to spend the funding directly on that infrastructure, which 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 **Chart 2 and Table 2** is the total amount of S106 funding spent during the financial year 2023/24

Chart 2

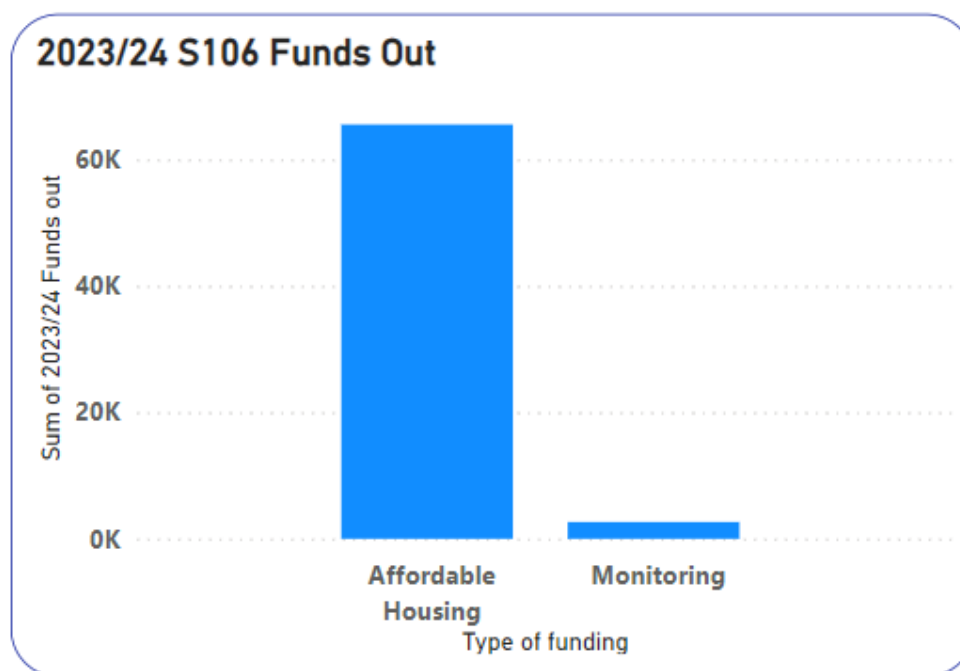


Table 2

Type of S106 Contribution	Funding Out
Affordable Housing	£65,543.31
Monitoring	£2659.00
Total	£68,202.31

- 3.2 Table 3 sets out the expenditure details of the funds have been expended in 2023/24.

Table 3

Type of Funding	Amount	Project
Affordable Housing Projects	£65,543.31	These funds were spent on the Heybridge Affordable Housing Project, and preliminary valuations and surveys on the purchase of an affordable development.
Monitoring	£2659.00	To fund access to the BCIS website which enables the Council to calculate the indexation connected with S106 agreements.
TOTAL	£68,202.31	

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 **Chart 3 and Table 4** set out the total amount of funding negotiated since 1992 compared with the total amount of funding received to date.

