

**GROWTH, ECONOMIC DEVELOPMENT AND
COMMUNITIES CABINET COMMITTEE**

Tuesday, 16th May, 2023

2.00 pm

Council Chamber, Sessions House, Maidstone





AGENDA

GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITIES CABINET COMMITTEE

Tuesday, 16 May 2023 at 2.00 pm
Council Chamber, Sessions House, Maidstone

Ask for: **Hayley Savage**
Telephone: **03000 414286**

Membership (16)

Conservative (12): Mr N Baker (Chairman), Mr H Rayner (Vice-Chairman),
Mrs R Binks, Mr C Broadley, Mr T Cannon, Mr S Holden,
Mr S C Manion, Mr J Meade, Mr A M Ridgers, Mr D Robey,
Mr R J Thomas and Mr D Watkins

Labour (2): Ms M Dawkins and Ms J Meade

Liberal Democrat (1): Mr M J Sole

Green and Independent (1): Mr M A J Hood

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Introduction/Webcast announcements
- 2 Apologies and Substitutes
- 3 Declarations of Interest by Members in items on the Agenda
- 4 Minutes of the meeting held on 14 March 2023 (Pages 1 - 10)
- 5 Verbal updates by the Cabinet Members and Corporate Director
- 6 23/00041 - Policy adoption of the KCC Developer Contributions Guide (Pages 11 - 130)
- 7 23/00040 - Adoption of Gypsy and Traveller Site Pitch Allocation Policy (Pages 131 - 166)
- 8 KCC Village and Community Hall Grant Scheme (Pages 167 - 182)
- 9 Performance Dashboard (Pages 183 - 202)
- 10 23/00047 - Cyclopark Operator Agreement (OA) and Funding (Pages 203 - 224)

- 11 23/00026 - Old Rectory Management Contract (Pages 225 - 232)
- 12 Decisions taken between Cabinet Committee Meetings (Pages 233 - 234)
- 13 Work Programme 2023/24 (Pages 235 - 240)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Friday, 5 May 2023

KENT COUNTY COUNCIL

**GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITIES
CABINET COMMITTEE**

MINUTES of a meeting of the Growth, Economic Development and Communities Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 14 March 2023.

PRESENT: Mr N Baker (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Mr C Broadley, Mr T Cannon, Ms M Dawkins, Mr S Holden, Mr M A J Hood, Ms J Meade, Mr A M Ridgers, Mr D Robey, Mr M J Sole, Mr R J Thomas and Mr D Watkins

ALSO PRESENT: Mr D Murphy and Mr P M Hill, OBE

IN ATTENDANCE: Mr D Smith (Director of Economic Development), Mrs S Holt-Castle (Director of Growth and Communities), Hayley Savage (Democratic Services Officer) and Mr S Jones (Corporate Director of Growth, Environment and Transport)

UNRESTRICTED ITEMS**119. Apologies and Substitutes**

(Item 2)

Apologies had been received from Mr Meade and Mr Manion and there were no substitutes.

120. Declarations of Interest by Members in items on the Agenda

(Item 3)

Mr Sole declared an interest under item 7 – *No Use Empty (NUE) update and continuation of the initiative* - that a client of his firm had received funding from the No Use Empty Scheme.

The Chair declared an interest under item 9 – *New Contracts for the Provision of Post-Mortem Facilities for the Mid Kent & Medway, Northwest Kent, and East Kent Coroner Areas* - that his fiancée worked for the East Kent Hospitals University NHS Foundation Trust.

121. Minutes of the meeting held on 11 January 2023

(Item 4)

RESOLVED that the minutes of the meeting held on 11 January 2023 were a correct record.

122. Verbal updates by the Cabinet Members and Corporate Director

(Item 5)

1. Mr Hill, Cabinet Member for Community and Regulatory Services, provided an update on the following:

- (a) Two submissions from Kent Libraries had been shortlisted for the Libraries Connected Awards and included the Playground project in the children's award category and Kent Prison Libraries in the reading award category. The results would be announced in June 2023.
 - (b) The new ceremonies room had opened at Oakwood House and the first citizenship ceremony had taken place. The new coroner's courts and accommodation would open in Oakwood House later in the year.
 - (c) The Connected Communities Project had come to an end and a conference took place in France in March 2023 to evaluate the four-year social prescribing project. The team shared their project journey at the conference along with success stories and lessons learnt.
 - (d) Active Kent and Medway's Active Partnership Board had a new Chair, Mr Graham Razey, who was the Chief Executive Officer of East Kent Colleges Group.
2. Mr Murphy, Cabinet Member for Economic Development, gave a verbal update on the following:
- (a) Mr Murphy had visited No Use Empty (NUE) sites around the county, most recently at Folkestone, where 14 flats had been constructed on the site of the Royal Victoria Hospital and would be sold to Folkestone & Hythe District Council as affordable lets.
 - (b) In February 2023 Mr Murphy accompanied the Leader, and colleagues from Essex County Council to Zeeland for the commemoration of the 1953 flood disaster.
 - (c) Mr Murphy would be attending a series of meetings over the coming weeks with organisations at Discovery Park, with the CEO at the Port of Dover regarding the EU Entry/Exit System (EES), with East Kent Colleges Group regarding their skillset programme across Folkestone, Dover, and Ashford, and with the Environment Agency regarding planning enforcement.
 - (d) A discussion had taken place with the Head of Transition and Co-operation Unit in the Welsh government to share lessons learnt from the Council's involvement with the Straits Committee and to discuss potential future cooperation between the Welsh Government and KCC in terms of trade and environment.
3. Mr Jones, Corporate Director for Growth Environment and Transport, gave a verbal update on the following:
- (a) Active Kent and Medway had undertaken an Active Lives Children and Young People survey which covered the 2021/2022 academic year and showed that activity levels in Kent and Medway had returned to pre-pandemic levels.

- (b) The Kent Community Safety Team continued to work with partners, learn from domestic homicide reviews and undertake workshops to assist district and borough community safety units in complying strategic assessments. These assessments were critical in bringing together the statutory Kent Community Safety Agreement.
 - (c) Community Wardens across Kent had undertaken numerous welfare visits to vulnerable people affected by the rising cost of living and energy costs and had been giving advice on energy grants and how to use energy more efficiently.
 - (d) Early findings from the evaluation of the Connected Communities Project showed that social prescribing across the partner regions successfully reduced social isolation, loneliness and anxiety following an intervention.
 - (e) Mr Jones accompanied Mr Hill to the screening of the Playground project at the Jasmin Vardimon Company studio in Ashford and would be joining a session in Edenbridge with the team. Playground was a unique programme of highly creative activity for babies and young children and their families.
 - (f) Mr Jones highlighted some activities carried out by the Culture and Creative team including the Place Partnership Project Fund award to Creative Estuary, feasibility work for a new film facility at Dreamland in Margate and the Creative Industries Clusters Programme.
4. Mr Jones responded to the following questions and comments from Members:
- (a) Asked about the future funding for the Playground project, Ms Holt-Castle said Playground had three years' funding from the Arts Council.
 - (b) Members commented on the valued social prescribing work carried out by community wardens and questioned how the savings identified within the Council's budget would affect this. Mr Jones said the model was currently being considered and a report would be brought back to the Committee in due course.
 - (c) Asked about community safety and whether crime statistics could be related to police activity, in consideration of public confidence and police performance, Mr Hill agreed this would be of interest to both the Kent Community and Safety Partnership and the Police and Crime Panel.

RESOLVED that the verbal updates be noted.

123. Risk Management: Growth, Environment and Transport Directorate
(Item 6)

Mr Mark Scrivener (Corporate Risk Manager) and Mr Tony Harwood (Resilience and Emergency Planning Manager) were in attendance for this item.

- 1. Mr Scrivener introduced the report which presented the strategic risks relating to the Growth, Economic Development and Communities Cabinet Committee

and comprised of three risks on the Corporate Risk Register, and a summary of Key risks from the Growth, Environment and Transport directorate.

2. Mr Jones, Ms Holt-Castle, Mr Murphy, and Mr Harwood responded to the following questions and comments from Members:
 - (a) Asked about the risks relating to the maintenance of community assets, the use of preferred suppliers and the criteria used for tenders, Mr Jones said the Council was bound by stringent procurement legislation and noted the importance of securing quality providers.
 - (b) Asked about risk CRR0003 in connection with securing Section 106 and Community Infrastructure Levy (CIL) developer contributions, Mr Murphy said the Council did not have any statutory powers to enforce the payment of contributions and the only current recourse was legal action. He said the outcome of the Levelling-up and Regeneration Bill was still awaited and would include proposals for the CIL and Section 106 process. Ms Holt-Castle said the Council worked constructively and robustly with the districts and boroughs, as the local planning authorities, to understand the current processes that were in place and develop a mutual understanding of the funding required for community infrastructure. Asked about dedicated legal representation, Ms Holt-Castle said to date this was done on an ad hoc basis depending on individual developments. Mr Jones said the same legal representatives were used where at all possible to provide consistent specialised support. He emphasised that the Levelling-up and Regeneration Bill was critical legislation and teams within the GET directorate had responded to the National Planning Policy Framework consultation.
 - (c) Asked about risk CRR0004 in relation to service continuity and the increased risk of cyber-crime, Mr Harwood said changes to working since the pandemic had changed the risk to the Council (but not increased it) and assured members that business continuity plans were being upgraded to match the current risk and threat. He said the Council's business continuity function was being systemised, and made more resilient, and several exercises were taking place around cyber attack scenarios and sustained power outages. A Member commented that home working could pose a security risk and Mr Jones said from an operational perspective the Council was educating and providing as many tools as possible to alert people to the risks and measures were being taken to support staff.
 - (d) Asked why the current and target scores for risk CRR0003 were high, Ms Holt-Castle said this related to situations where the Council could not directly manage the risk for example the national economic position and the management of the shared prosperity fund by districts.
 - (e) A Member commented that it would be helpful if future reports included the assessed risk from the last report to show the direction of travel.
 - (f) Asked how simultaneous emergency was defined, Mr Harwood said it was different events taking place concurrently and noted that simultaneous events were taking place every day. He said the consequences of an emergency, however broad, was one operational response.

RESOLVED that Members' comments on the risks presented be noted.

124. 23/00013 - No Use Empty (NUE) update and continuation of the initiative
(Item 7)

Mr Steve Grimshaw (Strategic Programme Manager) was in attendance for this item.

1. Mr Murphy introduced the item and provided a summary of the success of the scheme.
2. Mr Grimshaw explained that the £175,000 interest free loan was for those utilising the scheme for the first time and if an applicant wanted to utilise the scheme for a second time this would be on interest bearing terms. The loans were typically offered over a three-year period, and it was a requirement that the loan was repaid on or before the anniversary date of the loan. There was no penalty for repaying the loan early.
3. Mr Grimshaw provided a summary of the report.
4. Mr Grimshaw responded to the following questions and comments from Members:
 - (a) Members asked how owners of empty properties were being encouraged to take up the scheme and whether some districts engaged more than others, Mr Grimshaw said the NUE team met with district colleagues on a quarterly basis. He highlighted that each housing team within the districts had different staffing levels that effected their ability to promote the scheme. Each year letters were sent to empty property owners highlighting the incentives the Council could offer with a short term secured loan. Council tax premiums were charged for empty properties and the scheme was publicised through press releases, estate agents and social media.
 - (b) Asked whether properties being brought back into use were used as an Airbnb, Mr Grimshaw said this had been discussed with district colleagues and it was agreed that the Council would not provide support where the intended use of the property was as an Airbnb. He clarified the initial remit was to bring residential properties back into use.
 - (c) Asked about rates charged for the New Builds NUE Scheme, Mr Grimshaw said they were in some way dependent on the rates charged by the Council's Treasury department. The rates varied, for example a higher loan would result in more risk and attract a higher interest rate.
 - (d) Members expressed their support for the scheme and paid tribute to its success. The involvement of other councils within the scheme was noted along with the source of employment it provided for local builders.
 - (e) Asked about the possibility of some properties, which were not suitable as homes, being used for community enterprise where appropriate, Mr Grimshaw said he would be happy to discuss this further.

5. Mr Rayner proposed, and Mr Holden seconded that the recommendations of the report be moved, and this was agreed unanimously.

RESOLVED to endorse the Cabinet Member for Economic Development to support:

- a) the continuation of the NUE initiative to at least 2027-28 with a further update to be provided at that time;
- b) how NUE is funded and seek the agreement of the Section 151 Officer or the Cabinet Member for Finance as appropriate for approval to spend; and
- c) for authority to be delegated to the Director of Growth and Communities to take appropriate actions including, but not limited to, KCC entering into legal agreements (loan agreements, legal charges, personal guarantees, equity loans, joint ventures, deed of priority, deed of postponement), consider and approve requests which may require KCC consent and discharge of legal charges, recovery of loans through legal action, as necessary to implement this decision.

125. 23/00024 - Kent Country Parks Strategy 2023-28
(Item 8)

Ms Isabel Shaw (Head of Country Parks and Partnerships) and Ms Kate Boorman (Head of Country Parks and Partnerships) were in attendance for this item.

Mr Rayner expressed an interest during the item that he utilised regularly the Kayaking Point at Grove Ferry Picnic Site.

1. Mr Hill introduced the item and said the country parks had provided an important lifeline to residents during the pandemic and continued to be busy. He said government funding had been used to restore the damage done during the pandemic and to provide new facilities such as playpark areas and disabled facilities.
2. Mrs Hohler provided some background to the work of the informal Members Working Group and thanked Members who were involved.
3. Ms Shaw responded to the following questions and comments from Members:
 - (a) Asked about access for mobility impaired visitors, Ms Shaw confirmed that maps were available which included accessible trails and disabled toilets.
 - (b) Asked about promoting the importance of Kent's Plan Bee to young people, Ms Shaw said a range of educational activities were being run in the parks including school sessions, informal walks and talks and events during the school holidays and noted the importance of connecting pollinator work with Kent's Plan Bee.
 - (c) Asked whether the Council was working with district councils as part of their local development plans to allocate green space for country parks and potentially increase the number of country parks across Kent, Ms Boorman said efforts were made to signpost people through social media to other facilities run by local authorities or other organisations, and where

developments were within the proximity of a country park engagement with colleagues took place to connect green space.

- (d) Asked about income generation and whether nature-based solutions would be considered, for example carbon dioxide or biodiversity net gain credits, Ms Boorman said income sources were varied and included car parking, wood products, education and learning, events and cafes. Ms Boorman said engagement took place with the Kent Environment Strategy and income generation and potential opportunities were constantly reviewed and explored.
- (e) Members expressed their gratitude and support for the work done in relation to country parks and recognised the importance of them in relation to the wellbeing of Kent residents.

RESOLVED to endorse the proposed decision to adopt the Kent Country Parks Strategy 2023-28 and to delegate to the Growth and Communities Director, in consultation the Cabinet Member, any further decisions that may be appropriate to deliver the Strategy as shown at Appendix A.

126. 23/00025 - New Contracts for the Provision of Post-Mortem Facilities for the Mid Kent & Medway, Northwest Kent, and East Kent Coroner Areas
(Item 9)

This Item was taken after Item 13 – Extension of Contracts with Locate in Kent and Visit Kent.

Ms Debbie Large was in attendance for this item.

1. Mr Hill introduced the proposed decision to issue new contracts for the provision of Post-Mortem Facilities in Mid-Kent and Medway, Northwest Kent, and East Kent.
2. In response to a question from a Member, Ms Large explained that Section 24 of the Coroners and Justice Act 2009, implemented in 2013, placed a statutory obligation on KCC to provide the Coroner's accommodation, staff and resource required to fulfil the service's statutory functions. Ms Large said government had been clear that it would remain a locally delivered service.

RESOLVED to endorse the proposal that the Cabinet Member for Community and Regulatory Services and South East Kent coroner areas agree to:

A) Issue new contracts, via direct awards, for the provision of Post-Mortem Facilities in Mid-Kent and Medway, Northwest Kent, and East Kent, to commence from 1 April 2023 for a period of 12 months with the option of extending for a further 4 years.

B) delegate authority to the Director for Growth and Communities, in consultation with the Cabinet Member for Community & Regulatory Services, to negotiate, finalise and enter into the contracts; and

C) delegate authority to the Director for Growth and Communities to take other relevant actions, including but not limited to entering into required legal agreements and agreed contract extensions, as necessary to implement the decision.

127. Decisions Taken Outside of the Cabinet Committee Meeting Cycle
(Item 10)

This was taken after Item 8 - 23/00024 – Kent Country Parks Strategy 2023-28

1. Mr Hill introduced the report.
2. Members discussed and agreed that the short timescale put in place by government to accept funding resulted in reduced democratic oversight and asked for representations to be made to government to this effect.
3. Members congratulated officers involved for securing the funding.
4. Mr Rayner proposed, and Mr Holden seconded that the recommendations of the report be moved, and it was unanimously agreed.

RESOLVED that decision 23/0008: Gypsy and Traveller Service Improvement Project was taken between meetings of the Cabinet Committee in accordance with the process in Part 2 paragraph 12.36 of the Council's Constitution be noted.

128. Work Programme 2023
(Item 11)

RESOLVED that the Work Programme 2023 be noted subject to the following additions for consideration:

- Economy of agriculture and farming industry
- Gypsy site investment
- Banking hubs

129. Future Meeting Dates
(Item 12)

RESOLVED that the future meeting dates be noted.

130. 23/00031 - Extension of Contracts with Locate in Kent and Visit Kent
(Item 13)

Mr David Smith was in attendance for this item.

1. Mr Murphy introduced the proposed decision to extend the contracts with Locate in Kent and Visit Kent for a further year and explained that both organisations were going through a period of transition following a reduction to funding. Mr Murphy reminded Members of the importance of the two organisations to the county and how they supported Framing Kent's Future in encouraging business and tourism.

2. Mr Smith introduced the report and summarised the contracts with Locate in Kent and Visit Kent and how the extension of the contracts for a year would allow time to explore how the reduced budget could be managed.
3. Mr Smith responded to the following questions and comments from Members:
 - (a) Asked what benefit there was in having an observer on the board as opposed to a board member, Mr Smith said a policy had been adopted by the Council to not have Council representatives on the boards of external companies financed by the Council due to a conflict of interest. Instead an observer would attend meetings and express their views as a stakeholder.
 - (b) A Member requested that Locate in Kent be encouraged to canvass businesses in Greater London that would be adversely impacted by the possible extension of the Ultra Low Emission Zone (ULEZ) to the Kent boundary.

RESOLVED to endorse the Cabinet Member for Economic Development on the proposed decision to extend to March 2024 the current contract with Locate in Kent and the grant agreement with Visit Kent for the provision of inward investment services and the promotion of the visitor economy in Kent respectively.

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From: Derek Murphy, Cabinet Member for Economic Development
Simon Jones, Corporate Director Growth, Environment and Transport

To: Growth, Economic Development and Communities Committee - 16 May 2023

Subject: Adoption of the KCC Developer Contributions Guide

Key decision: 23/00041

Classification: **Unrestricted**

Past Pathway of report:

Future Pathway of report: Cabinet, 29th June 2023, and Cabinet Member Decision

Electoral Division: County Wide

Summary: KCC's Developer Contributions Guide (first published in 2007), set out to promote a consistent and transparent approach across the county regarding the requirement for, and calculation of, developer contributions for KCC provided services. The revised Guide was approved for targeted public consultation by the Cabinet Member which subsequently took place between 8 December 2022 and 2 February 2023. This report sets out the details of the consultation and introduces the proposed Forthcoming Executive Decision required to adopt the revised Guide as KCC policy.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member on the proposed decision to:

- (i) proceed with formal adoption of the updated Developer Contributions Guide;
- (ii) approve the service standards and methodology for calculating development mitigation contained within;
- (iii) delegate to the Director of Growth and Communities to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request;
- (iv) delegate to the Director of Growth and Communities to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision; and
- (v) to confirm the use of the BCIS All-In Tender price index (or ROADCON where required by Public Rights of Way or Highways), with the base date for indexation set at Quarter 1 2022

as shown at Appendix 1.

1. Introduction

- 1.1 KCC's existing Developer Contributions Guide (first published in 2007) is now out of date and as such, the authority is at threat of increased challenges to the requests for mitigation (contributions) being sought. It is necessary to update the Guide to reflect changes in legislation, policies, priorities and costs. In addition, it is needed to provide developers and Local Planning Authorities (LPAs) with clear guidance on the likely financial costs of development so that they can be factored in as they respectively prepare Local Plans and individual planning applications.
- 1.2 An updated, draft Guide was produced and taken through an initial round of governance, culminating in GEDCCC (22 November 2022) and Cabinet (1 December 2022) making a recommendation to the Cabinet Member that KCC proceeds with a targeted public consultation on the updated Developer Contributions Guide. Further information pertaining to the earlier governance can be found via the GEDCCC papers and recorded minutes [here](#).
- 1.3 This paper will set out the details of the consultation undertaken, the proposed 'You Said, We Did' amendments, justification behind the revised proposals, and the next steps for the project.

2. Draft Developer Contributions Guide Consultation

- 2.1 The draft Guide underwent targeted public consultation between 8 December 2022 and 2 February 2023 via KCC's Let's Talk page (<https://letstalk.kent.gov.uk/developer-contributions-guide>). In addition, the draft was directly presented to the Kent Chief Planners Group, the Kent Housebuilders and Developers Group and the Kent Planning Policy Forum. This ensured that all affected stakeholders were fully engaged with the process.
- 2.2 A consultation summary report has been produced and can be found at **Appendix 2** to this report. The summary report has been produced by external consultants "Lake Market Research" to provide independent factual analysis. The KCC webpage for the consultation received a total of 3,962 page views by 1,111 visitors. There were 1,095 document downloads, with the draft Guide itself being downloaded 596 times. A total of 41 individuals and organisations provided responses to the consultation including six District Councils, two Parish Councils, four Housing Associations, two Developers, three Planning Professionals and two Campaign Groups.
- 2.3 Consultation responses have been evaluated and categorised into general themes relating to the various subject matters contained within the draft Guide. The consultation themes, some additional comments and KCC's response to these have been captured within a 'You Said, We Did' report., The full 'You Said, We Did' report can be found at **Appendix 3**. The range of responses generally covered the following themes;

- Increases in charging rates and the introduction of new areas for contribution.
- Transparency around KCC's spending of the contributions received.
- Competing demands of the s106 pot and development viability.
- Application thresholds for seeking contributions.
- Discounts for Affordable Housing.
- County Council monitoring fee.
- Sustainable Transport.
- Methodologies for calculating contributions.

