

***Tendring***  
***District Council***



**TENDRING DISTRICT COUNCIL**  
**INFRASTRUCTURE FUNDING STATEMENT**  
**2022/2023**

# CONTENTS

1. Introduction
2. Infrastructure Funding Statement
3. Going Forward
4. Our Processes
5. Open Space
6. Affordable Housing
7. Regeneration Programme & Other Initiatives
8. Town Centre Improvements
9. Education
10. Healthcare
11. Section 278 Agreements
12. Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

# 1. INTRODUCTION

**Welcome to Tendring District Council's Infrastructure Funding Statement 2022/2023.**

**The Statement sets out income and expenditure relating to contributions secured with S.106 Agreements on developments throughout the Tendring District.**

Councils are required to produce an Infrastructure Funding Statement (IFS) on an annual basis. The IFS provides information on S.106 contributions, both monetary and non-monetary, secured, received and spent on infrastructure.

S.106 agreements are used to mitigate the impacts of development and ensure that Tendring District Council's planning policy requirements are fully met.

Planning obligations or 'developer contributions' are used to help fund:

- The provision of, or improvements to, open space provision and affordable housing contributions accepted in lieu of on-site provision;
- Provision of on-site affordable housing; and
- Non-financial obligations, including requirements such as travel plans

The information included in this statement will be updated annually and published on the Council's website. The statement does not include information on open space provision delivered on-site as part of new development in the District.

The data on contributions is imperfect as it represents estimates at a given point in time and can be subject to change. However it is the most robust available at the time of publication.

# INFRASTRUCTURE FUNDING STATEMENT 2022/2023

## S.106 Contributions Summary

For the financial year 2022/23, the Council received a total of **£2,439,493.05** of S.106 contributions with **£718,093.69** spent across the District. The contributions that are received can be spent over a number of years and this enables the Council to plan ahead for the growth and future needs of the District and budget for larger scale, or more expensive, projects.

The following tables provide information on some of the types of contributions received and spent.



### 1. BEACH HUTS AT HARWICH

2022/23	
Infrastructure Type	S.106 Monies Received
Open Space	£ 1,207,491.39
Affordable Housing	£ 403,086.19
NHS*	£ 211,400.25

2022/23	
Infrastructure Type	S.106 Monies Spent
Open Space	£ 389,666.69
Affordable Housing	£ 328,427.00

\*We collect obligations on behalf of the NHS that are then forwarded on.

### 3. GOING FORWARD

**2023/24:** The table below shows the S.106 monies held by the Council at the start of the 2023/24 financial year.

<b>S.106 MONIES AVAILABLE AT 31<sup>ST</sup> MARCH 2023</b>	
<b>Infrastructure Type</b>	<b>S.106 Monies Available £</b>
Affordable Housing	1,357,824.64
Open Space	2,701,445.53
Regeneration Programme & Other initiatives	339,000.64
Town Centre Improvements	43,010.66

#### **S.106 OBLIGATIONS SECURED FOR FUTURE YEARS**

Tendring District Council continues to secure S.106 obligations from development sites with planning permission which will be paid/delivered in future years when the developments progress and are built out. Developers will provide affordable Housing and Financial Contributions at specified “trigger” dates set out within the S.106 Agreement. Typically, these are once development has commenced or when a specified number of homes have been delivered on site. It is important to remember that the contributions/on site delivery will only be forthcoming if the planning permission is implemented and reaches the trigger point for payment.

The amount of developer contributions secured in previous years but not yet delivered stands at **£5,461,687.87**

This figure is broken down as follows:

Secured during 2019/20	£1,475,857.28
Secured during 2020/21	£1,476,756.80
Secured during 2021/22	£1,791,789.13
Secured during 2022/23	£ 717,284.66

## **AFFORDABLE HOUSING**

A S.106 Agreement will normally require that the developer delivers a proportion of the new homes as affordable housing or that a financial contribution is made in lieu of on-site provision.

Homes provided on site are made available to the Council or another registered provider to purchase at a discount for affordable housing.

In deciding whether to purchase homes through this mechanism, the Council will consider purchasing homes on sites where the number of affordable homes to be delivered will be 10 or less.

During the 2022/23 financial year, the Council has spent **£328,427**.

## OPEN SPACE

Planned projects across the district include continuing improvements to play area at Priory Meadow, St Osyth and refurbishment and installation of new equipment at the Recreation Ground, Weeley.