Table 2

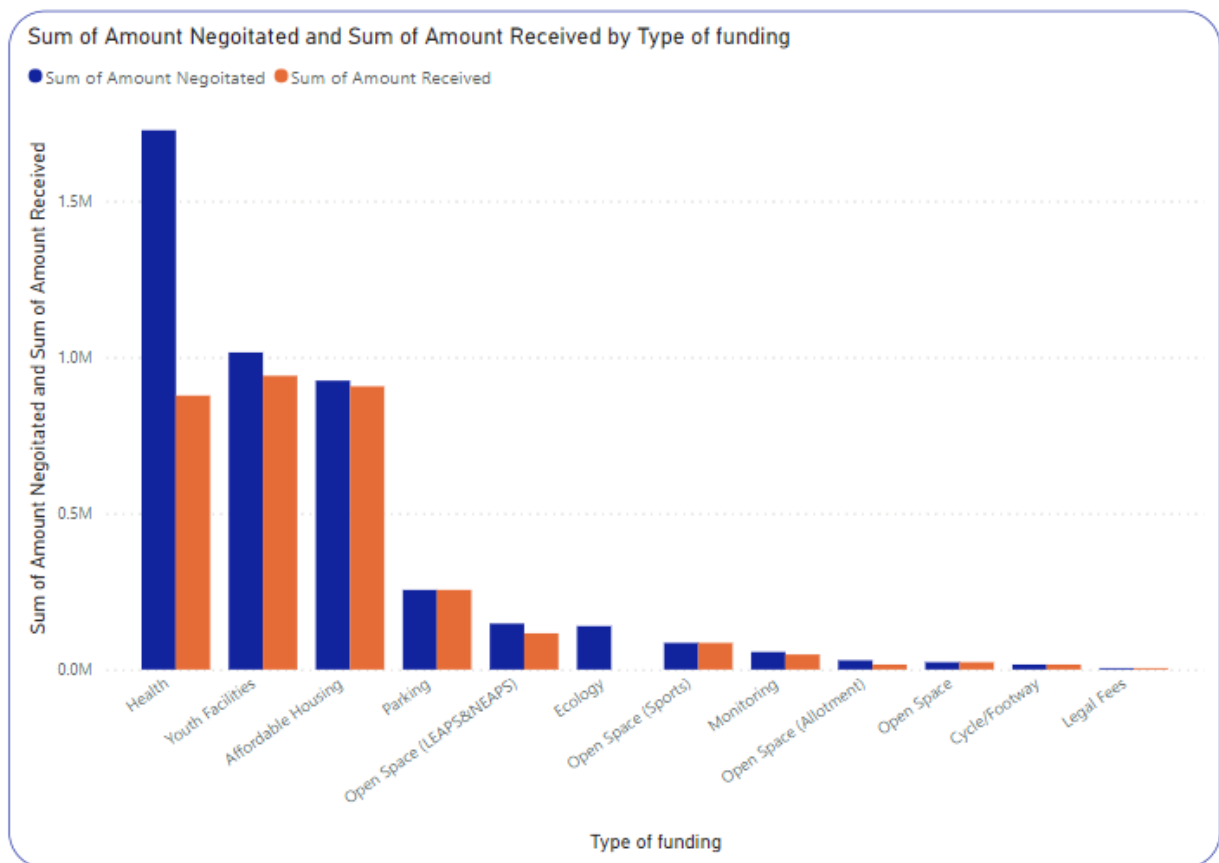


Table 3

Type of funding	Sum of Amount Negotiated	Sum of Amount Received
Health	£1,726,888.00	£877,351.08
Youth Facilities	£1,015,480.70	£940,815.30
Affordable Housing	£925,223.81	£906,950.09
Parking	£255,000.00	£255,000.00
Open Space (LEAPS&NEAPS)	£147,264.00	£116,121.62
Ecology	£139,177.40	£0.00
Open Space (Sports)	£85,375.00	£85,375.00
Monitoring	£56,287.00	£48,324.69
Open Space (Allotment)	£29,446.65	£15,999.41
Open Space	£23,440.00	£23,440.00
Cycle/Footway	£16,000.00	£16,000.00
Legal Fees	£200.00	£200.00
Total	£4,419,782.56	£3,285,577.19

4.3 **Chart 4** and **Table 6** sets the total amount of funding spent through S106 since 1992, details of this spend have been set out in previous IFSs.