- 2.4 A number of amendments have been made in acknowledgement and acceptance of the comments received and are included in the proposed final version of the Developer Contributions Guide. The amended version of the Guide can be seen at **Appendix 4** of this report. Any amendments made to the Guide and responses to comments are available within the You Said, We Did document.
- 2.5 The main areas that required greater consideration following the consultation were application thresholds for seeking contributions; discounts for Affordable Housing; and the monitoring fee that KCC seeks for managing, monitoring and processing incoming contributions. The following paragraphs take each of these three subject matters in turn.
- 2.6 Application thresholds for seeking contributions. Comments have been made to consider a reduction to the current and proposed KCC threshold to seek contributions on developments only over 10 dwellings or over site sizes of 0.5Ha. The comments reflect concern that the cumulative impacts of smaller development on KCC services is not accounted for. The Guide has consequently been amended to include development of over 10 dwellings unless the Planning Authority is agreed that KCC may seek for applications of a lower number. Two planning authorities are known to have policy (with a further one planning to adopt policy) that would not support KCC seeking contributions from developments of fewer than 10 dwellings. This is within their gift as the planning authority. In addition, five LPAs are Community Infrastructure Levy (CIL) charging authorities, which seeks CIL from all developments, irrespective of size and therefore where the threshold is a moot point. The justification for retaining the threshold at 10 (or above) dwellings or a site size of 0.5Ha is twofold. 1.) Cost benefits - The cost of requesting, monitoring, and spending lower value contributions could outweigh or at least significantly reduce the income ultimately received. Analysis of KCC data regarding developments under 10 dwellings (since 2017) shows a 33% success rate in securing contributions. 2.) Smaller sites are generally less viable or developed by Small to Medium Enterprises (SMEs) and therefore may have a disproportionate financial impact upon them. It is also often the case that developments of fewer than 10 dwellings are re-purposing brown field sites. These will generally be less viable adding to concerns that seeking contributions for them would involve disproportionate levels of KCC resources required in negotiation and/or for legal dispute.
- 2.7 Discounts on Affordable Housing (AH). Comments were made challenging the necessity of KCC seeking contributions on AH schemes, primarily on the

premise that Affordable Housing occupants would be required to meet criteria demonstrating that they are already from the local area. As such they could not be categorised as new households placing additional impacts upon KCC services. In response, officers are of the opinion that it is not obvious that new AH does not increase pressure on local infrastructure. Some infrastructure is very specific to the immediate location, and in all cases, there is the potential for existing accommodation in the district to be backfilled by new residents in the district. Therefore, AH housing increases, directly or indirectly, pressure on infrastructure. Assessment of district/borough criteria enabling access to AH varies across the county and can include an employment link rather than existing residency within the district. Tenants may not therefore be living within the district when they access AH and are therefore additional to the district's existing population. Research undertaken across other county councils shows that the overwhelming majority do not offer discounts on AH. The Guide is, therefore, consistent with others' approach.

- 2.8 KCC's Monitoring Fee. The draft Guide included a proposed contribution of £500 per trigger within a s106 agreement, to cover the administrative costs of managing, monitoring, and processing incoming contributions. The legitimacy of that fee was questioned along with concerns that a "one size fits all" approach would be disproportionate for smaller development. Whilst it is accepted that the LPAs carry out their own monitoring as the statutory authority for the service contributions requested, KCC also carries out its own monitoring of development progress, housing completions/occupations and obligation triggers. This information assists with the planning and delivery of infrastructure projects in a timely manner and also with ensuring that KCC receives contributions as agreed. KCC also has a statutory responsibility to produce an annual Infrastructure Funding Statement (IFS), requiring significant record keeping. Further work has been carried out in response to consultees' feedback to re-calculate a monitoring fee. This has now been benchmarked against other council and county councils' monitoring fees. As a result, the monitoring fee has been amended to a proposed £300 per trigger for any agreement that includes contributions towards KCC infrastructure. The trigger point for collecting the monitoring fee has also been pushed back from "completion of the agreement" to "commencement of the development". This amendment is to address concerns raised in the consultation made that some applications never proceed and as such do not require monitoring. With regards to the concerns on the value being disproportionate for smaller applications it was considered that costs could be managed by reducing the number of triggers in an agreement but that the cost of monitoring is still required to be covered irrespective of the size of the application.
- 2.9 Any changes that have been made to the Guide in response to the consultation have been discussed and agreed with the individual KCC service areas.
- 2.10 The KCC Development Investment Team has also committed to arranging further meetings with officers from some Planning Authorities who sought further information regarding the methodologies for calculating certain contributions.

- 2.11 Following the Cabinet Committee's discussion and recommendations, the Guide will be presented to Cabinet on 29 June 2023, ahead of a proposed decision to adopt by the Cabinet Member for Economic Development on behalf of the council.

3. Financial Implications

- 3.1 KCC seeks developer contributions to secure financial, in-kind and land contributions towards increasing infrastructure capacity, to support services for which it has responsibility to provide. The Development Investment Team within Growth & Communities deals primarily with the seeking of contributions for Education, Waste, Communities and Adult Social Care, with Highways & Transportation and PRoW leading their respective areas. The calculations for the updated costs reflect the current needs of the various KCC service areas. The detailed methodologies and breakdowns of costs are explained within the individual KCC service area appendices to the main Developer Contributions Guide.
- 3.2 Since 2014 KCC has secured a total of £325,452,643 in contributions from developers towards specified services. This figure represents a cumulative achievement rate of 97% against KCC's requests for total contributions from developers. These figures are exclusive of the value of land transferred and Highways Section 278 & 38 agreements which would account for significant financial uplift. Whilst, this is very positive for infrastructure provision, it is not achieved without significant challenges and is part of a bigger picture. In this context the Growth and Infrastructure Framework (GIF) has projected that by 2031 (2011 - 2031) Kent will be home to 178,600 new homes and circa 400,000 new residents. The infrastructure required to support this growth is forecast (2017 – 2031) to be £16bn+ with £2.8bn attributed to infrastructure to be delivered by KCC. With regards to KCC's investment and based on total funding identified, £1.6bn is expected to be delivered by development contributions. There remains a significant risk that such funding may not materialise to the amount or within the timescales required.
- 3.3 There are many factors that affect the level of financial contributions that KCC receives and those originally predicted in the GIF. Housing delivery within many districts has not met with the targets originally proposed in the 2017 GIF and this has a corresponding impact on the level of additional mitigation required and the overall financial levels of mitigation received. Viability negotiations also have a significant impact where, often through appeal, planning applications are consented and not required to be fully policy compliant or provide the levels of mitigation sought by KCC.
- 3.4 There are additional challenges to secure developer contributions within the five Planning Authorities within the county operating with a Community Infrastructure Levy. These challenges are more acutely felt where KCC is required to submit applications for infrastructure funding via Planning Authority governed bidding processes.
- 3.5 Excluding the accountable Head of Service (whose salary is paid from a different budget line) the staffing revenue implications of operating the Development Investment Team (DIT) that secures development contributions is

£410,995.89 (net cost) per annum. The team is funded through KCC's core revenue budget, and through income. The team demonstrates significant value for money operating at just 0.9% of the £47m developer contributions received last year. The £300 monitoring fee and other income revenue secured through financial undertakings to cover officer time to negotiate and review s106 agreements play an additional but important part in helping to reduce those revenue costs.

- 3.6 The proposed Record of Decision confirms the use of the BCIS All-In Tender price index, with a base date of Q1 2022. This date is fixed to that time due to the publicly consulted Guide containing contribution figures calculated at that point. The index reflects the current position that most contracts KCC awards for infrastructure delivery will be through a tendered procurement process.
- 3.7 The process of updating the Guide included updating the methodologies and costs associated with current delivery models. Some areas such as Adult Social Care, Community Learning and Integrated Childrens Services are now delivered through a combination of outreach and fixed infrastructure delivery and the updated Guide costs reflect that change. Overall, the newly proposed costs per new dwelling are comparable (within 3%) to those being sought prior to the review of the Guide and adjusted for inflation only.

4. Legal Implications

- 4.1 The Guide has undergone a review by Invicta Law, Legal Counsel and input from a planning consultant, in conjunction with internal and stakeholder engagement to reduce the likelihood of challenge to its contents.
- 4.2 With the existing guide being out of date, proceeding further without an up-to-date guide presents reasons for challenge, both from the local planning authorities and developers. This Guide sets out the reasons for seeking contributions (within the confines of legislation), the policy/statutory status of KCC's services, robust methodologies, and costs. It enables KCC to justify its s106/CIL requests, as well as providing a clear basis for setting out the county council's requirements within emerging local plans.
- 4.3 Options to include additional KCC areas were also considered. In particular, Arts & Culture and Resilience & Emergency were assessed. Both officer and external legal opinion concluded that there was at this time an insufficient evidence base to meet the CIL tests set out in Regulation 122 of The Community Infrastructure Levy Regulations (2010) to seek for those areas. Whilst it is recognised that there are significant budget demands for the County Council, the introduction of non-compliant areas would undermine the integrity of the Guide's robust legal standing. Meeting the legal tests of 'reasonable and proportionate' mitigation have to be considered whilst balancing the demands for a finite pot of funding available from development. County Council services form only one area of mitigation required. Contributions are also requested for a number of other non-county areas such as: affordable housing, open space and play, urban place-making, utility infrastructure, health, air quality improvements, carbon offsetting and nutrient neutrality.

4.4 The Levelling Up and Regeneration Bill continues to provide an evolving and complex context to developer contributions. A briefing to this committee’s members on the new Infrastructure Levy that will come forward as part of that Bill took place on 19 April 2023.

5. Equalities Implications

5.1 There are no identified equality issues arising from the process of securing developer contributions or updating the Guide. KCC services will have appropriate operational provision within their individual service delivery plans/strategies for the planned spend of contributions. An Equality Impact Assessment for the draft Guide has been produced and is available at **Appendix 5** to this report.

6. Other Corporate Implications

6.1 Providing updated guidance of developer contributions at this time will assist in reducing delays to critically needed infrastructure identified within the Growth and Infrastructure Framework, reducing the need for protracted negotiations with the local planning authorities and/or developers.

7. Governance

7.1 The reported item is to be taken to the Cabinet with a view to the Cabinet Member for Economic Development making a formal decision to adopt the Guide as policy. The draft version of the Guide had previously been presented to GEDCCC for approval of the now completed public consultation.

7.2 The proposed decision would provide delegated authority to the Director of Growth and Communities for two areas;

- i.) to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request.
- ii.) to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision.

8. Conclusions

8.1 A decision to adopt the Kent Developer Contributions Guide would deliver a named objective of KCC’s strategic plan “Framing Kent’s Future”. Updating the Guide is appropriate and relevant at this time, providing developers and Local Authorities with a clear understanding of the likely costs associated with mitigating development on KCC services.

9. Recommendation(s)

10.1 Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member on the proposed decision to:

- (i) proceed with formal adoption of the updated Developer Contributions Guide;
- (ii) approve the service standards and methodology for calculating development mitigation contained within;
- (iii) delegate to the Director of Growth and Communities to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request;
- (iv) delegate to the Director of Growth and Communities to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision; and
- (v) to confirm the use of the BCIS All-In Tender price index (or ROADCON where required by Public Rights of Way or Highways), with the base date for indexation set at Quarter 1 2022

as shown at Appendix 1.

11. Background Documents

Appendix 1, Proposed Record of Decision

[Appendix 2 Developer Contributions Consultation Report.pdf \(kent.gov.uk\)](#)

[Appendix 3 You Said We Did.pdf \(kent.gov.uk\)](#)

Appendix 4, Proposed KCC Developer Contributions Guide

Appendix 5, Equalities Impact Assessment: [Kent Developer Contributions Guide](#)

The Kent & Medway Growth and Infrastructure Framework can be found by following the link [Growth and Infrastructure Framework \(GIF\) - Kent County Council](#)

12. Contact Details

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KENT COUNTY COUNCIL –PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Derek Murphy, Cabinet Member for Economic Development

DECISION NO:

23/00041

For publication

Key decision: YES

Subject Matter / Title of Decision: Policy adoption of the KCC Developer Contributions Guide

Decision:

As Cabinet Member for Economic Development, I agree to:

- (i) proceed with formal adoption of the updated Developer Contributions Guide;
- (ii) approve the service standards and methodology for calculating development mitigation contained within;
- (iii) delegate to the Director of Growth and Communities to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request;
- (iv) delegate to the Director of Growth and Communities to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges, and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision; and
- (v) to confirm the use of the BCIS All-In Tender price index (or ROADCON where required by Public Rights of Way or Highways), with the base date for indexation set at Quarter 1 2022.

Reason(s) for decision:

KCC's existing Developer Contributions Guide (first published in 2007) is now considered to be out of date and as such the authority is at threat of increased challenges to the requests for mitigation being sought. It is necessary to update the Guide to reflect changes in legislation, policies, priorities, and costs and provide developers and Local Plan Authorities (LPAs) with clear guidance on the likely financial costs of development so that they can be factored in as they prepare Local Plans and individual planning applications.

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Growth, Economic Development and Communities Cabinet Committee at its meeting on 16 May 2023.

Any alternatives considered and rejected:

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

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KENT COUNTY COUNCIL

Developer Contributions Guide

Consultation Draft 2022

kent.gov.uk/developercontributionsguide



Foreword

I am delighted to introduce Kent's Developer Contributions Guide.

Kent is preparing for continued growth in our population in the years ahead. This could perhaps be as much as 20% growth by 2040, compared to 2020 figures, reflecting the county's position as a place where people wish to live, at all stages of their lives. This growth does require additional housing – of all types - to be developed, with an additional 190,400 homes forecast to be built by that same year 2040.

Infrastructure to support this growth is pivotal to creating sustainable communities. As the provider of most key, large-scale physical and social infrastructure (such as Education, Highways, Transportation, and Waste), Kent County Council (KCC) must ensure that necessary development is not at the expense of the infrastructure and services available for existing residents and businesses.

The National Planning Policy Framework (NPPF) and Kent Planning Authorities' Local Plans include policies requiring developers to mitigate their projects' impact on infrastructure. KCC considers all planning applications under this framework.

As well as securing the appropriate contributions, KCC is clear that essential infrastructure must be provided in the 'right place at the right time'. This principle is clearly outlined in our Strategic Statement ['Framing Kent's Future: Our Council Strategy 2022-26'](#).

Given the significant levels of projected growth, it is more important than ever that KCC works closely with the 12 District, City and Borough local planning authorities to deliver infrastructure that supports sustainable development, and I am delighted that we have strong relationships to further build upon. Designed for local planning authorities, landowners and developers, this Guide sets out precisely what infrastructure will be required by the County Council to support new housing in the county, how that requirement has been calculated and when it should be delivered.



Derek Murphy,
Cabinet Member for Economic Development

Contents		Page
1.0	Introduction	
	The Purpose of this Guide	
	The Status of this Guide	
	Context – The Legal Framework	
	The Interaction Between s106 and CIL	
2.0	Kent	
	Creating Quality Places	
	Sustainability and Climate Change	
	Garden Communities and Large-Scale, Strategic Development	
3.0	Kent County Council: Contributions	
	Type and Level of Contributions	
	How KCC Assesses the Impact of Each Development	
	How Infrastructure Projects are Identified – Plan Making	
	Obsolete or Withdrawn Local Plans	
	The Scale and Nature of the Planning Obligation	
	KCC's Approach to Planning Obligations	
	Thresholds, Qualifying Developments and Contribution Rates	
4.0	Land, Buildings and Contributions In-Kind	
	The Requirement for Land	
	Location and Suitability	
	Land Transfers – Legal Agreement	
	Works and Buildings – Direct Delivery	
5.0	Guidance Applicable to all Section 106 Applications	
	Pre-Application Advice	
	Planning Performance Agreements	
	S106 Legal Agreements – Unilateral and Multiparty Agreements	
	Phased Payment and Triggers for Payments	
	Indexation	
	Apportionment and Land Contributions	
	Bonds and Guarantors	
	Viability	

	Viability Reviews	
	Planning Appeals	
	Procedure for Discharge of Planning Obligations to KCC	
	Fees, Charges and Monitoring	
6.0	Contact with KCC and District Councils/Local Planning Authorities	
	Kent County Councils Contacts	
	Local Planning Authorities	
Technical Appendices - set out as separate documents on the website.		
1	Adult Social Care (ASC)	
2	Community Learning and Skills (CLS)	
3	Development Contributions - Calculator	
4	Education – Overview	
5	Education – Early Years Education and Childcare Provision	
6	Education – Primary and Secondary Education	
7	Education – Special Educational Needs and Disabilities (SEND)	
8	Education – General Transfer Terms – School Sites	
9	Education – New School Sites Sizes	
10	Education – Example Education Assessment – Primary and Secondary	
11	Education – Example Build and Land Contributions	
12	Flood Risk Management and Sustainable Drainage	
13	Heritage and Archaeology – Community Archaeology Provision	
14	Highways and Transportation	
15	Integrated Children’s Services – Youth Services/Early Years Service	
16	Libraries, Registration and Archives	
17	Public Rights of Way (PRoW)	
18	Waste Disposal and Recycling	

1.0 Introduction

- 1.1.1 This guide will inform district, borough and city authorities and developers about the impact new development will have on KCC's services and the subsequent developer contributions required to mitigate those impacts. In assessing planning applications, a Local Planning Authority (LPA) will also consider other policy requirements, non-KCC infrastructure requirements, and the cumulative cost of all relevant developer contributions to deliver sustainable development. In the overall planning balance, LPAs will need to assess the public benefits and disbenefits of the development proposals, including their contribution to infrastructure to support growth, in forming their decision.
- 1.1.2 It is acknowledged that some Local Plans will have been assessed taking into account the expected levels of mitigation required at that time. With 12 Planning Authorities across the county, Local Plan adoption times are varied and as such it has not been possible to match perfectly with all authorities. KCC is committed to regularly updating the Guide in accordance with fluctuations of service demands and costs, to ensure the CIL Reg 122 test are met.

1.2 The Purpose of This Guide

- 1.2.1 Sustainable development 'meets the needs of the present, without compromising the ability of future generations to meet their own needs'¹. The planning system helps to achieve it by balancing economic, social, and environmental objectives, in the public interest². In seeking to achieve sustainable development in the public interest, the impact of growth on infrastructure is a key consideration. Kent County Council is responsible for delivering and maintaining much of the large-scale infrastructure that its residents and businesses require, such as roads, schools, waste disposal services and libraries. This guide sets out the developer contributions which may be required by the county council to support growth and mitigate any adverse impacts of growth on the Counties infrastructure, to ensure sustainable development. Developer contributions (Planning obligations under s106 of the Town and Country Planning Act 1990 (as amended), works under s278 of the Highways Act and contributions from the Community Infrastructure Levy (CIL)) play a key part in the delivery of sustainable development, ensuring that infrastructure is delivered in a timely manner, and is appropriately situated and accessible. Put differently, developer contributions are needed to fund infrastructure to support growth.

¹ Resolution 42/187 of the United Nations General Assembly.

² As set out in paragraph 8 of the National Planning Policy Framework (NPPF)

1.2.2 The use of developer contributions links to the county council's Strategic Statement '[Framing Kent's Future: Our Council Strategy 2022-26](#)'. This includes the key priority 'Infrastructure for Communities' which contains a number of commitments and supporting objectives to improve the county's infrastructure, including the following commitment:

"Our 'Infrastructure First' commitment seeks to ensure that new development provides the appropriate physical and social infrastructure necessary to support new and existing communities' quality of life".

1.2.3 Following the publication of the Levelling Up White Paper³ and subsequent Levelling Up and Regeneration Bill⁴, significant changes may take place. Until such time as a new mechanism is enacted, the county council intends to refer to this guidance to support requests for developer contributions.

1.2.4 This guidance should be read alongside Development Plan Policies (Local Plans and Neighbourhood Plans) and relevant Supplementary Planning documents adopted by Kent Local Planning Authorities (LPAs), in the formation of proposals for development, at pre-application stage, the assessment of planning applications and their determination. The Guide will also be used as the basis of KCC responses to proposed growth strategies in developing development plans to provide evidence for the infrastructure delivery planning and viability assessments that underpin the plan. The Guide and/or technical appendices will be reviewed when significant changes are made to service strategies and evidence to support county council requirements. Significant⁵ changes will be subject to further consultation.

1.2.5 It should be noted that this guide does not specify every type of contribution that may be required to make development acceptable in planning terms. It provides an overview of obligations which may be sought by KCC only as part of the planning process and where necessary. While it is KCC's role to assess the impact of new development upon its services, the LPA must consider the cumulative cost of all relevant developer contributions. Where cumulative costs exceed the development's viability, KCC will seek to work with the LPA to assess the priority of infrastructure on a case-by-case basis, based on technical analysis.

1.2.6 Applicants should contact their Local Planning Authority for advice regarding contributions which may be sought by the LPA (e.g., affordable

³ <https://www.gov.uk/government/publications/levelling-up-the-united-kingdom>

⁴ <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#the-levelling-up-and-regeneration-bill>

⁵ Significant means an increase in rate/s above inflation and/or a new contribution area.

housing, sports provision, public open space, allotments, cemeteries, community buildings and health etc.).

1.3 The Status of This Guidance

1.3.1 This Guide is not a statutory planning document: however, it is material consideration. KCC therefore, requests that all City, District and Borough authorities give it due weight in terms of plan making and planning application decisions. Following public consultation and Cabinet approval, KCC has adopted it as policy. **It states what is required to meet the local plan policy on infrastructure provision in respect of county services.** KCC will use it as a basis for its responses to Local Planning authorities in relation to infrastructure planning for local plans and planning application consultations.

1.4 Context - The Legal Framework

1.4.1 Town and Country Planning Act (1990) - Planning Obligations (s106)

1.4.1.2 Planning Obligations (s106) can be used to deliver development plan and government policy objectives and mitigate impacts to make development acceptable in planning terms. They may:

- restrict development or use of the land in any specified way.
- require specified operations or activities to be carried out in, on, under or over the land.
- require the land to be used in any specified way
- require a sum or sums to be paid to the authority on a specified date or dates or periodically.

1.4.1.3 In line with the legal requirement set out in [Regulation 122 of The Community Infrastructure Levy Regulations \(2010\) \(as amended by the 2011 and 2019 regulations\)](#), s106 contributions for infrastructure provision may only constitute a condition for granting planning permission if they meet the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development and
- Fairly and reasonably related in scale and kind to the development

(The same tests are set out in Paragraph 57 of the [NPPF](#)⁶ and the Planning Practice Guidance (PPG) for the use Planning Obligations in all circumstances.)

⁶ Revised July 2021

Information setting out how KCC's requests comply with the tests will be provided within the county council's responses to specific planning applications.

1.4.1.4 The planning obligations KCC may consider necessary for a scheme will depend on:

- the current level of infrastructure provision
- the nature and impact of the development on existing infrastructure
- whether CIL or alternative funding will be available

1.4.1.5 Where they are required, planning obligations, may need to be delivered in-kind on the site or within the vicinity of the site. Others may be financial contributions to be made to the county council as infrastructure provider.

1.4.1.6 Planning obligations will be used to deliver infrastructure that directly relates to the specific site. Contributions collected under s106 must be spent in accordance with the terms of the legal agreement. For infrastructure to support growth but not directly connected to the development, either CIL (where available) or alternative funding will be used.

1.4.2 Community Infrastructure Levy (CIL)

1.4.2.1 The Community Infrastructure Levy Regulations (2010), introduced by the Planning Act 2008 and in force since 6 April 2010, allow local planning authorities to impose a charge to fund infrastructure to support growth when granting planning permission.

1.4.2.2 Setting a CIL is not mandatory and under the current legislation, county councils cannot adopt a CIL. However, where a CIL is introduced, payment is compulsory.

1.4.2.3 Currently, five of Kent's 12 local planning authorities have introduced a CIL charging schedule. They are:

- Canterbury City Council
- Dartford Borough Council
- Folkstone and Hythe District Council
- Maidstone Borough Council
- Sevenoaks District Council

Differing arrangements are in place for the distribution of CIL receipts from the five authorities.