The Parish Council have recently taken ownership of an additional area of open space to create a new play area at Lodge Road, Little Oakley.

S.106 contributions of over **£23,000** from various developments including but not exclusive to application references: **08/0099/OUT, 21/01803/FUL and 20/00342/FUL** are being used to fund the new play area.

Over **£213,000** has been earmarked for open space projects throughout the District.

### 2. TENDRING PLAY AREA



## 4. OUR PROCESSES

### **The Planning Application:**

S.106 Agreements are a mechanism that makes a development proposal, that would not otherwise be, acceptable in planning terms.

The tests for when a S.106 Agreement can be used are that it is:

- a. Necessary to make the development acceptable in planning terms
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development.

The application of these statutory tests means that Tendring District Council can only request developer contributions that are designed to address individual or cumulative impacts of development. Developer contributions cannot be used to remedy existing deficiencies or demands from population growth driven by other factors such as birth rates, they can only be used to deal with the impact of development.

Once signed, the S.106 Agreement is binding on successive owners of the land.

### **The Obligations:**

Details of the obligations, and the point at which they become due, are detailed within the Agreement. For example, this may be on commencement of development or after a certain number, or percentage, of properties are built or sold.



## **Collection of Monies Due:**

Where the obligation is financial, the amount due will be calculated and the developer invoiced. The sum due is usually index linked and when received is given a specific budget code to allow us to monitor spend and balance.

## **Requests to Spend:**

Some S.106 Agreements contain specific covenants that details where the monies must be spent or provision of housing, located.

For open space monies, **Town & Parish Councils** are able to utilise S.106 contributions for the provision or upgrade of open space and play areas in accordance with Council policy.

When a request is received from the Town or Parish Council, it is checked to ensure it meets the appropriate criteria before being agreed.

Town & Parish Councils have been able to install new play equipment, benches, gardens and sports areas for the enjoyment of residents across the District.

Once a payment has been made, the financial database is updated to show the remaining amount available to spend.

The S.106 financial report is available by following this link [Section 106 Financial reports \(tendringdc.uk\)](https://www.tendringdc.uk/section-106-financial-reports)

## 5. OPEN SPACE

In 2022/23, **£389,666.69** of S.106 monies was spent on open space provision or improvement across the Tendring District. On the TDC website we publish a financial report that details the monies secured via S.106 agreements, monies spent on projects and the balance remaining for use across in Towns & Parishes across the Tendring District.

The S.106 financial report is available by following this link [Section 106 Financial reports \(tendringdc.uk\)](https://www.tendringdc.uk/section-106-financial-reports)



3. JAYWICK BEACH

## Open Space projects delivered off-site by S.106 Contributions in 2022/23

Below we have detailed five of the off-site open space projects delivered in 2022/23.

Open Space Projects Delivered Off-Site in 2022/23		
Development Site	Amount	Project Delivered
08/00677/FUL Land at former Harwich Primary School, Harwich	£40,000	<b>Flood Memorial Harwich</b> Creation of a new garden from a piece of scrubland to commemorate the victims of the 1953 floods.
15/01277/OUT Land south of St Andrews Close, Alresford	£65,191.00	<b>St Andrews Close, Alresford</b> Installation of new play equipment for toddlers and juniors at the existing play area.
16/01137/FUL Land west of Edwards Drive, Thorrington 18/01558/FUL Land adj 5 Chapel Lane, Thorrington	£38,037.71	<b>Chapel Lane, Thorrington</b> Installation of new play equipment to enhance the existing play area.
16/00782/OUT Land at Bradley Hall Farm, Gt Bromley 19/01353/OUT Wisteria House, Back Lane, Gt Bromley 20/00259/FUL Land between Fieldside & Elthone, Frating Road, Gt Bromley	£34,053.71	<b>Hare Green, Great Bromley</b> Installation of new play equipment to enhance the only recreation ground in Great Bromley.

20/00380/FUL 56-66 Frinton Road, Kirby Cross	£24,660.45	<p><b>Halstead Road, Kirby Cross</b></p> <p>Installation of a net climber and trim trail to add to the ongoing improvements to the only play area in Kirby.</p>
--	------------	---

*\*please note – spend may be over more than one financial year*

**4. FLOOD MEMORIAL GARDEN, HARWICH**

**BEFORE**



**AFTER**



**5. ST ANDREWS CLOSE, ALRESFORD**

**BEFORE**



**AFTER**



6. CHAPEL LANE, THORRINGTON

BEFORE



AFTER



The S.106 agreement associated with each of the applications detailed above is located in the documents section of Public Access. Click on this link to [Public Access](#) and enter the application number in the search field to view the agreement.

