

Tendring
District Council



**TENDRING DISTRICT COUNCIL
INFRASTRUCTURE FUNDING STATEMENT
2021/2022**

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1. INTRODUCTION

Welcome to Tendring District Council's Infrastructure Funding Statement 2021/2022.

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 and this document is the third IFS for Tendring District Council. 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 2021/2022

S.106 Contributions Summary

For the financial year 2021/22, the Council received a total of **£1,991,397.20** of S.106 contributions with **£845,288.21** 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

2021/22	
Infrastructure Type	S.106 Monies Received
Open Space	£ 537,678.71
Affordable Housing	£ 612,649.98
NHS*	£ 266,524.70

2021/22	
Infrastructure Type	S.106 Monies Spent
Open Space	£ 71,138.21
Affordable Housing	£ 774,150.00

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

3. GOING FORWARD

2022/23: The table below shows the S.106 monies held by the Council at the start of the 2022/23 financial year.

S.106 MONIES AVAILABLE AT 31ST MARCH 2022	
Infrastructure Type	S.106 Monies Available £
Affordable Housing	1,283,165.45
Open Space	1,846,878.00
Regeneration Programme & Other initiatives	339,000.64
Town Centre Improvements	43,010.66
Cycle Facilities at Mistley School	22,144.21

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 2021/22 but not yet delivered stands at **£2,121,887.23**

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 2021/22 financial year, the Council has spent **£774,150** on the acquisition of **4** properties which completed in 2021/22.

Two former Council properties were purchased when they came back on the market and the purchase of two new build properties were partly financed by S.106 funds.

OPEN SPACE

Planned projects across the district include improvements to play areas at Priory Meadow, St Osyth and Bockings Elm, Clacton.

Refurbishment is planned for the children's play area at Marine Parade, Clacton to include equipment for younger children.

The refurbishment is to be funded using S.106 contributions of up to **£80,000** from various developments including but not exclusive to application references: **18/00888/FUL, 16/00047/FUL and 11/00865/FUL**

OPEN SPACE CONTINUED...

Over **£70,000** 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 [S.106 Financial Report](#)

5. OPEN SPACE

In 2021/22, **£71,138.21** 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 [S.106 Financial Report](#)



1. JAYWICK BEACH

Open Space projects delivered off-site by S.106 Contributions in 2021/22

Below we have detailed three of the off-site open space projects delivered in 2021/22*.

Open Space Projects Delivered Off-Site in 2021/22		
Development Site	Amount	Project Delivered
11/01139/FUL 7 Holland Road, Frinton 12/01238/OUT Land South of Chapel Lane, Kirby 14/00468/OUT 180 Thorpe Road, Kirby Cross 14/00409/FUL 25 Vista Avenue, Kirby le Soken 14/00610/OUT Land at The Sheltons, Kirby Cross	£ 40,000	Frinton Park Refurbishment of existing tennis courts, to include new sports surfacing, net and fencing. The S.106 contributions were also used to provide a new path to the tennis court. Although this project was underway within the 2020/21 Infrastructure Funding Report timescales, it was not delivered until 2021/22 due to the need to request further funding to provide a new fence as well.
17/01318/FUL Land at Robinson Road, Brightlingsea	£ 62,166.82	Pawson Play Area, Brightlingsea Refurbishment of the play area, part funded by S.106 contributions. Total project cost was £147,437.36
20/00629/FUL St Johns Road, Clacton	£ 18,569.63	Priory Meadow, St Osyth Installation of new equipment, as part of an ongoing project to provide a new play area.

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

Frinton Park: **£40,000** of S.106 monies funded refurbishment of existing tennis courts, new path and fencing.



5. FRINTON PARK
AFTER

4. FRINTON PARK BEFORE

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 [S.106 Financial Report](#)

Pawson Play Area £62,166.82 of S.106 monies part funded the refurbishment of this play area in Brightlingsea



6. PAWSON PLAY AREA BEFORE AND AFTER REFURBISHMENT

£18,569.63 S.106 funds were used to install new equipment at Priory Meadow, St Osyth



7. NEW EQUIPMENT AT PRIORY MEADOW

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

Planning Open Space Projects		
Development Site	Amount £	Project to be Delivered
18/0088/FUL Land at 6 Nelson Road, Clacton 16/00047/FUL Harlech House, Clacton 11/00865/FUL 35 Jackson Road, Clacton 13/01106/OUT 8 Marine Parade, Clacton 13/00039/FUL 121/123/127 Marine Parade 13/01445/FUL Harlech House, Clacton 11/01039/FUL 83-95 Carnarvon Road 11/00318/FUL 245-251 Old Road, Clacton 13/00491/FUL 122 Leas Road, Clacton 14/01099/FUL Victory Road, Clacton 09/01224/FUL 2-4 Flowers Way, Jaywick	£80,000.00	Marine Parade, Clacton Refurbishment of play area to include equipment for younger children. We are currently considering designs for the creation of the project using S.106 monies. Due to the size of the play area, the project may come in under budget.
18/00540/FUL St Johns Road, Clacton	£51,851.56	Play Area, Bockings Elm Refurbishment of the play area to be part funded by S.106 contributions. Total project cost £147,437.36
20/00629/FUL St Johns Road, Clacton	£18,569.63	Priory Meadow, St Osyth Installation of new equipment for younger children.

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 2020/21, **£774,150** was spent across the District on affordable housing and a total of **109 affordable units** were delivered via S.106 Agreements.