1.4.3 s278 and s38 Highways Act

1.4.3.1 Where works are required to mitigate the impact of growth on the public highway, KCC will normally require this to be fully funded and delivered directly by the developer under a s278 agreement with the Highway Authority. s278 agreements provide an element of security – in the form of a financial bond and a percentage of cash - should the Highway Authority need to complete works to an acceptable standard.

1.4.3.2 Details of any proposals must be agreed by the Highway Authority prior to planning consent being granted. Any associated works are subject to technical inspection and acceptance.

1.4.3.3 After considering the applicant's Transport Assessment, the Highway Authority will advise where mitigation measures are required, and the appropriate time for the works to be delivered. It will then recommend conditions to be placed on the application and the appropriate occupational trigger.

1.4.3.4 A s38 Agreement of the Highways Act 1980 allows KCC to take over and maintain at public expense (adopt), roads, footways, cycleways and other Highway areas and infrastructure constructed by a developer. These will usually relate to internal highways within the red-line application area of a development. As well as providing security of access to new development areas, KCC will use s38 agreements to secure vehicular or non-vehicular access through a development to connect with any existing adjacent Highways.

1.4.4 National Planning Policy Framework (NPPF)

1.4.4.1 The [National Planning Policy Framework](#) (NPPF) sets out the government's planning policies for England and how these should be applied. It must therefore be considered when preparing development plans and planning applications: paragraphs 31, 34, 55, 57 and 58 relate specifically to developer contributions and infrastructure provision.

1.4.5 Planning Practice Guidance (PPG)

1.4.5.1 [Planning Practice Guidance](#) (PPG) provides government guidance on all areas of planning and the NPPF, including developer contributions and viability ([planning obligations](#), the [CIL](#) and [viability](#).) These documents should be read together.

1.5 The Interaction Between s106 and CIL

- 1.5.1 Local planning authorities (LPAs) must prepare annual Infrastructure Funding Statements (IFS), detailing which infrastructure they intend to fund through s106, s278 Highways Act, CIL (if they are a charging authority) and where they will seek other funding streams (see regulation 121A). As a contribution receiving authority, KCC also produces an Infrastructure Funding Statement.
- 1.5.2 Many charging authorities have not reviewed their CIL since the IFS was introduced. However, the former regulation 123 infrastructure lists (now abolished) can still be a useful indication of infrastructure that may be funded through CIL. The lists will help to explain the funding approach taken at the time the CIL was set and therefore, the basis of the viability assessment.
- 1.5.3 Each charging authority is responsible for collecting, distributing, and prioritising CIL funding. KCC will use this Guidance and the Technical Appendices when seeking funding allocations from a CIL charging authority. To ensure effective mitigation of growth, LPAs should also refer to this Guidance, the Technical Appendices and KCCs response to planning applications when planning CIL infrastructure spending.
- 1.5.4 Whether or not CIL will be available, LPAs can seek s106 contributions for any item that meets the test set out in regulation 122 of the Community Infrastructure Levy Regulations (as amended) 2010. KCC may therefore, require s106 to 'top up' CIL to mitigate the direct impact of development on its services and infrastructure.
- 1.5.5 CIL can be used to fund any infrastructure required to support growth, including strategic infrastructure not directly necessary for, or related to an individual development. By contrast, s106 obligations can be used only to mitigate the needs of the specific development proposal in the planning application.
- 1.5.6 Kent County Council will report on all s106, and CIL contributions received, showing where these have been spent and how it intends to use future contributions.
- 1.5.7 Further information on spend and receipt of s106/CIL contributions can be found in KCC's annual [Infrastructure Funding Statement](#).

2.0 Kent

2.1 Creating Quality Places

- 2.1.1 Kent (excluding Medway) is England's largest non-metropolitan county. It has a population of 1,589,100 across 12 districts, city, and borough councils, consisting of urban, rural, and coastal communities. With this figure predicted to reach 1,913,100 by 2040, infrastructure delivery has been recognised as one of four priorities in KCC's strategy for 2022-2026: ['Framing Kent's Future'](#). As a key infrastructure provider, KCC maintains an 'infrastructure first' approach⁷, ensuring infrastructure is planned for, funded, and delivered in a timely manner to create sustainable places.
- 2.1.2 Infrastructure helps to shape and deliver quality places. For example, schools provide focus at neighbourhood centres, especially when combined with other community facilities, by enabling parents dropping children off on foot to use local retailers and coffee shops. KCC recognises the importance of engaging early and throughout the planning and decision-making processes, working with other stakeholders to deliver quality places for people living and working in Kent.
- 2.1.3 KCC is aware that delivering sustainable infrastructure at the point of need is sometimes restricted by financial cashflows. KCC and its key stakeholders will seek to address this issue where possible through detailed master-planning of growth and places. In addition, it may be possible to bid for Government funding to 'unlock' development schemes through the early delivery of infrastructure projects. KCC will work collaboratively with the LPAs and developers to explore these areas, with the joint ambition to maximise funding opportunities for Kent through a co-ordinated strategic approach.

2.2 Sustainability and Climate Change

- 2.2.1 In ['Framing Kent's Future'](#), KCC has prioritised the environment, sustainability and climate change. One of its four key priorities is 'Environmental Step Change'. This includes four commitments to improve how KCC values and protect Kent's environment, take steps to achieve Kent's target of Net Zero by 2050, back carbon-zero energy production and ensure the county is well placed to adapt to climate change.
- 2.2.2 The planning system and contributions to sustainable development through infrastructure are central to achieving specific objectives, including significantly reducing transport emissions through road space, parking, and other initiatives, and promoting sustainable flood risk management

⁷ As set out in [Framing Kent's Future – Our Council Strategy 2022-2026](#) – Priority 2: Infrastructure For Communities

practices in development, regeneration, and land management. This reinforces the sustainable development commitment made in the Kent Design Guide⁸:

"To ensure residents have access to viable and attractive travel options that allow them to make safe, efficient and more sustainable journeys throughout Kent."

2.3 Garden Communities and Large-Scale, Strategic Development

2.3.1 Across the county, a proportion of new housing and employment growth is expected to be planned for through the provision of new garden settlements and large-scale, strategic developments. Some will be urban extensions, others distinct, stand-alone new entities. Their success depends on timely and efficient delivery of infrastructure, services, and facilities, including community, employment, and environmental infrastructure, to enable residents to 'live, work and play' in resilient, well-connected, and inclusive places.

2.3.2 The Town and Country Planning Association (TCPA)⁹ describes a Garden City as 'a holistically planned new settlement which enhances the natural environment and offers high-excellence affordable housing and locally accessible work in beautiful, healthy, and sociable communities'. The Garden City Principles are an indivisible and interlocking framework for their delivery, and include:

- Land value capture for the benefit of the community.
- Strong vision, leadership, and community engagement.
- Community ownership of land and long-term stewardship of assets.
- Mixed-tenure homes and housing types that are genuinely affordable.
- A wide range of local jobs in the Garden City within easy commuting distance of homes.
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.

⁸ Currently being revised following public consultation

⁹ <https://www.tcpa.org.uk/garden-city-principles>

- Strong cultural, recreational, and shopping facilities in walkable, vibrant, sociable neighbourhoods.
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

2.3.3 KCC expects large-scale/Garden Communities to be delivered in line with these principles and will work with districts from an early stage. Such projects may require their own demographic modelling if a predicted population change results in a significant increase in young families, for example. This may then result in the requirement for bespoke infrastructure to meet their growth needs (see paragraph 3.3.4).

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3.0 **Kent County Council: Contributions**

To establish an indication of contributions requested by KCC, the dwelling number and housing mix can be entered in Technical Appendix 3 – Development Contributions – Calculator. Contribution rates have been set at their maximum level to provide a maximum-contribution scenario'. It will not be until the specifics of an application are known to the county council that appropriate contribution rates can be provided. For example, whether or not a primary school can be expanded to provide places, or a new school (including land) is required.

- 3.1.1 KCC is responsible for delivering and maintaining much of the large-scale infrastructure that Kent residents and businesses require, including roads, schools, waste disposal services and libraries. Much of this provision is already at capacity and therefore, the impact of growth is a key consideration.
- 3.1.2 KCC may seek contributions and/or facilities from developments to mitigate the impact of growth on infrastructure and services including, but not limited to:
- Adult Social Care (ASC)
 - Community Learning and Skills
 - Education- Primary
 - Education- Secondary
 - Education -Early Years
 - Education – Special Education Needs
 - Highways and Transportation
 - Integrated Children’s Services - Youth Services/Early Years Service
 - Land for Education, Highways and Waste
 - Libraries, Archives and Registrations
 - Public Rights of Way (PRoW)
 - Waste Disposal and Recycling
- 3.1.3 KCC will engage with the Local Plan processes, led by the Local Planning Authorities to ensure infrastructure is planned for from the outset within Local Plan Policies, as required by the NPPF. The detailed approach to

setting out KCC contributions is set out in the Technical Appendices to this document.

3.2 Type and Level of Contributions

- 3.2.1 KCC will take a consistent approach to assessing the need for developer contributions, but the specific circumstances of each case will be considered on its own merit. For example, this will include assessing the current capacity of KCC infrastructure/services relevant to the development in question, such as school capacities. It will provide evidence that the infrastructure is required (in whole or in part) to serve the proposed development, considering any existing local surplus service capacity. Provisions and contributions in respect of large-scale development and Garden Communities will be assessed on a bespoke basis (see paragraph 3.3.4).
- 3.2.2 Requirements for large sites allocated in local plans will have been calculated and identified at the infrastructure planning and plan-making stage. General contribution levels for each infrastructure type are set out in the Technical Appendices and Table 1 of this Guide.

3.3 How KCC Assesses the Impact of Each Development

- 3.3.1 KCC uses service-specific models to calculate the likely client numbers generated by any given development. Most are flexible to allow for additional information that may affect the result. Outputs are provided to applicants, who can support the process by providing details of the total number of dwellings and housing mix proposed.
- 3.3.2 The technical appendices provide information on the approach and justification for seeking planning obligations from new development on a service-by-service basis. They advise on thresholds, base charges, and comment on the potential use of contributions. Information regarding individual projects will be provided at the time of a pre-application enquiry or consultation on a case-by-case basis. A summary is provided in Section 3, Table 1.
- 3.3.3 Where a CIL charge has not been introduced, planning obligations are the only route to delivering infrastructure to mitigate the effects of development. If a development is not large enough to require on-site provision but large enough to affect service provision, KCC will use the methodology set out in the Technical Appendices to determine the scale and nature of the s106 obligations. Where an application has been submitted in outline, allowing the mix and number of dwellings to change at the Reserved Matters stage, KCC will create a formula for inclusion in the relevant s106 obligation, using the methodology set out in the Appendices.

3.3.4 Garden Communities and Large-scale Strategic Development- Bespoke Assessment

- 3.3.4.1 Evidence from previous large-scale developments (1,000 units or more) in Kent, such as Park Farm (Ashford) and Kings Hill (Tonbridge and Malling) suggests their population profile can be very different to that of smaller developments. In particular, the number of children, and thus the need for school places, is well above that for smaller in-fill projects.
- 3.3.4.2 KCC may use bespoke evidence, including from these existing large-scale sites, to ensure appropriate infrastructure is planned and provided on future similar developments. Responses to infrastructure planning at the plan-making and planning application stages will be based on demographic modelling specific to the proposed development – an approach supported by the Department for Education’s [Securing developer contributions for education](#) (November 2019 – para 34).

3.4 **How Infrastructure Projects are Identified - Plan Making**

- 3.4.1 Local Plans form the basis for service-related infrastructure planning. The NPPF (para 34) recognises that: *‘Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.’*
- 3.4.2 In accordance with the NPPF, KCC expects infrastructure to be planned and tested throughout the development of a Local Plan and Policy Making. It encourages LPAs to engage early on potential development scenarios and will provide evidence in relation to the impact of proposed growth scenarios based on the approach set out in this Guide. KCC will seek to coordinate with Kent LPAs throughout plan production, to ensure that appropriate levels of infrastructure are planned, as well as working together to create maximum impact for communities through efficient delivery of complimentary infrastructure.
- 3.4.3 In support of a Local Plan, local authorities may publish an Infrastructure Delivery Plan (IDP). KCC seeks to collaborate with districts and boroughs to develop a joint working approach to IDPs and unless otherwise agreed, KCC expects LPAs to use the costings and methodologies set out in this Guide (See Technical Appendices and Section 3, Table 1).
- 3.4.4 Strategic sites will often require new infrastructure provision, such as a new school, to mitigate their impact. Consequently, KCC will be seeking the inclusion of key infrastructure in local plan policies.

3.4.5 If there are delays in developments coming forward for consideration, the infrastructure evidence provided for the adopted development plan may no longer be up to date. Service needs can fluctuate due to factors beyond KCC's control: changes in national policy, a sudden rise in birth rates, or parents' preference for a particular school, for example. Where new or additional infrastructure requirements arise, KCC will provide robust evidence to support them, showing how the project meets the three tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

3.4.6 KCC may also explore pooling S106 contributions, in accordance with regulation 122 of the CIL Regulations 2010 (as amended), to mitigate the combined or cumulative effects of a selection of smaller sites fairly and efficiently. Applicants are strongly advised to contact KCC at the earliest opportunity to discuss the current potential infrastructure impacts of their specific development.

3.5 **Obsolete or Withdrawn Local Plans**

3.5.1 Where a Local Plan is out of date or has been withdrawn, KCC will assess the impact of each planning application on a site-by-site basis, using the costings and methodologies set out in this Guide and the Technical Appendices.

3.6 **The Scale and Nature of the Planning Obligation**

3.6.1 KCC will seek proportionate obligations based on the infrastructure needed to mitigate a development's specific impact. Indicative costs are shown in the Technical Appendices: KCC will confirm precise obligations at the point of consultation.

Before requesting a planning obligation, KCC will assess:

- a) If the proposed development will create a need in the local area; and
- b) If the infrastructure project identified to mitigate the impact of development aligns with the estimated costs shown in the Technical Appendix.

3.7 **KCC's Approach to Planning Obligations**

3.7.1 KCC's approach to calculating and seeking development contributions, including their legal and policy basis, is set out in the individual Technical Appendices.

3.8 **Thresholds, Qualifying Developments and Contribution Rates**

3.8.1 The thresholds for seeking s106 contributions from each service area are set out within the individual Technical Appendices and Table 1 below, unless as otherwise agreed with individual Districts as the determining

authority and accordingly supported by their Planning Policy, including lower thresholds.

3.8.2 Unless otherwise stated, no distinction will be made between:

- 'Open Market' and 'Affordable Housing'
- Caravan parks and similar forms of accommodation that are occupied for 12 months of the year as permanent residences
- Flats and houses

Discounts on contributions will be applied as follows:

Education – no contributions for education will be requested for non-applicable dwellings, C2 dwellings and age restricted dwellings (over 55s). Rates sought are based on houses and flats.

Integrated Children's Services – no contributions for Integrated Children's Services will be requested for non-applicable dwellings, C2 dwellings and age restricted dwellings (over 55s).

Community Learning & Skills and Adult Social Care – discounts may be applied for C2 dwellings, depending on the type of residential facility provided.

3.8.3 Table 1 (below) summarises the contributions that may be sought to mitigate the impact of growth.

Table 1 - Summary of Contributions Required by KCC Service Area as of 2022/23¹⁰ (for full details refer to the Technical Appendices (TA))

Service Area	Threshold for S106 Seeking Contributions	Expected Contribution	Index
Adult Social Care (TA1)	10 dwellings and above or a site size of 0.5Ha or more.	£180.88 per dwelling	BCIS All-In Tender Price
Community Learning and Skills (TA2)	10 dwellings and above or a site size of 0.5Ha or more.	£34.21 per dwelling	BCIS All-In Tender Price

¹⁰ Contact KCC for the most up to date information

Education – Primary – New Build (TA 4 & 6)	10 dwellings and above or a site size of 0.5Ha or more.	£7,081.20per applicable* House and £1,770.30 per applicable* Flat	BCIS All-In Tender Price
Education – Primary – Expansion (TA 4 & 6)	10 dwellings and above or a site size of 0.5Ha or more.	£5,412.74 per applicable* House and £1,353.18 per applicable* Flat	BCIS All-In Tender Price
Education – Secondary – New Build (TA 4 & 6)	10 dwellings and above or a site size of 0.5Ha or more.	£5,587.19 per applicable* House £1,396.80 per applicable* Flat	BCIS All-In Tender Price
Education – Secondary – Expansion (TA 4 & 6)	10 dwellings and above or a site size of 0.5Ha or more.	£5,329.27 per applicable* House and £1,332.32 per applicable* Flat	BCIS All-In Tender Price
Special Educational Needs and Disabilities (TA 4 & 7)	10 dwellings and above or a site size of 0.5Ha or more.	£559.83 per applicable* House and £139.96 per applicable* Flat	BCIS All-In Tender Price
Education Land (TA 4, 8, 9 & 11)	10 dwellings and above or a site size of 0.5Ha or more.	To Be Advised	BCIS All-In Tender Price
Flood Risk Management and Sustainable Drainage (TA 12)	Strategic Development	To Be Advised	BCIS All-In Tender Price
Heritage and Archaeology – Community Archaeology Provision (TA 13)	Sites which are strategic in size or sited in areas of significant archaeological potential	To Be Advised	BCIS All-In Tender Price

Highways and Transportation (TA 14)	Any development impacting upon the highway.	Highway works required to mitigate impacts demonstrated within the applications Transport Statement/Assessment via s278, S38 Agreements. Highway Works and/or Travel Plan interventions via s106 contributions and/or commuted sums for maintenance.	Road Construction Index (ROADCON) or BCIS General Build
Integrated Children's Services – Youth and Early Years Services (TA15)	10 dwellings and above or a site size of 0.5Ha or more.	£74.05 per dwelling	BCIS All-In Tender Price
Libraries, Registration & Archives (TA16)	10 dwellings and above or a site size of 0.5Ha or more.	£62.63 per dwelling	BCIS All-In Tender Price
S106 Monitoring Fee	All S106 agreements	£300 per payment trigger	BCIS All-In Tender Price
Public Rights of Way (PRoW) (TA17)	Assessed on a case-by-case basis	To Be Advised	Road Construction Index (ROADCON) or BCIS General Build
Waste Disposal and Recycling (TA18)	10 dwellings and above or a site size of 0.5Ha or more.	£194.13 per dwelling (maximum - dependent on projects required for the locality)	BCIS All-In Tender Price

Please note:

- All costs referred to above and elsewhere within this document are based at Q1 2022 and will be reviewed regularly.
- Indexation Base Date for quoted costs is Q1 2022.
- For the purposes of education contributions, Applicable Dwellings means dwellings with one or more bedrooms, and over 56 sqm GIA.
- The costs to mitigate growth are shown per dwelling and will be used to inform the county council's responses to local plan proposals.
- Where the LPA is not seeking a s106 contribution, KCC may seek CIL contributions for the required infrastructure, as shown above.
- This guide does not specify every type of contribution that may be required to make development acceptable in planning terms. It provides an overview of obligations which may be sought by KCC as part of the planning process, where necessary. Applicants should contact their Local Planning Authority for advice regarding contributions which may be sought by the LPA (e.g., affordable housing, sports provision, public open space, allotments, cemeteries, community buildings and health etc.).

- 3.8.4 This table outlines contributions that may be expected when assessing infrastructure required at the plan-making stage, and for individual planning applications. Planning obligations may be in the form of financial contributions, works, on-site provision, or land.
- 3.8.5 To establish how contributions are assessed, and the amount likely to be required by KCC, please refer to the Technical Appendices. Unless otherwise stated, assessment of service capacities will take place at planning application stage.
- 3.8.6 To establish an indication of contributions requested by KCC, the dwelling number and housing mix can be entered in Technical Appendix 3 – Development Contributions – Calculator.

4.0 Land, Buildings and Contributions In-Kind

4.1 The Requirement for Land

- 4.1.1 In some circumstances, KCC may require land to be transferred to its ownership. Examples include new or expanded schools and nurseries, buildings for community services or land to be dedicated as highway or other forms of travel infrastructure. KCC will work with LPAs and developers during the development of Local Plans, to identify and allocate sites to ensure additional infrastructure can be delivered. This will include work to establish the value of land, which will be carried out on a case-by-case basis.
- 4.1.2 For some new infrastructure relating to development, land may be required to establish a new facility on the development site itself. In other cases, it may be more appropriate to expand an existing local service.
- 4.1.3 Where infrastructure is needed to serve more than one development¹¹, the land element may be provided by one developer on their site, with other developers making a capital contribution towards it. Developers will need to work together to agree a proportionate approach to their contribution. Each development will be considered on a site-by-site basis. Where an equalisation agreement is not forthcoming, proportionate financial contributions will be sought from the relevant developments.
- 4.1.4 Where land has been provided at nil consideration to KCC, other developments coming forward in the site's vicinity may be required to make a proportionate contribution towards the land provided by a developer (see Para 5.6 Apportionment and Land Contributions for further details).

4.2 Location and Suitability

- 4.2.1 Developers should discuss their plans with KCC and the local planning authority at the earliest opportunity to identify the most appropriate potential locations for new infrastructure. For large strategic sites, this should include a masterplan, considering sustainable transport and active travel routes, both within the site and connecting to existing neighbourhoods. The location of a potential KCC service need should be carefully considered in relation to other potential non-compatible uses.
- 4.2.2 Once the location has been agreed, ground conditions must be considered. For school sites, the General Land Transfer Terms are attached at Technical Appendix 8. Please contact developer.contributions@kent.gov.uk for the most up-to-date version.

¹¹ For example, where several sites have been grouped together under one strategic allocation within the local plan.

4.2.3 See also Technical Appendix 9 for the current site-size requirements for education purposes.

4.3 Land Transfers – Legal Agreement

4.3.1 In most cases land will be provided at a nominal cost of £1 ('nil consideration') with the trigger for transfer set out within the s106 agreement. The agreement's timescales should be flexible, enabling KCC to plan for timely delivery. If KCC has not entered into a build contract to provide the facility within 10 years of the transfer date (or other longer time as may be agreed), the land will be transferred back to the developer.

4.4 Works and Buildings – Direct Delivery

4.4.1 In some cases, developers may wish to carry out works themselves, in lieu of financial contributions. These could include constructing a building that is then transferred to KCC together with land. This can often be the most effective way of timely, on-site delivery; however, it will be subject to strict requirements, detailed specifications, and appropriate surety, and agreed on a case-by-case basis.

4.4.2 Developers should be aware that procurement and competition laws require public works contracts to be openly tendered. Where works-in-lieu are deemed acceptable, KCC will require an indemnity against any claim resulting from a breach in these regulations.

5.0 Guidance applicable to all Section 106 contributors

5.1 Pre-Application Advice

- 5.1.1 KCC welcomes early involvement in discussions to resolve key issues before planning applications are submitted.
- 5.1.2 Developers are therefore, advised to contact the appropriate LPA (listed in 6.2) at the earliest opportunity. The LPA may wish to conduct discussions with KCC or be happy for the developer to approach KCC directly. KCC offers pre-application s106 infrastructure advice, in respect of education, communities, and waste free of charge: a fee applies for pre-application advice from KCC Highways and Transportation. Further information can be found [here](#).
- 5.1.3 From the information provided, KCC will use the process/formulas set out in the Technical Appendices to identify the development's impact on local infrastructure and services. It will suggest possible mitigation measures and estimate the cost of any developer contributions it may seek once a planning application is submitted.

