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BY EMAIL ONLY

Economic Development

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25 January 2022

Your Ref: CA/16/00600
Our Ref: K/E/CA/16/00600 VT

Dear Joanna

Planning Application: CA/16/00600 Provision and Delivery of County Council Community Services:

We refer to the above planning application which concerns proposed residential development at **Land North And South Of New Dover Road Canterbury Extending North To Canterbury-Dover Railway Line West To Nackington Road And South To A2** and comprising: up to **4000 new households**.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

The County Council was last consulted with regard to S106 contributions (Education and Communities) in April 2019. Since then, a number of changes have been made to the way in which KCC seeks and amounts sought for infrastructure. As such, in order to ensure that this development mitigates fully the cost of providing infrastructure to meet the needs of the new population, KCC must consider this application at this point in time to reflect current costs and service provision.

Request Summary

	Per Applicable House	Per applicable flat	Total* (assumes 100% Houses)	Project
	4000	0		
Primary Education	£6,800.00	£1,700.00	£27,200,000.00	Towards provision of additional education places at 2No. new 2FE Primary schools on site and/or within the Planning Group and neighbouring Planning Groups
Primary Land	Provision of 2No. Primary School sites of 2.05Ha each transferred to the County Council at nil cost, according to KCC's General Transfer Terms (attached).			
Special Educational Needs and Disability (SEND)	£1,334.61	£334.65	£5,338,440.00	Contribution towards new special school satellite provision and specialist resource provision to support SEN pupil inclusion in mainstream within the district
Secondary Education	£4,540.00	£1,135.00	£18,160,000.00	Towards the provision of new secondary places at the new Barton Manor Secondary School, new secondary school on the coast and/or within the Planning Group
*Total contributions for education provision (above) represent the maximum request based on all dwellings being houses. Once the housing mix is known, this will be recalculated accordingly.				
'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation.				
	Per Dwelling (4000)	Total		Project

Community Building Specification:	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.</p>			
Community Learning	£16.42	£65,680.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Youth Service	£65.50	£262,000.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards additional resources and equipment to enable outreach services in the vicinity of the development.

Library Service	£55.45	£221,800.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Canterbury Urban Area
Social Care	£146.88	£587,520.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Waste	54.47	£217,880.00		Towards provision of increased Household Waste Recycling Centre capacity to meet the needs of the development.
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>			
Highways	<i>Kent Highway Services will respond separately</i>			

Please note that these figures:

- are subject to review and are currently **index linked by the BCIS General Building Cost Index from April 2020 to the date of payment** (April 20 Index 360.3)
- are valid for 3 months from the date of this letter after which recalculation may be required due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.
- Bonds will be required by KCC for the Education contributions if the applicant wishes to pay the contribution in instalments. If the contributions are paid in instalments, the applicant will also be required to cover KCC's borrowing costs for the construction of the schools.

Justification for infrastructure provision/development contributions requested

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

This need, cumulatively with other new developments in the vicinity, can only be met through the provision of 2No. new 2 Form Entry Primary Schools, plus provision of additional places within the Planning Group and neighbouring Planning Groups.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of *'first come, first served'* assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

Build Contribution

The County Council requires a financial contribution towards construction of the new schools at **£6,800 per 'applicable' house** and **£1,700 per 'applicable' flat** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

Land Contribution

The County Council requires 2No. Primary School sites of 2.05Ha each to be provide on Site, transferred at nil cost and according to the attached General Transfer Terms.

Proposed Location of Primary School Sites

The proposed locations of the two primary school sites, as shown on the Revised Illustrative Masterplan 3157151 (December 2021 CLL001/077/D) are agreed in principle, subject to complying with the terms of KCC's General Transfer Terms.

Anticipated Phasing of School Builds

Table 1 below sets out KCC’s anticipated delivery triggers for primary schools. This will be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure timely delivery and sufficient capacity to meet demand.

Table 1

	<u>Proposed Land Transfer</u>	<u>Opening First Phase of Primary School - Number of Dwellings Occupied</u>
<u>Primary School 1</u>	<u>Prior to occupation of first dwelling</u>	<u>350</u>
<u>Primary School 2</u>	<u>Prior to 1500th occupation</u>	<u>2000</u>

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also the existing developments in the locality.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2022-26 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

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Nursery and Pre-School Provision

KCC has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst KCC is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. KCC supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

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Special Education Needs provision

The Children’s and Families Act 2014 and accompanying Code of Practice sets out the system for children and young people with special educational needs and disability (SEND) aged 0-

25 years. KCC's SEND Strategy sets out its vision and priorities in respect of this area of its service.