Chart 4

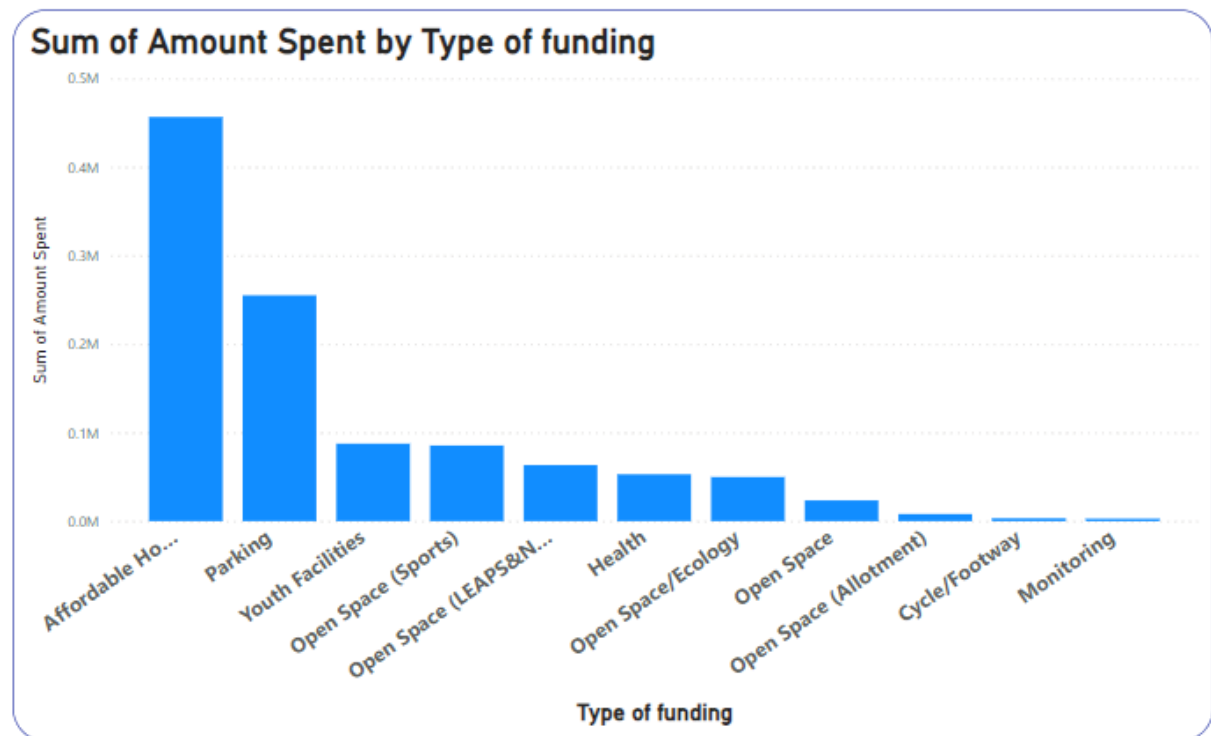


Table 6

Type of funding	Sum of Amount Spent
Affordable Housing	£456,458.89
Parking	£255,000.00
Youth Facilities	£87,450.91
Open Space (Sports)	£85,375.00
Open Space (LEAPS&NEAPS)	£63,291.62
Health	£52,861.44
Open Space/Ecology	£49,808.45
Open Space	£23,440.00
Open Space (Allotment)	£8,000.00
Cycle/Footway	£3,120.19
Monitoring	£2,659.00
Total	£1,087,465.50

4.4 **Table 7** 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. (For RAMs please see 4.6)

Table 7

Type of Funding	Amount left to pay
Affordable Housing	£192,081.01
Health	£965,987.25
Open Space	£0.00
Open Space (LEAPS&NEAPS)	£34,560.00
Open Space (SUDS)	£0.00
Open Space (Allotment)	£14,520.00
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	£0.00
Monitoring	£10,000.00
Legal Fees	£0.00
Parking	£0.00
Total	£1,540,358.75

Refunded Funds

- 4.5 In the financial year 2023/24, the Council did not have to refund any funding to developers regarding S106 clauses going out of time.

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 4.6 The Council also collects funding via S106 for the Essex Coast RAMs payments. The Strategy is a Supplementary Planning Document in the Maldon District (and elsewhere in Greater Essex) and it sets out a long-term strategic approach to lessen the impact of local housing development in Greater Essex on protected birds along the Essex coast. The Essex Coast RAMS aims to prevent bird and habitat disturbance from recreational activities. It does this through a series of mitigation measures, which encourage all coastal visitors to enjoy their visits responsibly. The fund is collected either via a S106 agreement or a legal deed called a Unilateral Undertaking (or UU) with all developers of new housing across Essex. A tariff is set every year and the funding is passed to Chelmsford City Council as the partnership administrator of the scheme on behalf of the partner local planning authorities.

Table 8 sets out the RAMs fees received, due and the spend since March 2021.

Table 8

RAMS	Due In	Received
RAMS Fee Due	£152,890.41	£34,934.85
RAMS Monitoring fee £50	£6,350.00	£3,320.00
TOTAL	£159,240.41	£38,254.85
Spent (sent to Chelmsford CC)		£29,938.54

For more information on the Essex Coast RAMS Strategy

https://www.maldon.gov.uk/download/downloads/id/18981/rams_strategy.pdf

5.0 Affordable Homes

- 5.1 The Council's approved LDP Policy H1 encourages developers of schemes of more than 10 unit or 1,000sqm 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 the term an "Affordable Home" is defined in the LDP and in the Annex 2 of the [National Planning Policy Framework](#)⁴.

⁴ 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.