5.2 Planning Performance Agreements

- 5.2.1 Kent County Council encourages Planning Performance Agreements (PPAs). These are voluntary agreements, normally involving the applicant of major or strategic developments that impact the county and the services KCC provides. PPAs enable the applicants and the county council (plus the Local Planning Authority (LPA) as appropriate) to set out a framework for dealing with these applications, including pre-application stage. This framework may include agreeing timescales, setting up working groups, defining the role of each interested party, as well as defining the cost of resourcing KCC's services towards each project.

5.3 S106 Legal Agreements – Unilateral and Multiparty Agreements

- 5.3.1 Unilateral Undertakings under s106 of the Town and Country Planning Act 1990 do not require the LPA or KCC to perform any duties or be a signatory. These are, however, generally only appropriate for small developments where a full planning application has been made and the dwelling mix is fixed.
- 5.3.2 For most developments, full tripartite agreements are encouraged, to aid effective delivery of infrastructure in a timely manner. KCC and the LPA will need to enter into obligations with the developer, requiring:
- the use of financial contributions for specific purposes
 - sums to be placed in interest bearing accounts
 - the safeguarding of land e.g., for education or highways purposes

- the return of unused contributions after ten years (unless a longer period is otherwise agreed).
- 5.3.3 Where KCC is a receiving authority for planning contributions, it encourages legal agreements to which it is itself a signatory. This avoids any further need to apply to the LPA for the release of funding that has already been determined in the planning application as CIL Regulation-compliant.
- 5.3.4 KCC should be involved in negotiating and agreeing any planning obligations that are due to be paid to it, to ensure these are fit for purpose and CIL-compliant. Again, early engagement is encouraged.
- 5.3.5 Once completed, the LPA will record the s106 legal agreement as a local land charge. Both KCC and the Local Planning Authority will then monitor compliance with the agreement. KCC maintains a register of all planning obligations. KCC will provide clear audits to the district and other stakeholders, showing when s106 monies are received and where and when they are spent.
- 5.4 Phased Payment and Triggers for Payment**
- 5.4.1 Payment triggers for contributions will be required to reflect the need and priority of infrastructure delivery at the time of the application, as well as the nature of the development proposal. Triggers might usually be expected to be on Commencement, 25% occupations and 50% occupations. If payments are made at later stages of development, contributions should not be made beyond the stage where KCC needs to begin work on new provision, since it will not forward-fund projects that would incur interest payments. Triggers for payment must usually, therefore, be met during the early stages of development to avoid additional costs.
- 5.4.2 In the case of large developer contributions, phased payments may be appropriate. However, KCC will not support contributions being paid in arrears i.e., after the development to which the amounts relate has been occupied. Where later payments are considered essential by the LPA to ensure development viability, KCC may request surety from the developer, through a bond provider, to protect payment in the event of insolvency (see Para 5.7, Bonds and Guarantors).
- 5.5 Indexation**
- 5.5.1 Contributions are subject to indexation to account for inflation. This ensures that they continue to cover the actual future cost of delivering the infrastructure.
- 5.5.2 Indexation establishes a base date, at which the index equals 100. If costs rise, the index point rises by an equivalent percentage. For example, if

costs have increased by 5% since the base date, the current index point will be 105. Updated indices are published regularly.

5.5.3 The index for each contribution type is given in Section 3, Table 1 of this Guide and Technical Appendices. Indexation must run from the date the costing is based, up until the date of payment.

5.5.4 To apply the index and work out the contribution that is payable, the following formula must be used:

Contribution Payable

$$= \text{Contribution Requested} \times \frac{\text{Index at date of payment}}{\text{Index on which request was based}}$$

5.5.5 For example: KCC requests a contribution of £1,000.00 based on the BCIS General Building Cost Index of April 2020 Index, which is 360.3. If the Index increases to 378.4 by the date of payment, the contribution payable is calculated as follows:

$$\text{Contribution Payable} = £1,000.00 \times \frac{378.4}{360.3} = £1,050.24$$

5.5.6 This example excludes any late-payment interest which applies from the date a payment is due and is not indexed - see Para 5.12.2

5.5.7 KCC cannot provide copies of indices (which are produced by subscription services) to developers owing to copyright restrictions. KCC will, however, provide the calculation and an explanation of the result on request.

5.6 Apportionment and Land Contributions

5.6.1 The general principles underpinning apportionment are as follows:

- Infrastructure interventions/projects should be matched to those development(s) which result in that intervention being required.
- Contributions should be equitable between developments, in proportion to the scale of the development and level of impact or generated demand.

5.6.2 Therefore, contributions should be proportional to the level of impact or generated demand resulting from the planned growth based on likely trip generation, housing unit numbers and child yields etc.

- 5.6.3 Through the local plan process, KCC will work with the local planning authorities and developers to identify and allocate sites to meet the needs of new infrastructure provision, including education, highways, and waste services.
- 5.6.4 In terms of land to deliver the infrastructure, it is expected that this land will be provided to the county council at 'nil consideration'. Where a development is providing land and the site area is in excess of that required solely to meet the needs of their development, the landowner should not be disadvantaged. Therefore, KCC will seek proportionate financial contributions for the land from other contributing sites and where secured and received, will transfer these sums to the land provider. For example, the value of the land will normally be based on its existing or alternative use value where there is no realistic prospect of development, or the site has been allocated in the development plan. If the site could realistically have been given residential permission but for the need to facilitate the provision of the infrastructure to meet the needs of other development sites, it would normally be valued at residential land value. In any event the site will be provided to KCC at 'nil consideration.' The county council will work with the LPAs to secure this via the s106 process and CIL contributions.

5.7 Bonds and Guarantors

- 5.7.1 KCC may require surety where s106 funding is enabling the delivery of a large infrastructure project. This may take the form of bonds, parent company guarantees or letters of intent, as agreed with KCC's Corporate Director of Finance.
- 5.7.2 The precise nature of the surety will be determined by a detailed analysis of the organisation's published financial statements and independent credit report, using recognised techniques such as accounting ratios. It will also take into consideration the contract's value and duration, and the nature of the industry in which the project is being delivered. This will be discussed with the organisation.
- 5.7.3 The size of a bond will depend on the contribution/s required and calculated to ensure nil cost and risk to the authority. It will take the form of either a cash deposit, or a surety provided by a third party (a recognised bond provider such as a major bank or insurance company on the Financial Services Register and approved by the Financial Conduct Authority). In the event of a breach, KCC must be sure that any financial contributions are available immediately.

5.8 Viability

- 5.8.1 Viability should be considered at the plan-making stage, as set out in para 58 of NPPF. As part of the evidence base for their Local Plans (or CIL

charging schedules), LPAs should have a published viability assessment as part of the evidence base for their plans, in accordance with the standardised approach in the Viability Planning Practice Guidance (www.gov.uk/guidance/viability). This will include the infrastructure requirements and cost estimates to meet planned growth, as provided by KCC. Local Plans should, from now, be using the standards and multipliers set out in the Guide.

- 5.8.2 The LPAs all have local plan policies that seek to mitigate development in terms of infrastructure, the cost of which will potentially change over time. KCC provides evidence of need and the cost of mitigation at application stage, which will address development plan policy, NPPF and meet the CIL Reg 122 tests. If the Guide adversely impacts the viability of a development to the point where it cannot be delivered, this could constitute the basis of a viability review (allowed for within the Planning Practice Guidance (PPG) - Viability).
- 5.8.3 In areas with an up-to-date Local Plan, viability assessments should not be required for planning applications, since it is assumed that policy-compliant development is viable. Most developments in these areas should therefore meet KCC's s106 requirements as contained in this Guide.
- 5.8.4 It is acknowledged that some Local Plans will have been assessed taking into account the expected levels of mitigation required at that time. Local Plan adoption times for the 12 Planning Authorities across the county are varied and as such it would not be possible to match perfectly with all authorities. KCC is committed to regularly update the Guide in accordance with fluctuations of service demands and costs, to ensure the CIL Reg 122 test are met.
- 5.8.5 Where the plan is out of date, there has been a change in circumstances, or requirements in this Guide otherwise can't be met, a viability assessment may be submitted to the LPA when seeking planning permission. This should be based on the standardised approach in the PPG and refer to the viability assessment that informed the Local Plan and what has changed since then. The applicant must explain why the scheme's particular circumstances justify reduced infrastructure delivery. It should also be disclosed to KCC in full and unredacted form.
- 5.8.6 The publication of the guide will inform developers, ensuring that they know the likely infrastructure costs (and certainly the maximum-contribution scenario) when they are bidding for land or securing options.
- 5.8.7 While it is KCC's role to assess a new development's impact on its services, the LPA has to consider the cumulative cost of all relevant developer contributions, assess the development's viability and balance

that with the need to deliver sustainable growth. Where the LPA deems the total s106 contributions would not be viable, KCC expects the legal agreement to include a review mechanism enabling additional payments should viability improve. This is applicable where a Local Plan includes reference to such review mechanisms. KCC therefore, encourages LPAs to include a review mechanism within their local plan.

5.8.8 In general, a development should alleviate its own impact. However, KCC accepts that some overwhelming public benefits can only be realised by giving permission to schemes that would be unviable if full planning obligations were met. In these circumstances, the PPG states that a proposed development should not be judged 'not viable' through a developer paying too much for land.

5.8.9 Any departure from the normal approach outlined within this Guide will be reported bi-monthly to KCC's Infrastructure First Group.

5.8.10 Kent County Council will be transparent regarding all s106 processes, decisions, and procedures.

5.9 Viability Reviews

5.9.1 The PPG ([009 Reference ID: 10-009-20190509](#)) states that Local Plans should set out where a review mechanism may be appropriate. It goes on to say:

"Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."

5.9.2 Where KCC and the LPA agree to a review mechanism to aid cashflow and the delivery of the development, KCC will follow the methodology set out in the Local Plan or agree the viability review methodology with the LPA to be included in the s106 agreement.

5.10 Planning Appeals

5.10.1 Where an appeal is submitted to the Planning Inspectorate and KCC has previously sought planning obligations, KCC will re-assess the development proposal to ensure its requests remain up to date and necessary. Where contributions are required, KCC will submit an appeal statement and / or statement of common ground to the Planning

Inspectorate. Applicants should contact both KCC and the LPA early in the appeals process, to ensure efficient production of legal agreements and reduce any duplication of work that might otherwise occur.

5.11 Procedure for the Discharge of Planning Obligations to KCC

- 5.11.1 When submitting an obligation discharge request, applicants should provide sufficient information to identify the original permission. This includes the planning application reference, the date of the s106 legal agreement or subsequent deed of variation (if applicable) and the clause to which the request relates.
- 5.11.2 Where KCC is satisfied that the requirements of a particular clause or clauses have been complied with, the Development Investment Team will issue a formal discharge notice to the applicant and relevant LPA.
- 5.11.3 Applicants wishing to discharge s106 planning obligations should email: developer.contributions@kent.gov.uk.

5.12 Fees, Charges and Monitoring

5.12.1 S106 Legal Agreement Fees

- 5.12.1.2 Applicants are responsible for the cost of negotiating, agreeing, and completing any legal agreement, to cover KCC officer time and resources. This will apply also to Planning Appeals.

5.12.2 Late Payment Interest

- 5.12.2.1 Late-payment interest set at 4% above the Bank of England Base Rate will be charged on the outstanding balance from the payment due date.

5.12.3 Monitoring costs

- 5.12.3.1 KCC applies s106 monitoring fees under Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This is reflected in Planning obligations PPG - Paragraph: 036 Reference ID: 23b-036-20190901 and for CIL in the Community Infrastructure Levy Regulations 2010 (as amended).
- 5.12.3.2 KCC will manage and monitor each legal agreement/unilateral undertaking from the point at which it is signed. The monitoring fee will be payable where KCC is to receive contributions, with payment due on commencement of the development.
- 5.12.3.3 A monitoring fee of £300.00 will be payable for each payment trigger. For example, where all contributions are paid on two trigger points, this will incur two payments totalling £600.00.

5.12.4 Time Limit for Spend of Contributions

5.12.4.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed. See also the Department for Education (DfE) guidance 'Securing developer contributions for education' published in April 2019¹².

5.12.5 Infrastructure Funding Statement

5.12.5.1 The Community Infrastructure Levy (CIL) regulations require all LPAs that issue CIL liability notices or enter into section 106 planning obligations during a reporting year to publish an Infrastructure Funding Statement (IFS) at least annually. KCC's IFS can be found [here](#).

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12

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf

6.0 Contact with KCC and District Councils/Local Planning Authorities

6.1 Kent County Council - Contacts

Who to contact:

For planning obligations in relation to all non-transport matters, contact the Development Investment Team.

developer.contributions@kent.gov.uk;

For information on planning obligations in relation to transport matters, contact the Highways Development Management Team.

[Highway pre-application advice – Kent County Council](#)

For pre-application advice from a specific service area, contact the relevant team as shown below:

Service	Email Address
Highways and Transportation - East Ashford, Canterbury, Dover, Folkstone and Hythe, Swale and Thanet	DevelopmentPlanningEast@kent.gov.uk ;
Highways and Transportation - West Dartford, Gravesham, Maidstone, Sevenoaks, Tonbridge and Malling and Tunbridge Wells	Developmentplanningwest@kent.gov.uk ;
Public Rights of Way (PRoW) - East Ashford, Canterbury, Dover, Folkstone and Hythe, Swale and Thanet	eastprow@kent.gov.uk ;
Public Rights of Way (PRoW) - West	westprow@kent.gov.uk ;

Dartford, Gravesham, Maidstone, Sevenoaks, Tonbridge and Malling and Tunbridge Wells	
Education	North Kent – ian.watts@kent.gov.uk ; East Kent – marisa.white@kent.gov.uk ; South Kent – lee.round@kent.gov.uk ; West Kent – nicholas.abrahams@kent.gov.uk ;
Waste	wasteinfrastructure@kent.gov.uk ;

6.2 Local Planning Authorities

6.2.1 For advice on local planning authority requirements for developer contributions, please contact the appropriate authority listed below:

District, Borough, or City Council	Telephone Number	Website Address and Email Contact Details
Ashford Borough Council	Tel: 01233 331111	www.ashford.gov.uk ; planning.help@ashford.gov.uk ;
Canterbury City Council	Tel: 01227 862000	www.canterbury.gov.uk ; planning@canterbury.gov.uk ;
Dartford Borough Council	Tel: 01322 343434	www.dartford.gov.uk ; planning.admin@dartford.gov.uk ;
Dover District Council	Tel: 01304 821199	www.dover.gov.uk ; developmentmanagement@dover.gov.uk ;
Folkstone and Hythe District Council	Tel: 01303 853000	www.folkstone-hythe.gov.uk ; planning@folkstone-hythe.gov.uk ;

Gravesham Borough Council	Tel: 01474 337000	www.gravesham.gov.uk ; planning.general@gravesham.gov.uk ;
Maidstone Borough Council	Tel: 01622 602000	www.maidstone.gov.uk ; planningsupport@midkent.gov.uk ; (shared service with Swale Borough Council)
Sevenoaks District Council	Tel: 01732 227000	www.sevenoaks.gov.uk ; planning.comments@sevenoaks.gov.uk ;
Swale Borough Council	Tel: 01795 417850	www.swale.gov.uk ; planningsupport@midkent.gov.uk ; (Shared service with Maidstone Borough Council)
Thanet District Council	Tel: 01843 577000	www.thanet.gov.uk ; planning.services@thanet.gov.uk ;
Tonbridge and Malling Borough Council	Tel: 01732 844522	www.tmbc.gov.uk ; planning.applications@tmbc.gov.uk ;
Tunbridge Wells Borough Council	Tel: 01892 526121	www.tunbridgewells.gov.uk ; planning@tunbridgewells.gov.uk ;

Technical Appendix 1: Adult Social Care (ASC)

1. Service Overview

- 1.1 The UK is an aging society: 25% of the population people will be over 65 by 2050, up from 19% in 2019¹³. Disability among working-age adults has also increased to 19%, up from 15% in 2010/11¹⁴. This means more people with complex needs who require support from the health and social care system. This includes young people with learning and physical disabilities who are moving from Children's to Adult Services, often with significant support requirements. KCC is therefore constantly re-evaluating how its Adult Social Care (ASC) service commissions care and provides suitable accommodation.
- 1.2 ASC services comprise social work, personal care, and practical support for adults (18 years+) with a physical or learning disability, or physical or mental illness. It also includes safeguarding for those at risk of harm and abuse, and support for unpaid carers.
- 1.3 A key priority is enabling residents to live safely and independently in their own communities for as long as possible. [Making a difference every day – Our strategy for Adult Social Care 2022 to 2027](#) (April 2022) sets out KCC's ASC strategy, in conjunction with [Framing Kent's Future – Our Council Strategy 2022-2026](#), Priority 4: New Models of Care and Support.
- 1.4 Services may be delivered in people's own homes (home or domiciliary care), in day centres and specialist accommodation¹⁵. KCC also provides 'reablement' services to help people regain independence, aids and adaptations for people's homes, information and advice and support for family carers. Services for those unable to stay in their own homes may be provided via care homes and nursing homes ('residential care').
- 1.5 KCC has statutory responsibilities to provide Adult Social Care services under:
- Care Act 2014
 - Mental Health Act 1983

¹³ 'Meeting housing demand' House of Lords, Built Environment Committee 1st Report of Session 2021-2022

¹⁴ Key facts and figures about adult social care, The King's Fund 2 July 2021

¹⁵ For the purposes of this document, specialist accommodation is an umbrella term which includes supported living, warden assisted housing and extra care accommodation

- Mental Capacity Act 2005
- Equalities Act 2010
- Human Rights Act 1998

1.6 The overarching Care Act 2014 adds new and extends existing responsibilities, including:

- promoting wellbeing
- protecting (safeguarding) adults at risk of abuse or neglect
- preventing the need for care and support
- promoting integration of care and support with health services
- providing information and advice

2. **Assessing Need and Calculating Demand**

2.1 Under its Care Act duties and to support sustainable care market in Kent, KCC produces [Adult Social Care Commissioning Market Position Statements](#). These provide a snapshot current demand, supply, and opportunity across the county; they are reviewed regularly as demand and fluctuations in the wider health and care economy affect affordability and provider confidence.

2.2 **Threshold for Seeking Contributions and Qualifying Developments**

2.2.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and will generate a request for an ASC contribution where demand for services exceeds supply.

2.2.2 KCC will not seek contributions from:

- Student accommodation
- C2 Dwellings – these may be exempt depending on the type of social care offered within the setting
- Sites specifically set aside for transient Gypsy and/or Traveller communities

2.3 **Assessing ASC Client Numbers and Service Capacity**

2.3.1 The tables below set out the need and cost of social care infrastructure to deliver ASC services to KCC clients only. KCC is currently operating at capacity, so any increase in need for ASC infrastructure created by new developments will incur a cost. Note that KCC's high thresholds mean there

are much larger numbers of Kent adults with appropriate needs who are nevertheless unable to access these services.

2.3.2 ASC client numbers and costs of infrastructure provision per dwelling are derived from total annual clients for each service/infrastructure area, and the average cost per client per week, taken from KCC Social Care data. Total client numbers are converted to clients per 1,000 adult (18+) population based on the latest population estimates available for Kent (excluding Medway). An average adult occupancy rate of 1.85 is used to estimate the number of new ASC clients generated per new dwelling.

2.3.3 Costs per dwelling (shown in Table 1 below) follow a similar conversion with the average cost per client per week converted to an annual cost, then multiplied by the clients-per-new-dwelling figure.

Table 1: Adult Social Client Numbers (compiled 2021) by Infrastructure Need

Infrastructure Service Area	Number of ASC clients (2019/20)	Clients per 1,000 adult population ¹⁶ (2019/20) ¹⁷	Clients** per Dwelling (2019/20)
*Specialist Housing ¹⁸	3,007	2.40	0.44
Assistive Technology and Home Adaptation Equipment	6,365	5.08	0.94
Equipment including Changing Places and sensory equipment/facilities	51,077	40.73	7.54
Day care (adapting Community Facilities)	2,035	1.62	0.30

*Excludes KEAH¹⁹ **Please note that there is not one client number per dwelling. Within Adult Social Care, individuals may have multiple needs, which means that they may be clients of one or more of the infrastructure areas set out above.

¹⁶ Population data based on KCC Forecasts April 2022

¹⁷ Client rates based on the Kent mid-year population estimate in 2019

¹⁸ Includes supported living and extra care accommodation

¹⁹ Kent Enablement at Home (KEAH - an intense short period of help given to people to stay at home and recover following for example time in hospital, and therefore stay independent at home as long as possible)

3. Contribution Rates

3.1 Contributions for Adult Social Care are set out in Table 2 below:

Table 2: Adult Social Care Contribution Rates Per Dwelling

Infrastructure Area	Number of Clients (2019/20)	Cost Per Client*** (2019/20)	Cost per Dwelling
Specialist Housing	3,007	£30,989.40	£137.48
Assistive Technology and Home Adaptation Equipment	6,365	£156.52	£1.47
Equipment Including Changing Places and Sensory Equipment	51,077	£201.76	£15.20
Day care (Adapting Community Facilities)	2,035	£8,904.48	£26.73
Total Contribution Rate Per Dwelling			£180.88

***Costs per client are based upon a one-off average annual cost of providing the infrastructure for each client per category.

4. Spending Contributions: Projects

4.1 KCC will direct contributions towards the following infrastructure areas to meet its priority of supporting independent living:

- Specialist housing – including extra care and supported living accommodation²⁰.
- Digital technology systems and home adaptation equipment
- Adapting community facilities to make them accessible for all, so clients can access support services and facilities safely and comfortably and be active and engaged in their communities
- Sensory facilities – including the innovative technology to reduce stress and anxiety or encourage sensory development and social engagement, or exterior facilities including sensory gardens.
- [Changing Places](#) with additional features beyond standard accessible toilets to meet the needs of people with a range of profound disabilities, and their carers, usually located in or near a popular public area.

²⁰ S106 contributions are being sought from new housing developments, it may therefore, be queried why the county council is then seeking contributions towards Specialist Accommodation. Whilst new residents may move in without any ASC requirements, accidents or illness that result in temporary or permanent disabilities can happen at any point, resulting in specialist accommodation requirements for some.

5. Accessible Homes

5.1 KCC's focus on independent living means the number of people living in older person care homes in Kent is falling dramatically. At the same time, the demand for supported living schemes and homes that cater for an aging population and complex needs is growing.

5.2 KCC therefore expects large, new developments and settlements to provide supported housing and care home requirements and will seek s106 contributions to purchase nomination rights for its clients. KCC will use the local plan process and encourage changes to LPA housing policy to require new residential developments in Kent to provide for this shifting housing need, including:

- Supported housing for those of working age - smaller housing units that may be delivered by a registered provider, or in conjunction with a private landlord.
- Housing with care ('extra care housing') for older people on a range of tenures including rental, shared ownership and private freehold
- Care homes and nursing homes for those with high-level residential needs, complex nursing needs and dementia, plus short-term provision for respite care.

5.3 In June 2019, guidance from the Ministry of Housing, Communities and Local Government identified a critical need to provide housing for older and disabled people. KCC will therefore request:

- all homes within the planning application to be built (as a minimum) as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M4 (2).

6. Indexation

6.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC applies the BCIS All-In Tender Price index, with the base date for indexation set at Q1 2022.

7. Time Limit on Spend

7.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

Technical Appendix 2: Community Learning and Skills (Adult Education)

1. Service Overview

1.1 KCC provides community learning and skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling UP Kent and Priority 2 – Infrastructure For Communities).