On our website, we publish details of all the S.106 monies secured on developments, spent on projects and the balance remaining for Towns and Parishes across the Tending District.

The S.106 financial report is available by following this link [Section 106 Financial reports \(tendingdc.uk\)](https://www.tendingdc.uk/section-106-financial-reports)

In addition to the financial contributions received to be used towards open space and play, when new allotments are provided as part of new housing developments, these facilities can be transferred to Town and Parish Councils for them to manage on behalf of the community.



## Planned open space projects to be delivered by S.106 Contributions

Planned Open Space Projects		
Development Site	Amount £	Project to be Delivered
14/00082/OUT Barleyfields, Thorpe Road, Weeley 16/00677/FUL Kidbys Nurseries Ltd, Weeley 15/01278/FUL Land adj Oak Bungalow, Weeley 20/00599/FUL 43 Mill Lane, Weeley 18/01698/OUT 2 Barnfields, Clacton Rd, Weeley 15/01750/FUL Land at St Andrews Road, Weeley	<b>£159,737.13</b>	<b>Recreation Ground, Weeley</b> Refurbishment of both the toddler play area and installation of play equipment for older children. Project is being carried out by the Parish Council.
08/00999/OUT 52 Harwich Road, Lt Oakley 21/01803/FUL 70-72 Rectory Road, Lt Oakley 20/00342/FUL Land south west of Hammonds Drive, Ramsey 21/01480/FUL 21 Mayes Lane, Ramsey	<b>£23,409.33</b>	<b>Lodge Road, Little Oakley</b> The Parish Council have recently taken ownership of an additional area of open space, to create a new play area.
19/01506/FUL 98 Point Clear Road, St Osyth 20/00629/FUL Land adj Leisureglades, St Osyth 19/00929/FUL 110 Colchester Road, St Osyth 21/00375/FUL 34 Broadstrood, St Osyth	<b>£30,077.03</b>	<b>Priory Meadow, St Osyth</b> Installation of a multi unit, gym equipment and picnic benches. Ongoing improvement to this site.



## 6. AFFORDABLE HOUSING

The Strategic Housing Market Assessment for the district (published in December 2015) concluded that there is a requirement for the Council to deliver 550 homes per annum, of which 165 should be affordable homes. These numbers have been incorporated into the Council's Local Plan 2013-2033 and beyond.

In 2022/23, **£328,427** was spent across the District on affordable housing and a total of **71 affordable units** were delivered via S.106 Agreements.

Examples of Gifted Affordable Housing Dwellings from S.106 Agreements 2022/23	
Development Site	Project Delivered
Admirals Farm, Great Bentley	3 Dwellings, 2 x 2 bed, 1 x 3 bed
Robinson Road, Brightlingsea	2 x 2 bed bungalows, 2 x 2 bed houses and 2 x 3 bed houses
Cockaynes Lane, Alresford	3 Dwellings



<b>Affordable Housing: Financial Obligations secured 2022/23 to be delivered by S.106 Contributions</b>	
<b>Development Site</b>	<b>Amount</b>
21/00565/FUL – Foots Farmhouse, Foots Farm Lane, Clacton	<b>58,000</b>
<b>Total</b>	<b>£58,000</b>

<b>Affordable Housing: On-site Obligations secured 2022/23 to be delivered by S.106 Contributions</b>	
<b>Development Site</b>	<b>Number of Units</b>
20/01797/FUL – Land east of Tye Road, Elmstead	<b>Either 1 to TDC or 4 to Approved Body</b>
21/01552/FUL – Land east of School Road, Elmstead	<b>5</b>
21/02176/FUL – Land at Moorlands Farm, Great Bentley	<b>8</b>
21/01397/FUL – Land east of Henderson Road, Thorpe	<b>8</b>
21/01000/FUL – St Johns Plant Centre, Earls Hall Drive, Clacton	<b>18</b>
22/00958/FUL – Land south of Long Road, Mistley	<b>24</b>

The S.106 agreement associated with each of the applications detailed above is located in the documents section of Public Access. To view the agreement, click on this link to [Public Access](#) and enter the application number in the search field.