Examples of Gifted Affordable Housing Dwellings from S.106 Agreements 2021/22	
Development Site	Project Delivered
Orchard Gardens, Kirby Cross	A single dwelling
Avocet Place, Thorrington	Two-bedroomed bungalow
Bramwood Road, Clacton	Three, 3 bedroomed dwellings



Affordable Housing: Financial Obligations to be delivered by S.106 Contributions	
Development Site	Amount
20/01739/FUL - Land at School Road, Elmstead	£ 50,000
20/01784/FUL – 36 Jaywick Lane, Clacton	£ 34,750
18/00767/OUT – Land North of Stourview Close, Mistley	£596,175
19/01598/FUL – Crossways, Thorpe Road, Little Clacton	£120,000
Total	£800,925

Affordable Housing: On-site Obligations to be delivered by S.106 Contributions	
Development Site	Number of Units
19/00283/FUL – Land East of Halstead Road, Kirby Cross	4
18/02109/OUT – Sato Ltd, Valley Road, Dovercourt	6
20/00782/OUT – Land South of Long Road, Lawford	30%
20/01571/FUL – Land East of Tye Road, Elmstead	2
20/001789/FUL – Oakwood Park, Thorpe Road, Little Clacton	15
20/00547/OUT – Hamilton Lodge, Great Bromley	30%

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 [S.106 Financial Report](#)

7. REGENERATION PROGRAMME & OTHER INITIATIVES



TENDRING 4 GROWTH

REGENERATION PROGRAMME & OTHER INITIATIVES: £339,000.64

No S.106 Contributions have been spent during 2021/22

£336,903.50 was received from 10/00202/FUL – Harwich Container Port, to be used within Harwich Conservation Area. A funding statement to specify the purposes for which this contribution shall be used is yet to be agreed.

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



8. CLACTON TOWN CENTRE

TOWN CENTRE IMPROVEMENTS: £43,010.66

No S.106 Contributions were secured and no funds were spent in 2021/2022

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.



2021/22 Applications with an Education element		
Application Reference	Application Site	Monies Secured
20/01571/FUL	Land East of Tye Road, Elmstead	£12,218
20/00179/FUL	Oakwood Park, Thorpe Road, Little Clacton	£199,640

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

This following is a link to [ESSEX COUNTY COUNCIL DEVELOPER CONTRIBUTION GUIDE](#)

10. HEALTHCARE

Larger developments may also secure S.106 contributions for Healthcare Purposes. In 2021/22, the following planning applications contained a healthcare element which is yet to be delivered.

List of applications in 2021/22 with a Healthcare element		
Application Reference	Application Site	Monies Secured
20/00782/OUT	Land South of Long Road, Mistley	£44,713.84
18/00767/OUT	Land North of Stourview Close, Mistley	£21,723.84
	TOTAL	£66,437.68

During 2021/22 a total of **£266,524.70** was received in relation to Healthcare from the following applications:

16/00133/OUT	£ 17,186.30	Land at Admirals Farm, Great Bentley	Healthcare facilities at the Hollies GP Practice
15/01520/OUT	£ 47,249.72	Land South of Harwich Road, Mistley	Healthcare within Mistley, Lawford or Manningtree
16/01999/OUT	£ 9,837.47	Land East of Heckfords Road, Gt Bentley	Healthcare facilities at the Hollies GP Practice
15/01820/OUT	£ 8,925.88	Land West of Heckfords Road, Gt Bentley	Healthcare facilities at the Hollies GP Practice
15/00876/OUT	£126,160.44	Land East of Bromley Road, Lawford	Facilities at Lawford Surgery or Riverside Health Centre
17/00859/OUT	£ 57,134.89	Land South of Bromley Road, Ardleigh	Improve capacity at Parsons Heath Medical Centre

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:

19/01598/FUL – Crossways, Thorpe Road, Little Clacton -	£10,925 towards speed reduction measures in Thorpe Road
20/01804/FUL – Morrisons, Centenary Way, Little Clacton -	£9,175 towards bus stop improvements and £30,600 towards pedestrian/cycle way improvements
21/00719/FUL – The Book Distribution Centre, Frating -	£20,000 towards improving the traffic lights at Frating
20/01783/FUL – Systematic Business Park, Ardleigh -	£10,000 towards pedestrian/cycle way improvements and £4,000 towards waiting restrictions
20/00547/OUT – Hamilton Lodge, Great Bromley -	£20,000 towards highways improvements to A133/B1029

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

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).

9. 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 2021/22 was £127.30 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 started in November 2021 who will manage and co-ordinate the project. This launches the project into the delivery and implementation stage.

The recruitment process for two coastal rangers is underway, once these are in post, location specific projects will be identified throughout the County. It is expected that the costs for the rangers will be fully funded by the RAMS Tariff, where allowed.

Contributions have been collected since December 2018 and are transferred to CCC on a quarterly basis. A total of **£87,720.16** was collected during 2021/22.

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](#)

List of Contributions Transferred to CCC in 2021/22 by Site	
Habitat Sites	Contributions transferred to CCC
Essex Estuaries SAC	£ 5,068.45
Hamford Water SAC, SPA and Ramsar	£ 20,450.27
Stour & Orwell Estuaries SPA and Ramsar	£ 26,321.94
Colne Estuary SPA and Ramsar	£ 35,670.22
Total	£ 87,510.88