1.2 The CLS vision²¹ is 'to help every adult and young person in Kent to achieve their potential in life, whatever their background'. In collaboration with other skills and education services, KCC's CLS supports:

- adults seeking skills for employment
- young people entering the world of work
- organisations seeking to improve the skills and potential of their staff
- adults learning for personal development, pleasure, and wellbeing
- families (especially those in Kent's disadvantaged neighbourhoods)

1.3 Through its district centres and outreach facilities, CLS provides a wide range of learning opportunities including:

- flexible learning in basic employment-related skills such as English, Maths and ICT providing, improving the general skill level of the workforce, and supporting economic growth
- specialist courses such as IT and Business, Arts and Crafts, Health and Wellbeing and Therapies and Beauty, helping adults to develop their careers and obtain higher-skilled work
- English for Speakers of Other Languages (ESOL) courses to boost employment and education opportunities
- courses in Parenting, Family Learning and Neighbourhood Learning to promote social cohesion, especially in deprived communities.

1.4 As well as increasing people's skills and educational attainment, CLS can help those moving into new developments to overcome social isolation, and

²¹ The Community Learning and Skills: Vision and Priorities is an internal document, setting out the vision and mission statement of the service. This document is reviewed under the five-year Ofsted Inspection Cycle and is mapped against Ofsted's Education Inspection Framework.

encourages community cohesion, both within the new development and wider area.

2. Assessing Need and Calculating Demand

2.1 Threshold for Seeking Contributions and Qualifying Developments

2.1.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and could generate a request for CLS contributions.

2.1.2 KCC will not seek contributions from:

- Student accommodation
- C2 Dwellings – depending on the type of C2 Dwelling and whether residents are able to participate in CLS activities
- Sites specifically set aside for transient Gypsy and/or Traveller communities

2.2 Service Capacity

2.2.1 CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found at <https://kentadulthoodeducation.co.uk/>.

2.2.2 Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres. To increase capacity, CSL operates an outreach programme to bring services directly to communities: new developments will be required to contribute towards the cost of equipment and resources.

2.2.3 There is currently physical capacity within the hubs for specialist courses. However, increased enrolments will place additional demands on IT, learning technology and other equipment. New developments will also be expected to contribute towards this.

2.3 New Users Per Dwelling

2.3.1 The number of new enrolments per dwelling (Table 1) is derived from the total number of current enrolments. This figure is applied against the latest adult (19+) population estimates to create an enrolment per head of population ratio. The per dwelling figure is based on an average adult occupancy rate of 1.85 per new dwelling.

Table 1 – New Enrolments per Dwelling

Total Enrolments in Service		Enrolments per 1,000 Adult (19+) Population		Enrolments per New Dwelling
33,000	→	26.70*	→	0.05*
Calculations	→	$33,000/1,236,171*1,000$	→	$26.70/1,000*1.85$

*Rounded to two decimal places for presentation

3. Contributions Per Dwelling

3.1 Similarly, the total cost (Table 2 – below) of providing flexible classroom equipment and in-centre equipment upgrades to CLS students (enrolments), based on average usage ratios, is applied to the enrolments per dwelling figure.

Table 2 - Cost of additional equipment to meet the needs of each new enrolment

Infrastructure Requirement	Total Cost of additional IT, equipment, and resources per New Enrolment for flexible classroom and in-centre equipment upgrades
Cost Per New Enrolment**	£692.74

**costings based on previous experience of providing this infrastructure over 5 years.

3.2 The cost per dwelling (Table 3 – below) is calculated by multiplying the total cost of infrastructure/equipment per new enrolment by the number of new enrolments per dwelling.

Table 3 - Contribution Per Dwelling

	Contribution for Infrastructure/Equipment Per Dwelling (Cost Per New Enrolment * New Enrolments Per Dwelling)
Community Learning & Skills Contribution	£34.21

3.3 Strategic Development/Garden Communities

3.3.1 While KCC currently has no plans for new additional community learning centres, large strategic developments/garden communities may require new stand-alone buildings or library facilities within a community hub. The drive for

efficiencies is likely to influence overall space requirements and opportunities for co-location will be actively explored.

Requirements for new or extended CLS facilities (plus fixtures and fittings) will be assessed on a case-by-case basis and contributions sought accordingly, based on the costing set out below in Table 4.

Table 4 - Example Contribution sought for new build/extension

Build Cost Per Square Metre (including Fixtures and Fittings)	£3500
Classroom facility of 40 sqm + 20 sqm ancillary space/kitchenette/toilets	£210,000
Contribution Per Dwelling (using a development of 3000 dwellings) £210,000 / 3000	£70.00

4. **Provision of Infrastructure – Project Types**

4.1 Development contributions collected to increase CLS capacity within will be applied towards:

- additional IT, equipment, and resources to create flexible classrooms and extend the outreach service
- in-centre upgrades of specialist equipment, IT and learning technology

5. **Indexation**

5.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC applies the BCIS All-In Tender Price Index, with the base date for indexation set at Q1 2022.

6. **Time Limit on Spend**

6.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

Technical Appendix 3: Development Contributions - Calculator

This guide does not specify every type of contribution that may be required to make development acceptable in planning terms. It provides an overview of obligations which may be sought by KCC where necessary, as part of the planning process.

Applicants should contact their Local Planning Authority for advice regarding contributions which may be sought by the LPA (e.g. affordable housing, sports provision, public open space, allotments, cemeteries, community buildings and health etc.).

Based on the information that you input, the following spreadsheet will provide an **indication**** of the s106 contributions that your development may be required to provide to mitigate the needs of the new population. This will calculate the contributions for Kent County Council services only. To establish the exact requirements, please contact developer.contributions@kent.gov.uk;

Council District	Canterbury	Select dropdown to choose district	Indicates where information is required to be inputted.
Notes:			
Total Number of Dwellings			
Number of C3 Houses			If you do not know the dwelling mix, set all dwellings as houses. This will calculate the maximum contributions that KCC will request for the services set out below.
Number of C3 Flats			
Number of 'Non-Applicable' C3 Dwellings			Non-applicable' C3 dwellings are under 56 square metres, Gross Internal Area (GIA)
Number of C2 Dwellings			Education and Integrated Children's Services contributions will not be sought on C2 Dwellings. There may also be exemptions applied for Adult Social Care and Community Learning & Skills, depending on the dwelling type and level of care provided.

Service Area	Per Applicable House	Per Applicable Flat	Total Contribution	Notes
	0	0		
Primary Education	£7,081.20	£1,770.30	£0.00	Contribution set at the maximum required - e.g. for the provision of a new school.
Primary Education - Land*	£3,872.86	£968.21	£0.00	Proportionate contribution based on residential land value for district.
Secondary Education	£5,587.19	£1,396.80	£0.00	Contribution set at the maximum required - e.g. for the provision of a new school.
Secondary Education - Land*	£5,037.86	£1,259.47	£0.00	Proportionate contribution based on residential land value for district.
SEND Education	£559.83	£139.96	£0.00	This is a blended rate based upon the delivery of special schools and Specialist Resource Provision (SRP) based on mainstream school sites.
SEND Education - Land*	£663.92	£165.98	£0.00	Proportionate contribution based on residential land value for district.

Service Area	Per Dwelling	Total	Notes
	0		
Community Learning & Skills (CLS)	£34.21	£0.00	C2 dwellings may be exempt from Community Learning & Skills contribution requests, depending on the type of C2 Dwelling.
Integrated Children's Services: Youth Service/Early Years Service (ICS)	£74.05	£0.00	Non-Applicable/C2 dwellings are exempt from Integrated Children's Services contributions. Deductions are included in the total.
Libraries, Registrations and Archives (LRA)	£62.63	£0.00	
Adult Social Care (ASC)	£180.88	£0.00	C2 dwellings may be exempt from Adult Social Care contribution requests, depending on the type of social care offered within the setting.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M4(2)		
Waste Disposal and Recycling (WDR)	£194.13	£0.00	This is the maximum contribution rate, based on your development area requiring capacity increases in both Waste Transfer Stations and Household Waste Recycling Centres.
Highways and Transportation			This will be calculated on a case-by-case basis
PRoW			This will be calculated on a case-by-case basis
Flood & SUDS			This will be calculated on a case-by-case basis
Heritage & Archaeology			This will be calculated on a case-by-case basis

Total Contribution requested by KCC for Education, LRA, CLS, ICS, ASC and WDR	£0.00
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* Working with the Local Planning Authorities (LPA), the county council will seek to achieve site allocations within the local plans for infrastructure delivery, particularly for schools and waste. The allocation of land for education/waste within a development will make it more difficult for land owners to secure planning consent for alternative uses on that land, enabling the land to be valued at use value rather than residential. Appropriate land values will be concluded with the LPA on a case-by-case basis. Until sites are secured by s106 however, KCC will continue to seek land contributions at residential land values. This is to enable KCC to purchase land at residential value, should land not be secured through the local plan/s106 process. Any unused/unrequired land contributions will be returned to the contributing development.

**Contribution rates have been set at their maximum level to provide a 'maximum contribution scenario'. It will not be until the specifics of an application are known to the county council that appropriate contribution rates can be provided - for example, whether or not a primary school can be expanded to provide places or a new school (including land) is required.

Technical Appendix 4: Education Overview

1. **Education Service Overview**

- 1.1 KCC is the Statutory Authority for Education and the Strategic Commissioner of Education Provision from the private, voluntary, charitable, and maintained sectors. It is the major provider of education, maintaining most Kent schools, and is also 'provider of last resort' when no other acceptable new provision comes forward.
- 1.2 Education in Kent is divided into three, sometimes overlapping phases:
- Early Years: primarily delivered by private, voluntary, and independent pre-schools, accredited child-minders, and schools with maintained nursery classes.
 - 4-16 years: "compulsory school age" during which schools are the main providers.
 - Post-16: schools and colleges, the latter being the sole provider for young people aged 19-25 years.
- 1.3 The Local Authority also has specific duties in relation to provision for pupils with Special Educational Needs (SEND), those excluded from school and those unable to attend school due to ill health.
- 1.4 KCC's Commissioning Plan for Education Provision in Kent (KCP) is a five-year rolling plan updated annually. It sets out how KCC will ensure:
- enough high-quality education places
 - places located in the right areas
 - places for all learners.

The latest version of the KCP can be found [here](#).

Maps of all schools by district can be found at: www.kelsi.org.uk/school-management/data-and-reporting/management-information/school-location-maps

2. **Capital Funding – Meeting the Educational Need of New Developments**

- 2.1 Planned housing growth in Kent is equivalent to building another town the size of Faversham every year until 2031. Providing education infrastructure to meet the needs of this new housing is essential.
- 2.2 There are multiple funding sources including Government Basic Need Grant and borrowing by KCC. However, the Department for Education's (DfE) '[Securing Developer Contributions for Education' November 2019](#) is clear that, where new places are required to meet the need of new housing

development, KCC should seek s106 contributions both for build and land requirements. Paragraph 5 of the DfE's guidance states:

“Central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers’ responsibility to mitigate the impact of their development on education.

When the DfE free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site on a peppercorn basis and make use of developer contributions towards construction.”

2.3 Specifically, the guidance requires that:

- housing development should mitigate its impact on community infrastructure, including schools.
- developer contributions towards new school places²² should provide both funding for construction and land where applicable subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- the early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

3. Commissioning School Places

3.1 As the Strategic Commissioner, KCC must ensure sufficient school places across Community, Voluntary Aided and Controlled, Foundation, Academies and Free School provision, through the expansion of existing schools and building new ones.

3.2 Paragraph 94 of the NPPF states: 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

3.3 As the statutory authority, KCC has a duty to set out the requirements for any new school needed to serve a new or growing community. The county council

²² Including SEND and Early Years provision

should, therefore, be a signatory to any s106 agreement and receive appropriate contributions.

4. Land Contributions and Allocation of Sites

- 4.1 Where new schools are required, or additional land needed to enable an existing school to expand, KCC will seek the provision of land and/or proportionate financial contributions.
- 4.2 National Planning Practice Guidance advises how local planning authorities (LPAs) should prepare plans and take account of education requirements. KCC will work with the LPAs and developers to identify and allocate sites to ensure additional education places are planned for, including land required for school expansions and new schools.
- 4.3 This land should be provided to KCC at 'nil consideration'. Where the site has been allocated in the development plan for a school or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically obtain residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.
- 4.4 Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider when received.

Technical Appendix 5: Education - Early Years Education and Childcare Provision

1. Service Overview

- 1.1 Early Education and Childcare in Kent is available through a large, diverse, and constantly evolving network of maintained, private, voluntary, independent and school-run providers, childminders and academies. All operate as individual businesses, subject to market forces. Early Years Childcare for children aged 0–4 years is provided for at least four hours a day and will almost always include at least one of free entitlements detailed below (almost always the Universal Entitlement).
- 1.2 Early Education and Childcare is governed by the Childcare Acts 2006 and 2016. These place a duty on all local authorities to improve outcomes for young children, reduce inequality and enable parents to work, specifically through:
- Two-Year-Old Entitlement: 15 hours of early education for eligible two-year olds (known in Kent as Free for Two).
 - Universal Entitlement: 15 hours for and all three- and four-year olds.
 - Extended Entitlement: 30 hours of free childcare for eligible three- and four-year-olds.
- 1.3 All free entitlement places can be provided by Ofsted-registered providers, schools not required to register with Ofsted, or schools registered with the Department for Education (DfE) and inspected by the Independent Schools Inspectorate. All must deliver the full Early Years Foundation Stage. Provision can be made over 38 weeks a year or extended over up to 52 weeks, depending on the provider.

2. Future Planning

- 2.1 KCC aims to secure a sufficient long-term supply of sustainable, high- quality early years and childcare provision. It works with existing and potential providers to encourage additional provision where required, whether for Free Entitlements and/or parent/carer funded places.
- 2.2 The supply of Free Entitlement places for two-, three- and four-year-olds will be kept under review as planned new housing developments are built, potentially increasing demand. Where developments are proposed in school planning areas with a forecast deficit of places, or the development's size may make new provision necessary, KCC will engage with developers and Local Planning Authorities (LPAs) to advise on the most appropriate form, size, and location of provision. This will generally be through the private or voluntary sectors, using a community or commercial building within the proposed development.

3. Cost of Provision

- 3.1 Where a new 2 Form Entry Primary School (or larger) is delivered according to the Education and Skills Funding Agency (ESFA) Baseline Design, the design should include a 26-place nursery space. The cost is included in the primary education new-build contribution rates for houses and flats and is therefore, not subject to additional contributions.
- 3.2 The cost of other facilities, such as Specialist Resource Provision (SRP) is not part of the baseline design for new primary schools and will be subject to additional contributions. For details see Technical Appendix 7: Education – Special Educational Needs and Disabilities (SEND).

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Technical Appendix 6: Education – Primary and Secondary Education

1. **Service Overview**

- 1.1 KCC has a statutory duty to offer a school place to any child in Kent aged between 4-16 who requires one, under Section 14 of the Education Act 1996.
- 1.2 For young people aged 16 and over, KCC must:
- Provide sufficient, suitable education and training for those aged 16-19 (and 20-24 with an Education, Health, and Care Plan).
 - Make support available to those aged 13 and upwards to encourage, enable or assist their participation in education or training (tracking this participation successfully is a key element of this duty).
 - Have processes in place to deliver the ‘September Guarantee’ of an education or training place for all 16- and 17-year-olds.
- 1.3 Most Kent secondary schools offer post-16 (sixth form) provision, for which the Local Authority currently receives no Basic Need funding. When additional post-16 provision is required (due to increases in student numbers), this will need to be funded by the Education and Skills Funding Agency (ESFA), which will expect KCC to seek proportionate developer contributions²³.

2. **Planning Groups and Forecasting**

- 2.1 KCC uses groupings²⁴ of schools for provision planning to ensure adequate school places for existing and future Kent residents. These planning groups are geographically aligned within groups of wards known as planning areas: a minority comprise just a single ward.
- 2.2 Most children within these planning areas will attend the same school(s). Wards are used as they are a nationally recognised planning feature: generally small enough to be locally representative but large enough to produce national-level datasets (population, births, deaths, migration, indices of multiple deprivation).
- 2.3 Whether additional school places will be required or sufficient places are available will depend upon an assessment conducted for each proposed development site, based on the planning group in which it sits. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic

²³ Para 10 ‘Securing developer contributions for education’ Department for Education, November 2019

²⁴ In agreement with the Department for Education, planning groups are based predominantly upon travel to school pattern.

migration patterns and the pupil product of developments already granted planning consent in the area.

- 2.4 Where a development is on the margins of a planning group, the assessment may be conducted over more than one planning group, or an alternative geographical area.
- 2.5 A detailed breakdown of the planning groups can be found within the [Commissioning Plan for Education Provision in Kent \(KCP\)](#) which is updated annually.
- 2.6 KCC forecasts include a minimum surplus capacity of 2% to allow for fluctuations in demand and parental choice, in line with government guidance²⁵. The DfE also uses this minimum when assessing KCC's forecasts through the statutory school capacity survey (SCAP) process.
- 2.7 Locations of existing schools by district can be found via at: <http://www.kelsi.org.uk/school-management/data-and-reporting/management-information/school-location-maps>.

3. Assessing the Need and Calculating Demand

3.1 Threshold for Seeking Contributions and Qualifying Developments

3.1.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and a request for Primary and/or Secondary education contributions requested where demand for school places exceeds capacity.

3.1.2 KCC will not seek contributions from the following:

- One-bed dwellings of less than 56 sqm GIA
- Homes restricted in perpetuity to persons over 55 years of age
- Student accommodation
- C2 Dwellings
- Sites specifically set aside for transient Gypsy and/or Traveller communities

3.2 Service Capacity - Forecasting Demand Generated by New Developments

3.2.1 Pupil yields are an estimate of the number of primary and secondary pupils created per new dwelling. Pending publication of a new national methodology by the DfE, KCC's local approach remains valid, as set out in Table 1 below.

Table 1 Primary and Secondary Education Pupil Yields per House/Flat

	Pupil Yield	Pupil Yield
	Primary (Mainstream)	Secondary (Mainstream – Years 7-11)

²⁵ [‘Securing developer contributions for education, November 2019’](#), Department for Education

Per House	0.28	0.20
Per Flat	0.07	0.05

3.2.2 An example capacity assessment for primary and secondary education, including explanations of the process can be found in the Technical Appendix 10: Example Education Assessment – Primary & Secondary. Assessment of school capacities within the relevant planning group/s will be undertaken at the point of planning application.

3.3 Provision of Infrastructure – Project Types

3.3.1 Where an assessment demonstrates that the pupil need created by the development (plus cumulative need within the planning areas) exceeds surplus capacity, KCC will review the most appropriate strategy for accommodating this additional demand. The options are:

3.3.2 Permanent Expansion

3.3.2.1 Where this is the appropriate mitigation, KCC will request a financial contribution, based on pupil need multiplied by the cost per pupil, to fund capital works to create additional capacity. Expansion may also require additional land: the applicant will be required to provide this to KCC at nil consideration or make financial contributions to KCC to purchase it. Where land is required to provide places for more than one development, proportionate contributions will be sought from all developments. For further information, see para 4.2 Land Contributions below.

3.3.2.2 Please note: KCC is unable to unilaterally decide to expand a school for which it is not the Admissions Authority, this includes Voluntary Aided, Foundation, Free and Academy schools.

3.3.3 Establishment of new Schools

3.3.3.1 Where the pupil need created by the development (plus demand from permitted development and existing applications in the planning group/s) exceeds existing capacity and cannot be appropriately accommodated by permanent expansion of an existing school, KCC may propose establishing a new school. Financial contributions will be sought for new-build places and the provision of land and/or financial contributions towards its cost.

4. The Cost of Additional Places – S106 Contribution Rates

4.1 Build Contributions

4.1.1 KCC regularly reviews the cost of providing additional education places. A 2019 review by Aecom of KCC's education build projects has been benchmarked against project sample data from the National Schools Delivery Cost Benchmark (NSDCB) database. The rates in Table 2 below

reflect average build costs, including buildings, site works, professional fees, plus furniture, fixtures and equipment but excluding abnormal costs.

Table 2 Primary and Secondary Education Build Rates

	Per Pupil	Per House (Per Pupil Rate x Pupil Yield Per House)	Per Flat (Per Pupil Rate x Pupil Yield Per Flat)
Primary Education -New Build	£25,290.00	£7,081.20	£1,770.30
Primary Education - Extension	£19,331.20	£5,412.74	£1,353.18
Secondary Education – New Build	£27,935.96	£5,587.19	£1,396.80
Secondary Education - Extension	£26,646.36	£5,329.27	£1,332.32

4.1.2 Contribution rates are based on build data from 2017/18 and adjusted for inflation (rebased to Q1 2022).

4.1.3 An example of build and land costs for primary and secondary education can be found in the Technical Appendix 11: Example Build and Land Contributions.

4.2 Land Contributions

4.2.1 Where new schools are required, or an existing school needs additional land to expand, KCC will seek the provision of land and/or proportionate financial contributions.

4.2.2 National Planning Practice Guidance advises how local planning authorities (LPAs) should prepare plans and take account of education requirements. KCC will work with the LPAs and developers to identify and allocate sites to ensure additional education places are planned for, including land required for school expansions and new schools.

4.2.3 This land should be provided to KCC at 'nil consideration'. Where the site has been allocated in the development plan for a school or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically have obtained residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be

provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.

- 4.2.4 Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider when received.

5. Spending Contributions – Projects

- 5.1 The complex nature of planning education provision according to need and rate of housing growth means KCC requires flexibility, to ensure places are provided at the right time, in the most appropriate locations. KCC will therefore seek to secure contributions on a preferred and 'contingency' project within a planning group/s and may need to apply contributions to any existing or new school within an area that serves the development. This enables KCC to respond to new circumstances and information, such as detailed feasibility work which alters the proposed mitigating project, in line with DfE guidance²⁶. For example, an allocated Local Plan school site may not be available at the time of need, so alternative sites are required.
- 5.2 A need may also exist for additional primary and/or secondary education places, but school sites are yet to be allocated within the local plan. In these cases, it may not be possible to identify a proposed or contingency project at the time planning permission is granted; but contributions will still be required. A 'contingency' project may be specified in terms of additional education places in relevant education planning group/s.

6. Indexation

- 6.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC applies the BCIS All-In Tender Price index, with the base date for indexation set at Q1 2022.

7. Time Limit on Spend

- 7.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

²⁶ Para 20 Securing developer contributions for education, 2019 – Department for Education

Technical Appendix 7: Education – Special Educational Needs and Disabilities (SEND)

1. **Service Overview**

- 1.1 Under the Children and Families Act 2014, KCC has responsibilities to improve services, life chances and choices for vulnerable children and to support families. This underpins wider reforms ensuring all children and young people can succeed, no matter what their background. The Act extends the special educational needs and disabilities (SEND) system from birth to the age of 25 where appropriate, giving children, young people and their parents/carers greater control and choice in decisions and ensuring their needs are properly met.
- 1.2 The Equality Act 2010 and Part 3 of the Children and Families Act 2014 interact in several important ways, including a common focus to remove barriers to learning. Under the latter, duties for planning, commissioning, and reviewing provision, the Local Offer, and requirements for different agencies to work together apply to all children and young people with special educational needs or disabilities.
- 1.3 [Kent's SEND Strategy 2021-2024](#) has been developed jointly by KCC and the NHS, in conjunction with children, young people, parents and carers, Kent Parents and Carers Together (PACT) and other key stakeholders.
- 1.4 Kent is committed to identifying SEND needs early to plan and provide appropriate support. The SEND strategy, together with the Kent's New Approach²⁷ to inclusion in schools, will ensure a graduated approach to meeting additional needs.