On our website, we publish details of all the S.106 monies secured on developments, spent on projects and the balance remaining for Towns and Parishes across the Tending District. The S.106 financial report is available by following this link [Section 106 Financial reports \(tendingdc.uk\)](https://www.tendingdc.uk/section-106-financial-reports)

## 7. REGENERATION PROGRAMME & OTHER INITIATIVES



TENDRING 4 GROWTH

**REGENERATION PROGRAMME & OTHER INITIATIVES: £339,000.64**

No S.106 Contributions have been received or spent during 2022/23

### **District-Wide Business Support**

The Council, as part of its Tendring4Growth initiative, is keen to explore the potential to provide a comprehensive range of business support and outreach services to emerging and established businesses across the District.

Services to be made available under this scheme will respond to, and align with, the aims and objectives of the Council's Economic Development Strategy and with the ambitions of the North Essex Economic Strategy.

## 8. TOWN CENTRE IMPROVEMENTS



7. CLACTON TOWN CENTRE

### **TOWN CENTRE IMPROVEMENTS: £43,010.66**

No S.106 Contributions were secured and no funds were spent in 2022/2023

It is one of the Council's corporate priorities to maintain vibrant Town Centres and Clacton & Dovercourt Town Centres in particular are identified as 'priority areas for regeneration'.

It is considered that a more flexible approach is required to make our Town Centres more resilient and ensure that the national decline in retail on our high streets does not result in an increase of vacant shop units. In the interest of vibrancy and vitality, we aim to encourage a diverse range of activities, including eating, drinking and community-based events as well as new residential accommodation.

## 9. EDUCATION

Larger developments may secure S.106 contributions for Educational Purposes. Essex County Council calculates the requirement for additional school places, in differing age groups, that the development will necessitate.



2022/23 Applications with an Education element		
Application Reference	Application Site	Monies Secured
20/01797/FUL	Land east of Tye Road, Elmstead	£17,268.00
21/01552/FUL	Land east of School Road, Elmstead	£30,749.00
21/02176/FUL	Land at Moorlands Farm, Great Bentley	£60,421.60
21/01000/FUL	St Johns Plant Centre, Earls Hall Drive, Clacton	£17,268.00

If you require additional information about obligations given to Essex County Council in respect of education, please contact [development.enquiries@essex.gov.uk](mailto:development.enquiries@essex.gov.uk)

This following is a link to [Developers' Guide for Infrastructure Contributions \(essex.gov.uk\)](#)

## 10. HEALTHCARE

Larger developments may also secure S.106 contributions for Healthcare Purposes. In 2022/23, the following planning applications contained a healthcare element which is yet to be delivered.

List of applications in 2022/23 with a Healthcare element		
Application Reference	Application Site	Monies Secured
21/01397/FUL	Land east of Henderson Road, Thorpe	<b>£16,500</b>
21/01000/FUL	St Johns Plant Centre, Earls Hall Drive, Clacton	<b>£109,900</b>
22/00958/FUL	Land south of Long Road, Mistley	<b>£46,700</b>
	<b>TOTAL</b>	<b>£173,100</b>

During 2022/23 a total of **£211,400.25** was received in relation to Healthcare from the following applications:

16/01250/OUT	<b>£80,961.58</b>	Brook Park West, Clacton	Improvements at Great Clacton Medical Practice
21/00104/FUL	<b>£5,699.27</b>	Admirals Farm, Great Bentley	Healthcare facilities at The Hollies
20/00179/FUL	<b>£28,527.52</b>	Oakwood Park, Thorpe Road, Clacton	Improvements at North Clacton Medical Group
15/01234/OUT	<b>£50,772.49</b>	Land east of Halstead Road, Kirby Cross	Increase patient capacity within development area
15/01710/OUT	<b>£43,345.84</b>	The Laurels, Thorpe Road, Kirby Cross	Improvements at Thorpe and/or Frinton Surgery
20/00462/FUL	<b>£2,093.55</b>	The Laurels, Thorpe Road, Kirby Cross	Improvements at Thorpe and/or Frinton Surgery

The healthcare funds collected are held by Tendring District Council until a formal request for release is received from NHS England, at which point they are released to be used for the purposes outlined within the individual S.106 Agreements.

## 11. SECTION 278 AGREEMENTS

Section 278 agreements (S.278) under the Highways Act 1980 are legally binding agreements between the Local Highway Authority (Essex County Council) and the developer to ensure delivery of necessary highway works resulting from new development.

S.278 Agreements may allow for items such as:

- Roundabouts;
- Improved facilities for pedestrians and cyclists;
- Improvements to existing junctions;
- Traffic calming measures.