The number of children and young people with SEND in Kent is 13.4% of the total school population (January 2019). The majority are educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. January 2019 figures for Kent show that 3.4% of the total school population were subject to an EHCP. The proportions have been rising both in Kent and nationally and this trend is set to continue. In addition, the change in legislation in 2014 placed a duty on Local Authorities to maintain an EHCP until a young person reaches the age of 25 years, in appropriate cases.

School-age pupils with ECHPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites, and in stand-alone special needs schools.

The DfE (June 2019 National School Delivery Cost Benchmarking) identifies the SEN build cost of £83,413.00 per pupil. The SEN pupil product ratios are 0.016 per house and 0.004 per applicable flat.

The proposal gives rise to additional pupils with Education and Health Care Plans (EHCP's) requiring extra support through specialist provision. This need will be met, as with other new developments in the vicinity, through the provision of a new special school satellite and specialist resource provision to support SEN pupil inclusion in mainstream within the district. A contribution is therefore required of **£334.65 per 'applicable' flat** and **£1,334.61 per 'applicable' house**.

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Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the Barton Manor School, proposed new secondary school on the coast and/or within the Planning Group.

The new secondary school accommodation will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

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On-Site Community Building –

The County Council requests that any on-site community facilities

- Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with [Changing Places Toilets \(changing-places.org\)](http://changing-places.org).
- Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.
- Community Buildings design that is Dementia friendly with dementia friendly decoration and signage.
- Community Buildings' catering areas to be compliant with the Equality Duty 2010, including adjustable height work surfaces, wash areas, cupboards etc.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in **Appendix 2**, along with cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£16.42 per dwelling** towards the cost of providing additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally. Adult Education will also require free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

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Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional resources and equipment to enable outreach services in the vicinity of the development to accommodate the additional attendees, along with free use of on-site Community Facilities for meetings & sessions locally, as well as secure storage within the new community facilities for equipment.

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Library Service

KCC is the statutory Library Authority. The authority's statutory duty under the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Canterbury at 634 per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492, respectively.

To mitigate the impact of this development, the County Council will need to provide additional services, equipment, and stock to meet the additional demand which will be generated by the people residing in these Dwellings.

The County Council therefore requests **£55.45 per household** to address the direct impact of this development, and the additional services, equipment and stock will be made available locally at libraries serving the Canterbury urban area as and when the monies are received.

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Adult Social Care

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3

Kent County Council is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions. However, all existing care capacity is fully allocated, with no spare capacity to meet additional demand arising from this and other new developments. In addition, the Social Care budgets are fully allocated, with no spare funding available to address additional capital costs for social care clients generated from new developments.

To mitigate the impact of this development, KCC Adult Social Care requires:

- a proportionate monetary contribution of **£146.88 per household** (as set out in Appendix 3) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the District.
- Free use of new Community Facilities on-site for meetings, group and therapy sessions
- The **Department for Levelling Up, Housing and Communities** identified in June 2019 guidance *Housing for older and disabled people*, the need to provide housing for older & disabled people is critical. **Accessible and adaptable housing** enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. Kent Adult Social Care requests these dwellings are built to **Building Reg Part M4(2) standard** (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. In addition, the number of people wishing to access purely older person care homes is reducing. Consequently, there are specific types of care home delivery models which, the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. KCC would encourage any

new residential care home provider to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, KCC recommends that the applicant works with KCC Adult Social Services to develop the most appropriate form of care delivery.

Advisory on Supported Living Accommodation

The demand for supported-living accommodation (especially within the working-age population) has increased significantly. KCC would wish to see the dwelling mix of this development to include a proportion of this type of accommodation. As such, KCC recommends that the applicant works with KCC Adult Social Services to develop the most appropriate forms of care delivery.

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Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's are running at capacity and additional housing will create a significant burden on the manageability of waste in Kent.

A contribution of **£54.47 per household** is required towards the extension and/or upgrading of the existing Waste facilities Household Waste Recycling Centres which meet the needs of the Canterbury District to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough.

HWRC - catchment areas are not defined by the District/Borough boundaries, as residents are free to choose which HWRC they visit, regardless of which district/borough it lies within. Typically, residents choose a site based upon ease of access. This can be influenced by a number of factors including distance, site capacity or range of materials accepted.

A 20-minute drive time to an HWRC facility is advised within the WRAP (Waste and Resources Action Programme) Guide.

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Broadband: Fibre to the premise/gigabit capable

The NPPF (para 114) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Please include a Planning Condition to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

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Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement. We would be grateful if you could share at your earliest convenience a draft copy of any section 106 agreement or UU prior to its finalisation.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

We look forward to hearing from you with details of progress on this matter.

Yours sincerely

Vicky Thistlewood

Vicky Thistlewood
Development Contributions
Kent County Council

Cc

KCC, Education & Communities,
File

Appendices:

The following Appendices contain the technical details of the County Council's assessment process.

1. Education Assessment
2. Communities assessment
3. Social Care requirement
4. Waste Assessment