2. **Types of SEND Provision**

- 2.1 A child or young person must have an Education Health Care Plan (EHCP) to access SEND services, which are provided through:
- 2.2 **Specialist Resource Provision (SRP) and Designated Units on Mainstream School Sites**
 - 2.2.1 SRP and Designated Units provide additional specialist facilities on mainstream school sites for a small number of pupils (typically less than 30). These children have EHCPs and who require higher levels of support than mainstream school can normally provide, but their needs are not so complex that special school placements are appropriate. These needs typically include speech, language, and communication needs (SLCN), hearing or visual impairment (HI/ VI) or autism spectrum disorders (ASD). Less commonly, they may serve pupils with a physical disability (PD) or behavioural difficulty. SRP

²⁷ https://www.kelsi.org.uk/_data/assets/pdf_file/0004/119470/Countywide-Approach-to-Inclusive-Education.pdf - currently as draft KCC policy

and Designated Units vary widely, often reflecting the local approach to inclusion.

2.2.2 SRP provision generally consists of:

- 2 Rooms – smaller than classrooms
- Accessible toilet
- Office Space
- Intervention/sensory room
- Kitchen – depending on distance from main school building
- Separate entrance/exit and external hard play space

2.3 Special Schools

2.3.1 Special schools serve children and young people with a special educational need or disability that cannot be met in a mainstream school. They vary widely in their programmes of study: in some, the curriculum is essentially mainstream, while in others it can focus more on life skills and developing personal independence. Special Schools in Kent currently provide for:

- Autism Spectrum Disorder
- Behaviour and Learning Needs
- Physical Disability
- Profound, Severe and Complex Needs
- Social, Emotional and Mental Health

2.4 Special School Satellites

2.4.1 Several Kent Special schools have satellites: classes run by their own staff but hosted in additional, specific infrastructure at mainstream schools. These give pupils an opportunity to learn alongside their peers, with appropriate support.

3. Assessing the Need and Calculating Demand

3.1 Threshold for Seeking Contributions and Qualifying Developments

Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and a request for SEND contributions requested.

KCC will not seek contributions from the following:

- One-bed dwellings of less than 56 sqm GIA
- Homes restricted in perpetuity to persons over 55 years of age
- Student accommodation
- C2 Dwellings

- Sites specifically set aside for transient Gypsy and/or Traveller Communities

3.2 Service Capacity

3.2.1 Both nationally and within Kent, the number of children and young people with an EHCP is increasing every year. SEND infrastructure in Kent is currently at capacity, so KCC will seek contributions from all housing proposals that meet the threshold to mitigate this new demand.

3.2.2 Locations of existing special schools by district can be found via at: <http://www.kelsi.org.uk/school-management/data-and-reporting/management-information/school-location-maps>.

3.3 Forecasting Demand Generated by New Developments

3.3.1 The Pupil Yield figures set out below in Table 1 have been calculated by multiplying the Mainstream pupil yield figures for primary and secondary education by 3.7% (the current proportion of pupils with EHCPs) and deducting the percentage of children and young people who have an EHCP, but do not access specialist education provision (based on England percentages only)

Table 1 - SEND Pupil Yield

	Per Flat	Per House
Mainstream Primary Pupil Yield	0.07	0.28
Mainstream Secondary Pupil Yield	0.05	0.2
Combined Primary and Secondary Pupil Yield	0.12	0.48
Combined Pupil Yield x % Pupils with an EHCP (England)	0.12 x 3.7%	0.48 x 3.7%
EHCP Pupil Yield minus EHCP Pupil Yield not accessing SEND specialist provision	0.0044 X 61.95%	0.0178 x 61.95%
SEND Pupil Yield	0.0027*	0.0110*

*To four decimal places

4. **Cost of Additional SEND Places – S106 Contribution Rates**

4.1 **Build Contributions**

4.1.1 The build rate per pupil (Table 2) is derived from a 2019 Aecom study of Kent SEND build projects commissioned by KCC, benchmarked against national projects. A blended rate²⁸ is used as the baseline, covering provision of a broad range of SEND school places.

Table 2 - SEND Education Contribution Rates – Build Costs

	Per Pupil	Per House (Per Pupil Rate * SEND Pupil Yield Per House)	Per Flat (Per Pupil Rate * SEND Pupil Yield Per Flat)
SEND Contribution Rate (Build Only)	£50,893.35	£559.83	£139.96

4.1.2 Contribution rates are based on build data from 2017/18 and adjusted for inflation (rebased to Q1 2022).

4.2 **Land Contributions**

4.2.1 Where new schools are required, or additional land needed to enable an existing school to expand, KCC will seek the provision of land and/or proportionate financial contributions.

4.2.3 National Planning Practice Guidance advises how local planning authorities (LPAs) should prepare plans and take account of education requirements. KCC will work with the LPAs and developers to identify and allocate sites to ensure additional education places are planned for, including land required for school expansions and new schools.

4.2.4 This land should be provided to KCC at 'nil consideration'. Where the site has been allocated in the development plan for a school/education or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically obtain residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.

4.2.5 Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider when received.

²⁸ Incorporating the cost of new build specialist schools, extensions, and SRP provision

4.2.6 An example of build and land costs for SEND can be found in the Technical Appendix 11: Example Build and Land Contributions.

5. Spending Contributions – Projects

5.1 To meet the need for specialist places across Kent, a mixture of new special schools, expansions of existing schools and the establishment of satellites and SRPs will be commissioned within the districts.

6. Indexation

6.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC applies the BCIS All-In Tender Price index, with the base date for indexation set at Q1 2022.

7. Time Limit on Spend

7.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

Technical Appendix 8: General Land Transfer Terms – School Sites

Section 1

1. The following sets out KCC's general transfer terms for land. Specific terms will be provided where abnormal site conditions exist. Prior to transfer, the developer/landowner must provide a site-specific information pack containing formal desktop and, if necessary, intrusive land investigation reports by a competent registered expert(s). This pack should confirm that the land and associated areas are:
 - i) free from the following, together with details of any mitigation works:
 - contamination (including radiation)
 - protected species
 - ordnance
 - rubbish (including broken glass)
 - any adverse ground and soil conditions including subsidence, heave, and land slip
 - occupation
 - archaeological remains
 - existing and planned noise generation from adjoining land that would require attenuation measures in the new school design
 - poor air quality that would require mitigation measures in the new school design.
 - the presence of service mains such as drains sewers, electricity cables, water mains, gas lines and other utility media crossing the land that would affect the land's ability to be developed as a school.
 - NB: Surveys should set out their expiry date and the mitigation measures required to ensure the integrity of the reports right up to the point of transfer. e.g., for ecology, vegetation management when required.
 - ii) above flood plain level and adequately drained
 - iii) close to accessible public transport (bus stop or railway station).
 - iv) to a set of levels (if required), specified by the County Council to allow construction of the new school to local planning authority requirements. This should include any relevant permissions required.
2. Should any of the requirements in paragraph 1 not be satisfied, the developer/owner must implement, at their own cost, an agreed remediation / removal / rectification / diversion strategy prior to transfer to KCC. This should include liaison with all statutory authorities and obtaining all necessary consents from neighbouring landowners and others as required.

3. Any remedial/removal/rectification/diversion works must be designed by competent professional companies and covered by a collateral warranty in a standard industry form for the benefit of KCC or its nominated body.
4. If the site is used for construction or other activities (apart from remedial/removal/rectification/diversion work) after the reports required in paragraph 1 has been provided; the developer/landowner must submit additional reports to ensure the criteria have still been met.
5. The land shall be transferred as a single, undivided site, and in shape capable of accommodating sports pitches to the appropriate size and levels for the type of school proposed, as set out in Department for Education [School Output Specification Technical Annex 2B: External Space and Grounds – May 2022](#))
6. KCC shall be granted a Licence for access onto the land prior to transfer to conduct surveys and technical investigations.
7. Before the transfer is completed, the land shall be clearly pegged out to the satisfaction of KCC's Director of Infrastructure's delegated representative. It must be fenced within the GIS co-ordinates to a minimum standard of 1.80m high chain-link security fencing on galvanised steel posts with double access gates secured by lock and key, or an alternative specification agreed with KCC.
8. The land shall be transferred as freehold, unencumbered, and conveyed to KCC with full title guarantee and vacant possession. There must be no onerous covenants that would limit use of the land as a school or restrict ordinary school activities. New covenants must not be imposed restricting the future use of the land.
9. The land must not be within a consultation distance (CD) around any major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.
10. Prior to land transfer, the developer/landowner must provide, at their own cost and subject to KCC approval, suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGVs and other construction traffic.
11. The developer/landowner is to provide, at their own cost and subject to KCC approval, adopted services and utilities to an agreed location(s) within the site boundary. These are to be of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aid upon transfer. They

should include fresh, foul, and surface water, gas (if applicable), electricity, and telecommunications with High-Speed Fibre Optic Broadband (minimal internal speed of 1000mbps) connections to multi-point destinations and capable of connection to commercial broadband providers. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside of the site boundary: KCC shall not be liable for any associated commissioning, installation, or legal costs. See Section 2 below.

12. The owner shall provide KCC with full drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be approved by the County Council at design stage, in accordance with the flood risk assessment and/or drainage strategy contained in the planning approval.
13. The developer/landowner shall provide temporary electricity, drainage, and water supplies to the site from the start of construction where formal permanent utilities are not present.
14. A highway for vehicular and pedestrian use (adopted or capable of being adopted) suitable for the site's intended use as a school must be provided up to a suitable point on the site boundary. The highway and any alternative access must be approved by KCC, which will not be liable for maintenance charges should the developer chose not to adopt it. The developer/landowner must also provide crossing points, pedestrian and cycling routes on the adjoining highway networks and other measures as required by the Highway and Local Planning Authority to service the land. This will include active travel routes, linking the school site with the new development and existing dwellings.¹
15. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, in compliance with the Highway Authority's 'in and out' access requirements and guided by the site layout.
16. No overhead cables etc. shall be located within 250m of a school site. Where possible the developer/landowner must impose a covenant that none will be erected within this distance of any site boundary.
17. KCC shall be granted rights to enter as much of the Developer's adjoining land as is reasonably necessary to carry out construction works on the site. KCC shall be responsible for making good any disturbance, to adjoining owner's reasonable satisfaction.
18. The landowner shall be responsible for KCC's legal costs, surveyor's fees and administrative costs incurred during the land transfer negotiations and in completing the Section 106 Agreement. These include Land Registry costs, any easements/licences, and any other related documents and Project Management agreements.

19. Site plans to a scale of 1:1250 and marked with GPS coordinates showing site levels, access, boundaries, details of any adjoining development shall be supplied to KCC in a suitable electronic format, together with paper copies, prior to transfer.
20. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to school curriculum delivery. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

Section 2

PRIMARY SCHOOL Service Requirements – Example for 2 Forms of Entry (FE)

INCOMING SERVICES

ELECTRICITY

250 kVA (280A) for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle chargers (EVCs) - a minimum of 10% active and 10% passive - or in accordance with planning requirements if higher.
- External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

GAS

60 cu m/hr 430,000 kWh/year

WATER

15 cu m / day, 4 l/s (63mm NB)

FIRE HYDRANT

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

BROADBAND

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.

SECONDARY SCHOOL Service Requirements – Example for 8 Forms of Entry (FE)

INCOMING SERVICES

ELECTRICITY

380 kVA for main base building with additional capacity/supplies for:

- Electrical infrastructure to allow for 20% of parking spaces with electric vehicle chargers (EVCs) - a minimum of 10% active and 10% passive - electrical vehicle chargers as a minimum or in accordance with planning requirements if higher.
- This means electrical infrastructure to allow for 20% of parking spaces with EVCs External lighting (car parks, MUGAs etc)

- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

GAS - 134 cu m/hr 1,440 kWh

WATER - 5.5 l/s (63mm NB)

FIRE HYDRANT

A 200 diameter 20 l/s fire supply in accordance with fire regulations, to be in the Highway adjacent to the school entrance and within 90m from an entrance to the school building.

BROADBAND

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.

DRAFT

Technical Appendix 9: New School Site Sizes

1. Service Overview

- 1.1 In line with its aspiration to increase educational achievement, enhance skills, provide high quality infrastructure and comply with KCC Highways requirements²⁹, the county council will seek site areas above the maximum – as set out in [Department for Education Building Bulletins](#)³⁰ and other relevant publications.
- 1.2 The county also supports the government’s ‘extended schools’ initiatives, which allow community use of facilities outside school hours³¹. The provision of ‘extended schools’, however, may place additional demands on land, requiring further land to be secured.
- 1.3 To ensure manageable year groups and deliverable curriculums, KCC will require the number of pupils predicted from a development to be rounded up to the nearest viable/deliverable number.
- 1.4 For example, a development predicting 380 primary pupils would require a site for a two-form entry (420-place) on-site primary school: a school accommodating exactly 380 pupils is not deliverable in either curriculum or revenue funding terms.
- 1.5 Kent County Council currently seeks land allocations of the following sizes for new mainstream schools and Special Educational Needs (SEND) Schools:

²⁹ BB103 provides for parking within the site area calculations. However, it does not include allowances for ‘stop and drop facilities’ staff parking, plus pull-in and turning provision for busses etc. For primary schools, this also includes the provision of separate entrances for early years provision.

³⁰ BB103 for mainstream schools and BB104 for SEND provision

³¹ Use of school facilities outside of school hours should not be construed as ‘public open space’, which is unacceptable for school sites.

Table 1: Example KCC School Site Areas for New Mainstream Schools and SEND Schools

School Size	Total School Site Area (Hectares)
Primary School – 2 Form of Entry (420 Places)	2.05
Primary School – 3 Form of Entry 630Places)	3.00
Secondary School – 6 Form of Entry (Years 7-11/900 places)	6.77
Secondary School – 8 Form of Entry (Years 7-11/1200 places)	8.66
Secondary School – 6 Form of Entry (Years 7-11/900 places) and a 250-place sixth form	8.35
Secondary School – 8 Form of Entry (Years 7-11/1200 places) and a 250-place sixth form	10.24
SEND School	Site sizes will be related to the specified need type

- 1.6 The site sizes for mainstream schools do not allow for any SEND activities such as Specialist Resource Provision (SRP). Where SEND accommodation is required within a mainstream setting, it will be in addition to the site sizes shown above. Applicants are advised to seek advice from KCC on a case-by-case basis.
- 1.7 Under KCC's General Transfer Terms (Technical Appendix 8), school sites must be transferred as undivided sites, free of encumbrances and capable of accommodating required number of appropriately sized sports pitches (see below).

2. Minimum School Site Sizes

2.1 Primary

- 2.1.1 To ensure financial viability, the Education & Skills Funding Agency (ESFA) currently regards two form entry primary schools (420 places) as a minimum for both local authority maintained and Academy schools. KCC supports this approach and will therefore seek sites of at least 2.05ha: this also provides sufficient space for Early Years and Childcare provision where required.

2.2 Secondary

- 2.2.1 As a minimum, KCC will seek new secondary school sites of at least 6.77Ha, to deliver six forms of entry – (Years 7-11). It may also request that additional land be set aside to allow for future expansion, particularly where the school will serve a number of development sites. Please note that 6th Form provision will require additional land-take, in line with DfE Guidance Building Bulletin 103.

3. Pitch Sizes

- 3.1 When considering locations and land for new schools, applicants should consider the requirements for sports pitches – see Sports England³² for further guidance. In general, surfaces require a consistent gradient of approximately 1 in 70 widthways to encourage water run-off without hindering play. Applicants should also consider orientation of potential pitches to reduce solar glare. Pitch sizes are advised according to the Football Association (FA) Guide to Pitch and Goalpost Dimensions³³, as shown in Table 2 below:

Table 2: Football Pitch Sizes including run-off (safety area around pitch)

Age	Length (metres)	Width (metres)
Youth U11/U12	78.64	51.21
Youth U13/U14	87.78	55.78
Youth U17/U18	106.07	69.49
Over 18 (senior ages)	106.07	69.49

- 3.2 Where a developer has demonstrated that site constraints mean minimum areas cannot be achieved, artificial pitches may be considered. However, the cost of providing and maintaining these is significantly higher than turf pitches, so will be considered on a case-by-case basis. Any agreement will require additional contributions for build and commuted sums for long-term maintenance.
- 3.3 All the information above is for guidance only. Specific requirements will be agreed on a site-by-site basis in consultation with KCC Education and Property.

³² www.sportengland.org

³³ www.thefa.com

Please note: The FA advises football dimensions in yards. A conversion to metric has been carried out for ease.

Technical Appendix 10 - Education Example Assessment

KCC developer contribution assessment for PRIMARY school places

Planning reference:	Example	Applicable houses:	250
District:	Example	Applicable flats:	100
Development site:	Example	Total applicable units:	350
Assessment date:	00/00/0000	Non-applicable units <56r 46	
Planning area code 1:	Example	Planning area name 1: Example	
Planning area code 2:	N/A	Planning area name 2: N/A	
Planning area code 3:	N/A	Planning area name 3: N/A	

Table 1: Current and forecast capacity for schools within the planning area

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
	School 1	210	210	210	210	210	210	210	210	210	210	210
	School 2	210	210	210	210	210	210	210	210	210	210	210
	School 3	210	210	210	210	210	210	210	210	210	210	210
[A]	Current and forecast capacity (see note 1)	630	630	630	630	630	630	630	630	630	630	630

Table 2: Current and forecast pupils on roll for schools within the planning area

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
	School 1	190	196	203	207	209	214	221	218	218	219	220
	School 2	153	160	161	164	177	177	189	189	190	192	195
	School 3	199	203	204	202	203	207	205	208	207	207	208
[B]	Current and forecast pupils on roll (see note 2)	542	559	568	573	589	598	615	616	616	618	622
[C]	Required capacity to maintain 2% surplus capacity (see note 3)	553	570	579	584	601	610	627	629	628	630	635

Table 3: Assessment summary

Details	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
[D] Current and forecast surplus / (deficit) places [A-C]	77	60	51	46	29	20	3	1	2	0	-5
[E] Expected pupil product from new developments that have recently gained planning permission (see note 4)	0	25	25	25	25	25	25	25	25	25	25
(F) Expected pupil product from this development	0	20	39	53	68	82	82	82	82	82	82
[G] Surplus / (deficit) places after accounting for all expected pupil product from new developments [D-E-F]	77	15	-13	-33	-64	-87	-104	-105	-105	-107	-111
[H] Additional places still to be provided from agreed contributions of previously assessed developments	0	9	9	9	25	25	25	25	25	25	25
[I] Surplus / (deficit) places including expected pupil product from new developments and additional places	77	24	-4	-24	-39	-62	-79	-80	-80	-82	-86
Expected pupil product from this development that on current plans for school provision cannot be	0	0	39	53	68	82	82	82	82	82	82

Additional school places required to mitigate the impact of this development (see note 6)	82
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Notes:

- (1) Current and forecast capacity of Kent mainstream schools is operational capacity (which may be different from built capacity submitted to the DfE as part of the yearly School Capacity (SCAP) Collection). Forecast capacity includes all determined expansion projects and new schools funded from all sources (including previously agreed developer contributions).
- (2) Current pupils on roll is taken from the Schools Census October 2021 and the forecast of pupils on roll is taken from Edge-ucate 2022. The forecast of pupils to attend Kent mainstream schools includes an estimate of pupil product from developments granted planning permission up to 31st March 2020 with new dwellings being built from 1st April 2021 onwards.
- (3) Kent County Council aims to maintain a surplus capacity of 2% across each planning area to accommodate casual admissions, deal with unforeseen / sudden spikes in demand and to allow a degree of parental preference to be expressed for school places.
- (4) Developments that have gained planning permission from 1st April 2020 onwards. Note that the expected pupil product from developments that gained permission before 1st April 2020 has already been factored into the forecast of pupils on roll in Table 2 above (see note 2).
- (5) Additional places that are expected to be provided from previously agreed contributions includes developments that are currently under construction as well as those that are complete but where the education contribution has yet to be spent.
- (6) A contribution is required to mitigate the maximum need for additional school places generated by this development across the ten year time period shown above.
- (7) This assessment is for demonstration purposes only and should not be used for any other purpose.

Technical Appendix 10 - Education Example Assessment

KCC developer contribution assessment for SECONDARY (NON-SELECTIVE) school places

Planning reference:	Example	Applicable houses:	250
District:	Example	Applicable flats:	100
Development site:	Example	Total applicable units:	350
Assessment date:	00/00/0000	Non-applicable units <56r	46
Planning area code 1:	Example	Planning area name 1:	Example
Planning area code 2:	N/A	Planning area name 2:	N/A
Planning area code 3:	N/A	Planning area name 3:	N/A

Table 1: Current and forecast capacity for schools within the planning area

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
	School 1	390	375	400	425	450	475	500	500	500	500	500
	School 2	755	755	755	755	755	755	755	755	755	755	755
	School 3	1,040	1,040	1,040	1,040	1,040	1,040	1,040	1,040	1,040	1,040	1,040
	School 4	825	825	825	825	825	825	825	825	825	825	825
	School 5	1,440	1,470	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
	School 6	1,200	1,260	1,320	1,350	1,380	1,410	1,380	1,350	1,350	1,350	1,350
	School 7	960	960	960	930	900	900	900	900	900	900	900
	School 8	1,110	1,110	1,080	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
[A] Current and forecast capacity (see note 1)		7,720	7,795	7,880	7,875	7,900	7,955	7,950	7,920	7,920	7,920	7,920

Table 2: Current and forecast pupils on roll for schools within the planning area

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
	School 1	375	374	390	399	403	413	414	409	418	421	416
	School 2	399	411	432	444	457	448	447	445	452	453	447
	School 3	1,067	1,145	1,155	1,162	1,158	1,175	1,172	1,165	1,178	1,182	1,171
	School 4	770	766	771	757	758	757	761	753	766	765	750
	School 5	1,433	1,491	1,535	1,532	1,527	1,535	1,522	1,511	1,520	1,520	1,504
	School 6	1,029	1,104	1,135	1,147	1,172	1,215	1,223	1,214	1,260	1,287	1,323
	School 7	973	1,020	1,036	1,027	1,028	1,056	1,050	1,044	1,051	1,043	1,020
	School 8	1,115	1,142	1,133	1,100	1,097	1,103	1,084	1,068	1,067	1,059	1,042
[B] Current and forecast pupils on roll (see note 2)		7,161	7,453	7,587	7,569	7,601	7,700	7,674	7,610	7,713	7,729	7,672
[C] Required capacity to maintain 2% surplus capacity		7,307	7,605	7,742	7,723	7,756	7,857	7,830	7,765	7,870	7,887	7,829

Table 3: Assessment summary

Details	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
[D] Current and forecast surplus / (deficit) places [A-C]	413	190	138	152	144	98	120	155	50	33	91
[E] Expected pupil product from new developments that have recently gained planning permission (see [D-E])	0	36	36	55	55	55	55	55	55	55	55
[F] Expected pupil product from this development	0	11	21	29	36	44	44	44	44	44	44
[G] Surplus / (deficit) places after accounting for all expected pupil product from new developments [D-E-F]	413	143	81	68	53	-1	21	56	-49	-65	-8
[H] Additional places still to be provided from agreed contributions of previously assessed developments	0	60	68	120	128	140	140	140	140	140	140
[I] Surplus / (deficit) places including expected pupil product from new developments and additional places	413	203	149	188	181	139	161	196	91	75	132
Expected pupil product from this development that on current plans for school provision cannot be	0	0	0	0	0	0	0	0	0	0	0

Additional school places required to mitigate the impact of this development (see note 6)	0
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Notes:

- (1) Current and forecast capacity of Kent mainstream schools is operational capacity (which may be different from built capacity submitted to the DfE as part of the yearly School Capacity (SCAP) Collection). Forecast capacity includes all determined expansion projects and new schools funded from all sources (including previously agreed developer contributions).
- (2) Current pupils on roll is taken from the Schools Census October 2021 and the forecast of pupils on roll is taken from Edge-ucate 2022. The forecast of pupils to attend Kent mainstream schools includes an estimate of pupil product from developments granted planning permission up to 31st March 2020 with new dwellings being built from 1st April 2021 onwards.
- (3) Kent County Council aims to maintain a surplus capacity of 2% across each planning area to accommodate casual admissions, deal with unforeseen / sudden spikes in demand and to allow a degree of parental preference to be expressed for school places.
- (4) Developments that have gained planning permission from 1st April 2020 onwards. Note that the expected pupil product from developments that gained permission before 1st April 2020 has already been factored into the forecast of pupils on roll in Table 2 above (see note 2).
- (5) Additional places that are expected to be provided from previously agreed contributions includes developments that are currently under construction as well as those that are complete but where the education contribution has yet to be spent.
- (6) A contribution is required to mitigate the maximum need for additional school places generated by this development across the ten year time period shown above.
- (7) This assessment is for demonstration purposes only and should not be used for any other purpose.