In the financial year 2023/24, the Council was informed that the following new affordable homes were delivered in the District:

Affordable Rented Homes	71
Intermediate/Shared Ownership Homes	78
Total Affordable Homes	149

- 5.2 The total number of housing completions in 2023/24 was 403. Therefore, the 149 affordable housing completions represents approx. 36.97% per cent of the total number of new homes completed for the same period.

6.0 Governance

- 6.1 The Council continues to liaise with Essex County Council on the delivery of its infrastructure (primary and secondary schools' expansion, early-years facilities, 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 in general 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.
- 6.2 In 2024, the Council appointed a Project Manager to deliver youth facilities and Open Space Local Equipped Area for Play (LEAPs) in the District using S106 funding collected from various developments in Maldon and Burnham.
- 6.3 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 1

Project No.	Project Name	Location	Project Type	Project Status	Project Description	Project Details	Project Value	Project Cost	Project Revenue	Project Profit	Project Loss	Project Net	Project ROI	Project Risk	Project Impact	Project Benefit	Project Drawback	Project Conclusion
2016	12161 Land South Of Wythe Rd And Lindbrook Hwy	Madison West	Medium	West	01-Dec-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Public Transport	Improvement to public transport services to serve the development	Madison West	On	Prior to occupation of the residential unit.	The trade will be in accordance to a maximum period of three consecutive years.	4,000,000.00	4,000,000.00	4,000,000.00
2016	12161 Land South Of Wythe Rd And Lindbrook Hwy	Madison West	Medium	West	01-Dec-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Spurs	To meet the needs of Green Infrastructure	on site	Prior to first occupation of the 1000 residential units to the east of the existing M24 roundabout	0.00	0.00	0.00		
2016	12161 Land South Of Wythe Rd And Lindbrook Hwy	Madison West	Medium	West	01-Dec-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Open Space	Infrastructure park providing the benefits of sustainable transport	on site	Prior to commencement	0.00	0.00	0.00		
2016	12161 Land South Of Wythe Rd And Lindbrook Hwy	Madison West	Medium	West	01-Dec-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Open Space	Travel Park Monitoring for its review and monitor the track plan	on site	First payment prior to commencement	4,000,000.00	4,000,000.00	4,000,000.00		
2016	12161 Land South Of Wythe Rd And Lindbrook Hwy	Madison West	Medium	West	01-Dec-16	1506	05/07/21	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	South Facilities	Provision of the youth facilities and/or in the vicinity of the development	South Madison	On	Prior to first occupation of a residential unit, remaining 140 prior to first occupation of the 1000 residential unit	4,000,000.00	4,000,000.00	4,000,000.00	
2016	12161 Land South Of Wythe Rd And Lindbrook Hwy	Madison West	Medium	West	01-Dec-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	on site	To meet housing needs	on site	Complete 1000 prior to occupation of 1000 Market Unit in respect of each phase. Complete 1000 prior to occupation of 1000 Market units	0.00	0.00	0.00		
2016	12161 Land Off Park Drive Madison East	Madison East	Medium	East	01-Oct-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Health	Health Care Contribution. To expand existing to provide new general practitioner medical practices that are in and around the station	Madison East	Prior to occupation of the first dwelling	4,000,000.00	4,000,000.00	4,000,000.00		
2016	12161 Land Off Park Drive Madison East	Madison East	Medium	East	01-Oct-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Open Space	Provision and enhancement of local equipment and SUDS in Promenade Park in the vicinity of the development	Madison East	Prior to occupation of 1000 dwellings	4,000,000.00	4,000,000.00	4,000,000.00		
2016	12161 Land Off Park Drive Madison East	Madison East	Medium	East	01-Oct-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	Education	Provision of new primary school and associated infrastructure	Madison East	Prior to occupation of 1000 dwellings	4,000,000.00	4,000,000.00	4,000,000.00		
2016	12161 Land Off Park Drive Madison East	Madison East	Medium	East	01-Oct-16	1506	N/A	14/01/2017	Outline application for up to 1000 dwellings, an employment area of 2.4 hectares (Site 10), a primary school, two early years and children facilities, general amenity area and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SUDS features, vehicle access onto the existing highway network and associated infrastructure.	on site	To meet housing needs	on site	Prior to occupation of 1000 dwellings	4,000,000.00	4,000,000.00	4,000,000.00		
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APPENDIX 1

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Appendix A

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