### HIGHWAY IMPROVEMENTS

The following funds were secured on behalf of Essex County Council in 2021/22 but are yet to be delivered:

21/01000/FUL – St Johns Plant Centre, Earls Hall Drive, Clacton - £104,000 towards the procurement of bus services to serve the development, and to enter into S.38 and S.278 Agreements to upgrade bus stops, access, cycleway and footway onto St Johns Road.

If you require additional information regarding obligations given to Essex County Council in respect of Highways works and their delivery, please contact [development.enquiries@essex.gov.uk](mailto:development.enquiries@essex.gov.uk)

## 12. RECREATIONAL DISTURBANCE AVOIDANCE MITIGATION STRATEGY (RAMS)

The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the “Essex coast RAMS”) aims to deliver the mitigation necessary to avoid significant adverse effects from ‘in-combination’ impacts of residential development that is anticipated across Essex; thus protecting the Habitats (European) sites on the Essex coast from adverse effect on site integrity.

All new residential developments within the evidenced Zone of Influence where there is a net increase in dwelling numbers are included in the Essex coast RAMS. The Essex coast RAMS identifies a detailed programme of strategic mitigation measures that are to be funded by developer contributions from residential development schemes.

Natural England recommended a strategic approach to mitigation along the Essex coast and the Essex sites are below (sites in **dark green** have been identified for use in relation to specific developments within Tendring. The location of the development will determine which site is allocated the payment).

### 8. MISTLEY AND MANNINGTREE



List of Essex Habitat Sites
Essex Estuaries SAC
Hamford Water SAC, SPA and Ramsar
Stour & Orwell Estuaries SPA and Ramsar
Colne Estuary SPA and Ramsar
Blackwater Estuary SPA and Ramsar
Dengie SPA and Ramsar
Crouch and Roach Estuaries SPA and Ramsar
Foulness Estuary SPA and Ramsar
Benfleet and Southend Marshes SPA and Ramsar
Thames Estuary and Marshes SPA and Ramsar



Twelve Essex LPAs have been working together, for several years, on a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) sets out the necessary measures to avoid and mitigate the effects from increased recreational disturbance. The RAMS tariff per dwelling during 2022/23 was £137.71 which is index linked. The tariff will be reviewed periodically and published accordingly. This tariff will apply to all residential proposals, even proposals for one dwelling. This is because the whole of the District is within the Zone of Influence and the RAMS seeks to avoid and mitigate the in-combination effects from all new dwellings.

Bird Aware Essex Coast (formerly known as RAMS) is an initiative to raise awareness of the birds that feed and breed on the Essex coast, so that people can enjoy the coast and its wildlife without disturbing the birds. The website can be found here. [Home - Essex Bird Aware](#)

Chelmsford City Council (CCC) became the Accountable Body for the project on 1 November 2020. CCC hold all contributions from the 12 LPA partners and employ the project Delivery Officer who manages and co-ordinates the project.

Two rangers have now been employed by the Essex Coast RAMS/Bird Aware team. Their first duties included the distribution of leaflets and posters along the Colne and Blackwater Estuaries and engagement with sailing clubs, holiday homeowners, and caravan parks managers, the response has been generally positive. The rangers have also been patrolling and monitoring the breeding sites and their surroundings, with a particular focus on Colne Point and Point Clear Bay, which so far this season have seen the highest rate of disturbance.

Contributions have been collected since December 2018 and are transferred to CCC on a quarterly basis. A total of **£249,936.10** was collected during 2022/23.

The Essex Planning Officers Association (EPOA) Chief Officer's group are the Project Board, with the role of governing and overseeing the project. The Essex Coastal Forum form part of the governance arrangements and provide a high-level elected member oversight into the project. A steering group of Officers is responsible for managing the project.

More information regarding RAMS, is available on our website using the following link [Tendring District Council \(tendringdc.uk\)](http://tendringdc.uk)

<b>List of Contributions Transferred to CCC in 2022/23 by Site</b>	
<b>Habitat Sites</b>	<b>Contributions transferred to CCC</b>
<b>Essex Estuaries SAC</b>	<b>£ 35,052.03</b>
<b>Hamford Water SAC, SPA and Ramsar</b>	<b>£ 61,946.63</b>
<b>Stour &amp; Orwell Estuaries SPA and Ramsar</b>	<b>£110,973.65</b>
<b>Colne Estuary SPA and Ramsar</b>	<b>£ 41,963.65</b>
<b>Total</b>	<b>£249,936.10</b>