Technical Appendix 10 - Education Example Assessment

KCC developer contribution assessment for SECONDARY (SELECTIVE-GRAMMAR) school places

Planning reference:	Example	Applicable houses:	250
District:	Example	Applicable flats:	100
Development site:	Example	Total applicable units:	350
Assessment date:	00/00/0000	Non-applicable units <56r	46
Planning area code 1:	Example	Planning area name 1:	Example
Planning area code 2:	N/A	Planning area name 2:	N/A
Planning area code 3:	N/A	Planning area name 3:	N/A

Table 1: Current and forecast capacity for schools within the planning area

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
	School 1	900	900	900	900	900	900	900	900	900	900	900
	School 2	900	900	900	900	900	900	900	900	900	900	900
	School 3	1,450	1,455	1,430	1,405	1,380	1,350	1,350	1,350	1,350	1,350	1,350
	School 4	800	800	800	800	800	800	800	800	800	800	800
	School 5	725	725	725	725	725	725	725	725	725	725	725
	School 6	1,200	1,290	1,350	1,410	1,500	1,500	1,500	1,500	1,500	1,500	1,500
[A] Current and forecast capacity (see note 1)		5,975	6,070	6,105	6,140	6,205	6,175	6,175	6,175	6,175	6,175	6,175

Table 2: Current and forecast pupils on roll for schools within the planning area

DfE no.	School	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
	School 1	952	961	969	971	967	971	966	962	967	964	945
	School 2	898	908	907	909	907	910	906	904	911	908	893
	School 3	1,528	1,566	1,592	1,603	1,594	1,598	1,596	1,587	1,598	1,601	1,575
	School 4	798	811	819	816	811	815	805	797	798	793	780
	School 5	730	746	751	753	752	756	745	737	737	731	718
	School 6	1,175	1,230	1,249	1,272	1,293	1,270	1,265	1,256	1,263	1,262	1,236
[B] Current and forecast pupils on roll (see note 2)		6,081	6,222	6,287	6,324	6,323	6,320	6,283	6,242	6,274	6,259	6,148
[C] Required capacity to maintain 2% surplus capacity		6,205	6,349	6,416	6,453	6,452	6,449	6,411	6,370	6,402	6,387	6,273

Table 3: Assessment summary

Details	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
[D] Current and forecast surplus / (deficit) places [A-C]	-230	-279	-311	-313	-247	-274	-236	-195	-227	-212	-98
[E] Expected pupil product from new developments that have recently gained planning permission (see	0	19	33	38	43	47	52	56	59	61	63
(F) Expected pupil product from this development	0	4	7	10	12	15	15	15	15	15	15
[G] Surplus / (deficit) places after accounting for all expected pupil product from new developments [D-E-	-230	-301	-350	-361	-302	-336	-303	-266	-300	-287	-176
[H] Additional places still to be provided from agreed contributions of previously assessed developments	0	0	0	0	0	0	0	0	0	0	0
[I] Surplus / (deficit) places including expected pupil product from new developments and additional places	-230	-301	-350	-361	-302	-336	-303	-266	-300	-287	-176
Expected pupil product from this development that on current plans for school provision cannot be	0	4	7	10	12	15	15	15	15	15	15

Additional school places required to mitigate the impact of this development (see note 6)	15
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Notes:

- (1) Current and forecast capacity of Kent mainstream schools is operational capacity (which may be different from built capacity submitted to the DfE as part of the yearly School Capacity (SCAP) Collection). Forecast capacity includes all determined expansion projects and new schools funded from all sources (including previously agreed developer contributions).
- (2) Current pupils on roll is taken from the Schools Census October 2021 and the forecast of pupils on roll is taken from Edge-ucate 2022. The forecast of pupils to attend Kent mainstream schools includes an estimate of pupil product from developments granted planning permission up to 31st March 2020 with new dwellings being built from 1st April 2021 onwards.
- (3) Kent County Council aims to maintain a surplus capacity of 2% across each planning area to accommodate casual admissions, deal with unforeseen / sudden spikes in demand and to allow a degree of parental preference to be expressed for school places.
- (4) Developments that have gained planning permission from 1st April 2020 onwards. Note that the expected pupil product from developments that gained permission before 1st April 2020 has already been factored into the forecast of pupils on roll in Table 2 above (see note 2).
- (5) Additional places that are expected to be provided from previously agreed contributions includes developments that are currently under construction as well as those that are complete but where the education contribution has yet to be spent.
- (6) A contribution is required to mitigate the maximum need for additional school places generated by this development across the ten year time period shown above.
- (7) This assessment is for demonstration purposes only and should not be used for any other purpose.

Technical Appendix 11: Education - Example Build and Land Contributions

Site Name	Example Development
Reference No.	
District	Canterbury

	Houses	Flats	Total
Unit Numbers	100	46	146

Primary Education			
		Per house	Per flat
<i>Primary pupil generation rate</i>		0.28	0.07
New Primary Pupils generated from this development*			31
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>NewBuild Rate</i>	£25,290.00	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£789,553.80
New Primary School site contribution			
Residential Land Price per acre for Canterbury			£1,000,000
	Pupils	Hectares	Acres
<i>2FE Primary School</i>	420	2.05	5.06555
	per Pupil	per House	per Flat
<i>Land Rate</i>	£12,060.83	£3,377.03	£844.26
Total = Primary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Primary School) = 5.06555 x 1000000 x (31.22 / 420)			
Contribution requested towards New Primary School Site			£376,539.22
Total Primary Education Build and Land contribution			£1,166,093.02

Secondary Education			
		Per house	Per flat
<i>Secondary pupil generation rate</i>		0.20	0.05
New Secondary Pupils generated from this development			22
New Secondary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£28,016.01	£5,603.20	£1,400.80
Contribution requested towards New Secondary School Build			£624,756.80
New Secondary School site contribution			
Residential Land Price per acre for Canterbury			£1,000,000
	Pupils	Hectares	Acres
<i>6FE Secondary School</i>	900	8.00	19.768
	per Pupil	per House	per Flat
<i>Land Rate</i>	£21,964.44	£4,392.89	£1,098.22
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 1000000 x (22.3 / 900)			
Contribution requested towards New Secondary School Site			£489,807.11
Total Secondary Education Build and Land contribution			£1,114,563.91

Special Education Needs			
		Per house	Per flat
<i>SEN pupil generation rate</i>		0.0110	0.0027
New SEN Pupils generated from this development*			1
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£62,421.16
New Special Educational Needs site contribution			
Residential Land Price per acre for Canterbury			£1,000,000
	Pupils	Hectares	Acres
<i>Special Educational Needs Sch</i>	140	2.05	5.06555
	per Pupil	per House	per Flat
<i>Land Rate</i>	£36,182.50	£398.01	£97.69
Total = Special Educational Needs Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New SEN School) = 5.06555 x 1000000 x (1.2242 / 140)			
Contribution requested towards New SEN School Site			£44,294.62
Total SEN Build and Land contribution			£106,715.78

Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC

Totals above will vary if development mix changes and land prices change

* Pupil Figures rounded to whole figures for display purposes only

Technical Appendix 12: Flood Risk Management and Sustainable Drainage

1. Service Overview

- 1.1 Around 64,000 properties in Kent are estimated to be at risk of flooding. This risk is particularly significant in coastal areas, notably the Romney Marshes, Dartford, and Gravesend, where flood defences are widely in place; on the floodplains of the Rivers Medway, Beult, Stour and Darent, flood defences are more limited.
- 1.2 A further 24,000 properties, generally concentrated in urban areas, are estimated to be at risk of flooding from surface runoff - one of the highest figures for local authority areas in England.
- 1.3 Under the [Flood and Water Management Act 2010](#), KCC is the Lead Local Flood Authority (LLFA) for Kent, with statutory oversight of local flooding arising from:
- surface runoff
 - ordinary watercourses
 - groundwater
- 1.4 KCC is required to produce a [Local Flood Risk Management Strategy](#) that sets out how these risks will be managed by the relevant authorities.

2. Pre-Application Advice

- 2.1 Housing and other new developments may present an increased flood risk due either to their location, or the amount of water discharged from the site. These matters must be addressed in planning applications, as set out in the National Planning Policy Framework (NPPF) paragraphs 159 to 169. Local planning direction and information is provided through:
- Strategic Flood Risk Assessments, developed by individual Local Planning Authorities (LPAs)
 - [Surface Water Management Plans](#) prepared by KCC for specific locations.
- 2.2 Under the Town & Country Planning (Development Management Procedure) (England) Order 2015, KCC is a statutory consultee with respect to surface

water drainage. KCC's [Drainage and Planning Policy](#) (November 2019) provides guidance on the application of minimum operational standards as required under paragraph 165 and as stated within the Defra-published Non-Statutory Technical Standards for Sustainable Drainage.

- 2.3 Flood risk mitigation, including sustainable drainage systems (SuDS) may be combined and delivered with other requirements or initiatives such as green infrastructure, biodiversity net gain, nutrient neutrality, open space provision, urban and landscape design.
- 2.4 KCC encourages early engagement at the pre-application stage to ensure the most efficient design scheme. Contact KCC Sustainable Urban Drainage (SUDs) for further information: suds@kent.gov.uk.

3. Assessing Need and Calculating Demand

- 3.1 Developers will be expected to mitigate any proposed new developments where direct impacts are identified on local drainage and flood risk management.
- 3.2 Contributions from KCC will be sought on strategic sites only, where the complexity of SUDS systems could be more effectively dealt with directly by the LFFA. Planning obligations, secured through the s106 process, may be sought where the developer requests assistance with meeting NPPF paragraph 169 requirements through KCC issuing a Certification of Compliance as LFFA.

Para 169 states: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 3.3 In these instances, the LFFA will complete the necessary inspection and assessment of flood attenuation, removing the need for a planning condition to be requested with regards to verification of construction.

- a. Under the s106 Agreement, KCC and the developer will need to agree the nature of the works to secure appropriate contracts before the development can commence.

4. **Indexation**

- 4.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC will apply the BCIS All-In Tender Price Index, based on the date at which the contribution has been calculated.

5. **Time Limit on Spend**

- 5.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

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Technical Appendix 13: Heritage & Archaeology – Community Archaeology Provision

1. Service Overview

- 1.1 Many development proposals submitted in Kent will have an impact on archaeological remains. These tangible survivals of Kent's heritage are irreplaceable and form a key part of each district's historic environment. They are also highly valued by local people, as they contribute to an area's character and distinctiveness.
- 1.2 Community Archaeology helps integrate new communities into Kent's existing social landscape. Engaging with new residents, helping them explore their heritage builds community strength, identity, pride, and sense of place, resulting in a greater understanding of how their area relates to its surroundings. There is also evidence that engaging with Community Archaeology brings significant physical and mental health benefits, through meeting new people and being outdoors. People can also develop new understanding and skills; for those who may be excluded from other forms of learning, Community Archaeology can give them the opportunity and confidence to become engaged citizens.
- 1.3 The National Planning Policy Framework (NPPF) recognises the importance of archaeological assets under paragraph 189, which states:
- “Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
- 1.4 Para 205 adds: *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*
- 1.5 Applicants will ordinarily have an option as to how they intend to meet the above NPPF requirements, either by entering into a s106 agreement with KCC, or by a specific planning condition. The chosen option is to be agreed by the LPA in consultation with KCC's Heritage Conservation service.

2. Assessing the Need and Calculating Demand

- 2.1 The option of providing s106 contributions will be calculated on a case-by-case basis, following assessment. Requests for contributions will depend on

the potential for archaeological finds, based on data available to KCC at the time of application.

- 2.2 Contributions will be sought only on strategic development sites, or those in areas of significant archaeological potential. In these latter cases, KCC’s Heritage Conservation service will advise on delivering a service that would meet the NPPF requirements; this service offer will be an option for inclusion in a s106.
- 2.3 The projects required will depend on the development and anticipated level of archaeological significance but may include:
- Interpretation panels and other enduring forms of promotion
 - Community Archaeology activities such as study at workshops and archive centres, and field research using geophysical survey, scanning and photogrammetry, earthwork survey, test-pitting and excavation and other techniques
 - Interpretation and education activities such as training events, exhibitions of artefacts, physical and digital promotional materials, and public events.

3. **S106 Contribution Example**

- 3.1 The following table provides examples of contributions that may be sought for a large-scale, strategic development. The per dwelling cost set out in Table 1 is calculated by:
- Community Archaeology activities – a part-time Heritage & Archaeology Officer (plus oncosts) employed for three years, divided by 5000 dwellings
 - Interpretation and education activities – a total cost of £78,265 for a development site of 5000 dwellings (£78,265 / 5000). This is based on previous experience and costs of delivering these activities.

Table 1 – Example s106 Contribution Example

	Per dwelling
Community Archaeology activities	£12.86
Heritage Interpretation and education	£15.65
Total	£28.51

4. **Indexation**

- 4.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC will apply

the BCIS All-In Tender Price Index, based on the date at which the contribution has been calculated.

5. Time Limit on Spend

- 5.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

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Technical Appendix 14: Highways and Transportation

1. **Service Overview**

- 1.1 Under the [Highways Act 1980](#), KCC is the Highway Authority for Kent, responsible for managing and maintaining all adopted roads in the county: motorways and trunk roads are the responsibility of National Highways.
- 1.2 KCC is also the Local Transport Authority for Kent³⁴. Policies and measures to actively promote alternatives to car-based travel, and improve the safety, accessibility, sustainability and efficiency of Kent's highway and transport networks are set out in its [Local Transport Plan for Kent](#) (LTP) and [Active Travel Strategy](#). These will be applied to new developments as appropriate. The LTP is currently under review to align with evolving UK transport policies and to meet KCC's commitment to Carbon Neutral.
- 1.3 New development can put pressure on both the transport system and the environment; the land-use strategy (as set out in the Local Plans) and each individual development must be as sustainable as possible. Each development granted planning permission must make proportionate contributions to mitigate its impact on the transport network. This helps avoid safety and capacity issues that could prejudice the delivery of subsequent developments necessary to meet KCC's housing and employment targets.
- 1.4 With ever-increasing traffic volumes (particularly HGVs), new development can also add to KCC's constant challenge to maintain a growing and ageing highway network. Developers and others designing highways for adoption must consider at an early stage, the lifetime cost of their proposed materials and equipment. Specifications should demonstrate how this compares with alternatives and how the assets will be maintained safely, in line with KCC's new technical approvals process.

2. **Strategic Transport Infrastructure**

- 2.1 KCC works closely with district councils and National Highways to develop comprehensive transport strategies and policies as part of the Local Plan making process. These are underpinned where appropriate by multi-modal traffic modelling, to identify the strategic transport infrastructure required to facilitate housing and employment growth. Measures are set out in the Infrastructure Delivery Plan (IDP) to the Local Plan.

³⁴ Transport Act 2000

- 2.2 Where potential development sites have been considered in combination, significant infrastructure may be required as the most appropriate form of mitigation. Examples include a bypass, major new junction configuration or a traffic calming and pedestrian/ cycle scheme through a village or town.
- 2.3 Such schemes should be designed and costed to outline stage for inclusion in the IDP to the Local Plan. The LPA, in consultation with the Highway Authority, would be responsible for securing appropriate contributions from development sites, in proportion to the trips generated by the proposed developments, divided by the cost. Funding would be secured via s106 contributions made to the Highway Authority; this enables detailed design, consultation, and implementation, subject to appropriate guarantees.
- 2.4 Large scale development sites will also need to submit their own Transport Assessments through the planning application process, identifying specific mitigation measures that could be delivered irrespective of the other sites on a particular route or at a junction. This should be done on a similar timescale and in a similar area to the Local Plan process. Site promoters will be encouraged to work together to determine a collective solution that could be delivered by the Highway Authority as outlined above, particularly addressing the financial risk should one or more sites not come forward.
- 2.5 KCC may also have opportunities to bid for Government support to jointly fund infrastructure measures or, ideally, facilitate up-front implementation to enable the delivery of housing or employment sites. Some LPAs use CIL as an alternative source of funding. External Government funding, however, cannot be relied on as this is subject to funding bids to the Government which may or may not be successful. Development proposals should, therefore, seek to mitigate its impact on the local highway network.

3. Site-Specific Transport Infrastructure

- 3.1 Even where there are no other planning or environmental issues, KCC requires the transport impacts of all development proposals to be considered and if necessary, further assessed at planning application stage.
- 3.2 For smaller sites of up to 100 dwellings, and employment sites of under 2,500 m² gross floor area (GFA) a Transport Statement (TS) may be required. For smaller sites in traffic-sensitive areas and for larger sites (over 100 dwellings or employment sites of over 2,500 m² GFA) a Transport Assessment (TA) will be required.
- 3.3 These should be prepared in accordance with the guidance set out in [‘Travel Plans, Transport Assessments and Statements’ \(March 2014, Ministry of Housing, Communities and Local Government\)](#).

- 3.4 The required scope and content of the TS/TA will vary on a case-by-case basis. Developers must consider whether safe and suitable access can be created with the public highway, including additional emergency/secondary access points for larger sites in accordance with [Manual for Streets](#) and [Kent Design Guide](#). They should also investigate road safety implications, network capacity impacts (which require traffic modelling) and access to sustainable transport infrastructure/ services.
- 3.5 TAs should consider accessibility by all modes of transport and quantify the development's overall impact on the local transport network. This provides a basis for identifying and agreeing any required mitigation measures, which will be subject to conditions. A planning condition may be imposed on the grant of planning permission for the delivery of transport improvements requiring the developer and/or owner to enter into a s278 Agreement (Highways Act 1980). In some cases, measures may be delivered by KCC through a s106 Agreement (Town and Country Planning Act 1990) or via CIL.
- 3.6 Following the Covid-19 pandemic, people are increasingly using digital connectivity and delivery services, rather than travelling for meetings, work and shopping. In addition, the UK also has a legally binding commitment to decarbonise its economy. As a result, KCC is changing how it assesses traffic impacts of new development, moving from the traditional 'predict and provide' approach to a new 'decide and provide' model. Rather than considering the worst-case traffic growth forecasts and physically adjusting the road network to accommodate them, it focuses on providing infrastructure to accommodate its preferred future vision.

4. Agreements - s278 and s38

- 4.1 Highway works executed by a party other than KCC as a result of a planning permission, are usually carried out under s278 of the Highways Act 1980.
- 4.2 A s38 Agreement of the Highways Act 1980 enables KCC to take over and maintain at public expense (adopt), roads, footways, cycleways, and other areas constructed by a developer by way of agreement.
- 4.3 Highway work versus contributions
- Mitigation must be fully funded and delivered directly by the developer, under an s.278 Agreement with the Highway Authority. All work within or affecting the highway will be subject to technical approval by the

Highway Authority before commencement; details are to be agreed with KCC.

- Contributions for highway works will be agreed only in exceptional circumstances, such as:
- a large-scale strategic transportation scheme
- with more than one funding source
- identified through the Local Plan process and included in the associated IDP

4.4 Where more than one development in an area generates the need for a specific local highway scheme that an individual development cannot deliver, KCC may secure financial contributions and procure the works, using a s106 or s278 Agreement as appropriate.

4.5 Highway work and surety

KCC will require an appropriate surety (either a cash deposit or a bond) it can call upon if the developer does not complete works to the satisfaction of the Highway Authority.

4.6 Inspection fees

4.6.1 KCC charges a fee for preparing and managing s278 & s38 agreements. These covers:

- checking the design of the highway works and any associated structures and drainage
- safety audits
- design checks
- site inspections.

4.6.2 The level of fees charged are:

- s278 - 10% of the cost of the works up to £500,000, then 3% of the balance, plus a consultancy fee for transport advice.
- For s38 - 10% of the cost of the works

4.6.3 Further information:

www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-highways-permit-or-licence/highways-fees#tab-4

4.7 Traffic Regulation Orders

4.7.1 Where a development requires a traffic regulation order (TRO) - for example, to provide waiting restrictions - KCC charges a fee to cover the processing and advertising costs. This varies according to the order(s) and associated works required. The developer will be responsible for informal consultations with those affected (residents, businesses, emergency services, bus operators, elected Councillors for the area) prior to any formal consultations, and procurement and implementation of the associated infrastructure, including signage and lining. This will be secured through a s.278 Agreement unless otherwise agreed with KCC. TROs cannot be a condition of planning since they are governed by separate legal processes; a condition may stipulate that 'best endeavours' are made to secure them. The TRO process can take time and should be undertaken promptly to avoid delays in implementation.

4.8 Commuted Sums for Maintenance

4.8.1 The Highway Authority will require commuted sums from developers to cover the lifetime maintenance costs of assets it takes on, and replacement costs at the end of their useful life. These sums are secured through both s278 and s38 agreements. Assets attracting contributions on transfer to KCC may include:

- Street lighting
- Traffic signals and illuminated signs
- Pedestrian crossings
- Highway structures such as retaining walls, bridges, and gantries
- Landscaping and adopted land
- Fencing and noise bunds
- Bus shelters and other public transport infrastructure
- Street furniture and bollards
- Soakaways
- Drainage infrastructure
- Tree planting in soft and hard landscaping, hedges
- Culverts
- Traffic management features
- Interceptors
- Pavements

4.9 Calculating Commuted Sums

- 4.9.1 KCC calculates commuted sums for maintenance using principles set out in guidance produced for the Department for Transport by [ADEPT, the Association of Directors of Environment, Economy, Planning and Transport](#). Developers should not assume KCC will accept responsibility for or maintain all highways infrastructure. For example, street lighting that does not perform a useful network function may not be requested on some roads and would not be automatically eligible for adoption.
- 4.9.2 Any asset a developer is seeking KCC to adopt must be in an appropriate condition, with necessary maintenance work completed prior to transfer. Where proposed materials are not within the current Highway Authority specification, additional sums may be requested, or adoption refused.
- 4.9.3 Under special circumstances, KCC will require commuted sums for maintenance of an asset it already owns; for example, if construction traffic is likely to damage the carriageway. These sums, usually secured through a s106 agreement, will be returned in whole or in part if no damage occurs.

5. Sustainable Travel

5.1 Background

5.1.1 Sustainable travel remains an important component of healthy and well-connected communities and are essential to delivering climate change commitments. KCC will always therefore, evaluate any planning application against Section 9 (Promoting Sustainable Transport) of the NPPF and other local policies to ensure that those tests are met, and that appropriate mitigation is made. In accordance with Manual for Streets (MfS Table 3.2), wherever possible in the assessment of new development sites, KCC will adopt the user hierarchy of considering travel by pedestrians first, then cyclists, then public transport users, service vehicles (emergency services, waste etc.) and then other motorised traffic. This will help to ensure that new streets serve all users in a more balanced way and help to establish firm, sustainable connections to neighbouring settlements.

As with other highway schemes, mitigation may be sought either through s106 contributions or direct s278 delivery. KCC encourages applicants to capture those requirements through the provision of Travel Plans; long-term management strategies providing a framework for managing transport issues and promoting travel choice. They can help reduce private car use, which in turn helps tackle localised congestion.

5.1.2 Under the NPPF, a Travel Plan is an essential component of workplace, residential and school planning applications. The Plan should include 'modal share' targets and measurable outcomes, with arrangements for monitoring progress and mitigating actions to be agreed where targets are not met.

5.2 Development Travel Plans

5.2.1 When constructing a Travel Plan, developers should consider how to positively contribute to:

- Sustainable travel
- Improving air quality
- Improving health & quality of life
- Reducing motorised traffic on the transport network
- Improving road safety

5.2.2 A Travel Plan will typically incur a monitoring fee covering a five-year period, as required by a Section 106 obligation. Fees generally range from £948 to £1422 but may be increased depending on the site. Travel Plans are suitable for:

- Large commercial and mixed-use sites with potential for significant trip generation affecting the local or strategic road network
- Some medium commercial and mixed-use sites within areas where cumulative traffic increase seriously affects the environment, economic viability, or quality of life e.g., congestion hotspots, AQMA etc.
- Some larger residential developments, depending on local context and likely value of ongoing monitoring in contributing to the Travel Plan objectives
- Any other development where ongoing monitoring and targets can bring about improvements to sustainable travel

5.2.3 All other developments will require a Sustainable Travel Statement and List of Sustainable Travel Measures where necessary to comply with the NPPF.

5.3 School Travel Plans

5.3.1 Under the Education and Inspections Act 2006, and where it aligns with NPPF objectives, local authorities are encouraged to develop travel plans with schools. These set out measures to promote safe, active, and sustainable

travel to school, both for pupils and staff. The main emphasis is usually to reduce the number of children being driven to and from school, which will also have a positive impact on local air pollution.

5.3.2 Travel plans for new schools are secured as part of planning conditions. Developers are encouraged to incorporate sustainable and active travel planning from the outset and should consider ways to:

- Reduce the number of car journeys to the school
- Establish active journeys from the outset
- Improve both mental and physical health through physical activity
- Promote independence and improve safety awareness
- Reduce the environmental impact of the journey to school.

5.3.3 Developers are encouraged to investigate the feasibility of or consider designing car-free and clean air zones around school developments, particularly at school entrances.

5.3.4 Developers should seek KCC's advice and, where possible, register with its online Travel Planning tool system for free, interactive guidance.

6. Public Transport

6.1 KCC Public Transport supports Kent's bus network by:

1. contracting services which are not financially viable (where budgets allow)
2. providing infrastructure
3. facilitating relationships with operators
4. providing concessionary schemes such as the Kent Travel Saver

6.2 The department also arranges home-to-school transport for eligible pupils and those with Special Educational Needs.

6.3 Public Transport is a key part of sustainable travel, so contributions from new developments may be sought to:

- improve nearby existing local bus services through frequency enhancements, vehicle upgrades and ticketing initiatives (including travel vouchers).
- provide new and additional local bus services to the development.
- provide new bus stop infrastructure and fund ongoing maintenance.

- fund home-to-school bus capacity required as a result of the new development.
- provide new community transport, flexible and/or Demand Responsive Transport services.

6.4 Contributions will be based on the site location and its impact, and the current local bus service network. Contractual arrangements determined on a site-by-site basis. Some cases may see a direct arrangement between the operator/ District Council; in others, the funding should come to KCC Public Transport.

6.5 Developers should consider bus access requirements when designing new developments.

7. **Indexation**

7.1 Indexation will be applied to contributions in accordance with advice issued by the Office of National Statistics (ONS) and should match the type of measure to be delivered. For highways construction works this will generally be the Road Construction Index (ROADCON) or the General Building Costs Index. The base date for indexation will be based upon the date at which the costs have been established.

8. **Time Limit on Spend**

8.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

9. **Further Information**

9.1 S106 contributions will be based on the development's specific circumstances (location, size, type, amount of off-site sustainable travel works to be delivered by condition and cost of local KCC sustainable transport schemes). Site promoters are encouraged to seek pre-application advice on highway matters via the KCC website at: [Highway pre-application advice - Kent County Council](#). A charge will apply for a formal written response.

Technical Appendix 16: Libraries, Registration & Archives (LRA)

1. Service Overview

- 1.1 KCC has a statutory duty under the [Public Libraries and Museums Act 1964](#) to provide a comprehensive and efficient library service for everyone working, living, or studying in the area.
- 1.2 KCC's library policies are contained in [Framing Kent's Future, Our Council Strategy 2022-2026](#) and the [Libraries, Registration and Archives Strategy 2019-22](#).

For national guidance see:

[Building Better Libraries for the Future](#) (Updated 2017).
[Libraries as a statutory service](#) (July 2019).
[Libraries Deliver: Ambition for Public Libraries in England 2016 to 2021](#).
[Government Policy on Archives \(1999\)](#).

- 1.3 KCC has a network of 99 libraries, (including registrations and archives facilities) across Kent's 12 districts and boroughs, delivered via a tiered system, as set out in Table 1 below. A list of Kent libraries can be found [here](#).

Table 1 – Library Tiers

	Library Tier				
	1	2	3	4	5
Library Location	Located in large, highly populated towns	Located in large, highly populated towns, and villages	Located in small towns, villages and suburban communities	Located in villages and suburban communities	Located in smaller villages and suburban communities
Library Building	Large building often co-located with partner services	Large and medium buildings some co-located with partner services	Medium and small buildings some co-located with partner services	Small buildings some co-located with partner services	Small buildings some co-located in community and village centres
Weekly Staffed Opening Hours	42	37	28	23	15

1.4 In 2018/19, Kent libraries received almost 4.6 million visits and issued around 4.9 million books, eBooks, and audio-visual items; over 240,000 people attended 23,000 events. As well as being places to browse, request and borrow books, libraries offer a range of services to Kent residents and visitors, including:

- Free access to PCs and public Wi-Fi
- Help for job seekers
- 'Ask a Kent Librarian' giving 24-hour access to trusted information on any and all topics
- Free physical and digital activities for all ages, such as baby rhyme time, talk time, book groups, craft clubs, after school homework help and the summer reading challenge
- Mobile library service delivering to smaller and more remote communities
- Home library delivery service and Red Book Box service to care homes
- The Business and Intellectual Property Centre, Kent History and Library Centre, offering free professional advice to start up and small businesses
- Registration services
- Study spaces
- Community space for group activities

Research conducted by KCC LRA services showed that a significant number of people use more than one library, with many using multiple libraries. An easy lend/return service is run, enabling users to borrow from, and return to any library, meaning that individuals may use libraries near to work or their child's school.

1.5 With new communities come new users, who place increased pressure on local libraries to offer services that suit their needs. Co-location with other services at new community hub buildings and improving existing spaces to accommodate larger borrower numbers and audiences at events for example, are the current focus for increasing capacity.

2. Assessing Need and Calculating Demand

2.1 Threshold for Seeking Contributions and Qualifying Developments

2.1.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and could generate a request for library contributions.

2.1.2 KCC will not seek contributions from:

- Student accommodation
- Sites specifically set aside for transient Gypsy and/or Traveller Communities

2.2 Service Capacity

2.2.1. New developments will place additional demands for both physical (hard copy) books and digital (eBooks/E-Audio) stock. The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought.

2.2.2. Library capacity has historically been based on Museums, Libraries and Archives (MLA) recommendation of 30sqm per 1,000 population – KCC does not currently meet this standard and has no plans to increase the number of libraries in Kent (the possible exception is the provision of new space on strategic sites/garden communities – (see below). In most cases, it will seek instead to meet the need generated by new growth by:

- improving existing facilities
- refits and reconfiguration
- intensification of use

2.2.3 To create additional capacity within existing libraries, extending the public space will be considered where possible, this could include:

- Converting space previously used by staff into public space by reducing the number or size of offices, workrooms, or storage space.
- Making staff space available for community use at certain times.
- Reconfiguring libraries to allow more flexible use of space that can be used by different customer groups at different times of day.
- Provision of additional 'Library Extra' sites – using technology assisted opening hours and RFID technology, 'Library Extra' enables the public and community groups to visit and use library facilities outside of staffed hours. Currently, three 'Library Extra' sites operate in Kent.

2.2.4 An assessment of need will be made at the point of planning application, taking account of capacities within LRA facilities serving the development.

2.3 New users per dwelling

2.3.1 The number of new users created per dwelling is set out in Table 2.

Table 2 – Additional Users Per Dwelling

Kent Population	1,576,100 ³⁵
Library Users Per Year	188,807 ³⁶
% Of Kent Population Who Are Library Users	11.98%
Average Occupancy Rate of Each New Dwelling	2.4
New Residents From 100 Dwellings	240
New Library Users From 100 Dwellings	28.75
New Library Users Per Dwelling	0.29

3. Contributions Per Dwelling

3.1 Contributions per dwelling for the provision of additional book stock, plus shelving, furniture, technology and equipment to enable more intensive use of existing library space are set out in the Table 3.

Table 3 – Per Dwelling Contribution Rate³⁷

Project	Cost Per User	Contribution Per Dwelling
Book Stock	£145.44	£41.81
Shelving and Furniture	£56.72	£20.82
Equipment and resources to enhance service provision, including IT, self-service equipment, digital dens	£15.67	
Total Contribution Per Dwelling		£62.63
Contribution Per Dwelling = Cost Per User x Users Per Dwelling		

³⁵ 2021 Census data

³⁶ 2019 data

³⁷ Figures shown in calculations have been rounded to 2 decimal places and may therefore, not sum correctly.

3.2 Reconfiguration of Library Space

Where reconfiguration of library space requires building works, this will be assessed on a case-by-case basis and cost applied to new housing growth served by the facility.

3.3 Strategic Development/Garden Communities

3.3.1 While KCC currently has no plans for new additional libraries, large strategic developments/garden communities may require new stand-alone buildings or library facilities within a community hub. The drive for efficiencies is likely to influence overall space requirements and opportunities for co-location will be actively explored. Requirements for new or extended library facilities (plus fixtures, fittings and equipment) will be assessed on a case-by-case basis and contributions sought accordingly, based on the example costing set out in Table 4 below.

Table 4 - Example Contribution Per Dwelling - Sought for New Build/Extension of Existing Building

Build Cost Per Square Metre (including Fixtures, Fittings and Equipment)	£3,668.00
Build Cost Per 1000 Population (30 sqm)	£110,040
Per Dwelling (using Average Occupancy 2.4) £110,040/1000 x 2.4	£264.09

4. Provision of Infrastructure – Project Types

4.1 Library services infrastructure will be required from developments within the catchment area of the affected library or libraries. Need will generally be based on the library most local to the development, but contributions may also be sought for those most affected, which may include a sub-regional library delivering services/stock to a wider catchment area. NB: Libraries in urban areas also serve surrounding rural areas and villages.

4.2 Development contributions collected to increase capacity at existing Libraries will be applied towards one or more projects, including:

- Reconfiguring/expanding space, creating community meeting rooms and events space and improving accessibility

- 'Library Extra' technology and equipment
- Additional book stock, eBooks and eAudio books
- Furniture including shelving and display equipment
- Other equipment necessary to enhance the library offer

5. Indexation

- 5.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC applies the BCIS All-In Tender Price Index, with the base date for indexation set at Q1 2022.

6. Time Limit on Spend

- 6.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed

Technical Appendix 17: Public Rights of Way (PRoW)

1. Service Overview

1.1 KCC has a duty under section the Highways Act 1980 to assert, protect and maintain the highway network, including 6,900km of Public Rights of Way (PRoW). This network of paths is freely available to the public to explore the countryside and coast; it is also integral to creating sustainable development, by providing important links between and within Kent's communities. Ensuring new development preserves and enhances the existing network adds significantly to the quality of life, health, and wellbeing of Kent's residents. The [Rights of Way Improvement Plan 2018-2028](#) and its supporting evidence base provides detail about the current network, its value and how it needs to evolve to meet future demand.

1.2 The [Definitive Map and Statement](#) (DMS) records Public Rights of Way and is conclusive evidence of the existence and alignment of PRoW at the date specified in the statement: National guidance for Local Authorities on Public Rights of Way is contained within the Department for Environment Food and Rural Affairs' [Rights of Way Circular \(1/09\)](#).

2. Existing PRoW Network

2.1 The granting planning permission does not also permit the obstruction or diversion of a PRoW required for the development to proceed. Extinguishing or diverting the PRoW requires a separate application to the Planning Authority under section 257 Town and Country Planning Act 1990. Generally, KCC prefers a new development's design to incorporate any PRoW on existing alignments and within open, green corridors. Poor design that leaves PRoW in narrow corridors with no natural surveillance will not be supported. Where the need to divert or extinguish a PRoW is identified, KCC recommends early engagement with its PRoW and Access Service to avoid an objection to the development or the diversion / extinguishment order, and subsequent delay to the development.

2.2 KCC's general expectation is that the existing network, or amendments to it, will be preserved and improved within the development boundary.

3. Assessing the Impact of New Development

3.1 The [National Planning Policy Framework](#) (NPPF), Para 100 includes the expectation that “Planning policies and decisions should protect and enhance public rights of way and access”. KCC will work with local planning authorities during their plan-making stage to assess proposed sites and development areas to establish the impact on the PRoW network. Where possible, costings for works will be set out.

3.2 KCC’s PRoW and Access Service will assess development proposals on a case-by-case basis. Common impacts include:

- Plans involving construction on an existing PRoW which will require the successful confirmation of a Public Path Order, in order to lawfully proceed. Harmful impacts on amenity.
- Fragmentation of the existing network.
- Increased motor vehicle use of PRoW where these also provide private access.
- Suppressed non-motorised use as a result of increased traffic/ harm to visual amenity/ noise / parking Increased use of the surrounding network.
- Positively impact PRoW in creating new links within and to the existing PRoW/ Highway network.

3.3 Kent County Council may seek developer contributions to fund the mitigation of development impacts to the PRoW network on-site or in adjoining areas, such as:

- the need to improve sections of PRoW to ensure suitability for increased use.
- the need to upgrade or create sections of PRoW to accommodate cycle and equestrian use required by the planning consent.
- to improve the connecting network to encourage active, non-vehicular travel.

Where contributions are sought there is an expectation that they will be paid in advance of, or at the beginning of development, to ensure that existing communities and new residents benefit at an early stage.

3.4 To establish the s106 contribution, the PRoW and Access Service will:

1. Identify the development’s likely impact on the PRoW network

2. Identify what is required to mitigate that impact
3. Establish a best estimate of the cost of implementing the mitigation works, based on the current price KCC is paying for such works and the published charging schedule.

4. Indexation

- 4.1 Indexation will be applied to contributions in accordance with advice issued by the Office of National Statistics (ONS) and should match the type of measure to be delivered. For highways construction works this will generally be the Road Construction Index (ROADCON) or the General Building Costs Index. The base date for indexation will be based upon the date at which the costs have been established.

5. Time Limit on Spend

- 5.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

6. Pre-application Advice

- 6.1 For further information and pre-application advice, contact the PRow and Access Service at prow@kent.gov.uk.

Technical Appendix 18: Waste Disposal and Recycling

1. Service Overview

- 1.1 Under the Environmental Protection Act 1990, KCC is the Statutory Waste Disposal Authority (WDA) for Kent, responsible for arranging recycling and final disposal of household waste within Kent's 12 district Waste Collection Authorities (WCAs).
- 1.2 Section 34 of the Act places a duty on anyone who produces, imports, keeps, stores, transports, treats, or disposes of waste to take all reasonable steps to manage it properly. This duty extends to anyone who acts as a broker and has control of waste.
- 1.3 KCC currently operates five Waste Transfer Stations (WTS) under contract for the deposit and bulk loading of waste collected by district councils. with another three, non-KCC WTS under contract. Some WCA waste is delivered directly to its final disposal point, eliminating double handling, and freeing up WTS capacity.
- 1.4 KCC also operates 19 household waste recycling centres (HWRC), providing Kent residents with facilities for reuse, recycling, and safe disposal of a range of materials. HWRCs play a key role in enabling KCC to meet its statutory responsibility as a WDA, handling over 170,000 tonnes of wastes in 2018/19 alone.

2. Planning for the Future

- 2.1 Housing growth across Kent is increasing demand for HWRC and WTS facilities, with many now needing replacement or expansion.
- 2.2 KCC's [Kent Waste Disposal Strategy 2017-2035](#) sets out the current position, identifies future pressures and outlines how KCC will maintain a sustainable waste management service. It includes population and housing growth, budget pressures, market provision, current performance, legislation, and performance targets.
- 2.3 Growing national and international waste management challenges also have a significant impact on KCC, including:

- International waste management facilities beginning to refuse importation of materials to increase their own circular economy.
- The Government's aim to increase household recycling rates from 45% to 64%.
- Adherence to the Waste Hierarchy, which sets targets to reduce the amount of waste sent for incineration.
- Limited nationwide landfill capacity.
- The cost of incineration and landfill, which is double that of other disposal and recycling options.

2.4 Kent's waste infrastructure provision will be further affected by [Defra's Resource and Waste Strategy](#). A component of the Environment Act, this sets out measure to preserve material resources by minimising waste, promoting efficiency, and moving towards a circular economy by recycling 65% of waste. Minimising damage to the natural environment by reducing and managing waste safely and carefully, and tackling waste crime, such as fly-tipping is required. It combines actions with firm commitments and longer-term policy direction in line with the 25 Year Environment Plan, a strategy for eliminating all avoidable waste, including plastics, and doubling resource productivity by 2050. This will place further pressure on the WDA, in addition to the pressure from housing growth, for which developer contributions are sought.

3. Approach to Contributions for Waste Infrastructure

3.1 Paragraph 20 of The [National Planning Policy Framework](#) (NPPF) requires strategic policies for infrastructure provision, including waste. KCC will work with the LPAs through the Local Plan process, advising where additional infrastructure is required to meet the needs of new housing growth.

3.2 As the Minerals and Waste Planning Authority for Kent, KCC must also plan for waste management capacity in its [local plan](#). This forms part of the statutory development plan for Kent, together with the adopted local plans prepared by the 12 district and borough planning authorities, and relevant Neighbourhood Plans prepared by local communities.

3.3 There is a direct link between increasing demand on waste facilities and housing growth. Consequently, KCC will seek developer contributions towards the provision of increased HWRC/WTS infrastructure. The contributions sought will meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended).

3.4 In order to fulfil its statutory duties, KCC has a network of WTS and HWRC across Kent. Whilst many districts are served by a WTS and at least one

HWRC, to aid efficiency, the provision of waste facilities are planned across Kent with one facility sometimes serving two or more districts. Unlike the WCAs, KCC waste operations are not bound by district borders.

3.5 However, there will be one waste facility that will directly serve a new development and its expansion, improvement or a new provision will directly meet the need created by the development. For HWRCs KCC seeks to ensure that facilities are located within a circa 20-minute radius of a development. Therefore, the impact of growth on facilities in the 20-minute radius will be assessed and where there is a deficit of provision, a contribution will be sought for a HWRC directly related to the development.

4. Assessing Need and Calculating Demand

4.1 Threshold for Seeking Contributions and Qualifying Developments

4.1.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed. This could generate a request for a contribution where there is an infrastructure deficit in relation to WTS and/or HWRC, and insufficient capacity to accommodate waste and recycling produced by new development.

4.2 Capacity Assessment Criteria

4.2.1 A number of factors influence when a site requires replacement or improvement, including:

- Refuse Collection Vehicles (RCVs) queuing for access to the site, which is a common problem at both WTS and HWRC facilities. As well as the safety implications of RCVs queuing on to the public highway, delays reduce their ability to complete collection rounds in a timely manner.
- Site restrictions in terms of scale and layout, which result in operational inefficiencies and lower-than-average recycling rates. Many WTSs and HWRCs have been modified to accommodate the latest requirements for material segregation, but further work will be needed as new legislation designed to increase recycling rates comes into effect.
- The site no longer being fit for purpose in terms of public usability. Many of KCC's HWRC facilities require the public to use steps to dispose of waste into containers. This reduces site capacity since the steps take up much-needed container storage space.

4.2.2 Further housing development within an area exacerbates all the above issues, creating the need for new sites, or extension to existing facilities. Note that KCC's capacity assessment takes only housing growth into account, not any background growth brought about through changes to residents' behaviours.

4.2.3 The need for replacement /extended sites is set out below.

4.2.4 KCC will continue to engage with the district councils through the local plan process, providing details of project in their areas with a view to seeking site allocations within the plan. Regular reviews of infrastructure capacity will ensure service demands are adequately captured in the longer-term.

4.2.5 Mercantile facilities¹ are currently used for Waste Transfer Stations in Canterbury, Thanet, and Maidstone districts. Contracts have secured sufficient capacity up to 2030 (as a minimum) so contributions towards WTS facilities are not currently being requested in these areas.

4.3 Contribution Methodology

4.3.1 When considering the need for a new facility, KCC assesses all available delivery models to ascertain the most cost-effective solution. This includes using mercantile facilities where available, as well as new build projects funded through capital borrowing or Design, Build, Finance, Operate (DBFO) contracts via revenue funds. Only those projects funded through capital borrowing are included in requests for developer contributions.

4.3.2 Contributions will be requested on a 'per dwelling' basis. The methodology is based upon the build cost per tonne of infrastructure capacity, multiplied by the tonnage of waste produced by a household. The per dwelling rates for WTS and HWRC are set out below.

4.4 Infrastructure Need and Contributions

4.4.1 Waste Transfer Station (WTS) Facilities

4.4.1.1 To meet the needs of housing growth up to 2030, KCC has identified the need for at least five new or improved WTS facilities across Kent. These are summarised in Table 1.

TABLE 1 – WTS - PROJECTS

WTS Sites	Project Type	Serves (District)
Folkestone WTS	New (additional)	Ashford, Folkestone
Ebbsfleet WTS	New (additional)	Gravesham Dartford
Sevenoaks WTS	Extension	Sevenoaks
Sittingbourne WTS	Extension	Swale
Tunbridge Wells WTS	Replacement, including increased capacity	Tunbridge Wells, Tonbridge and Malling

4.1.1.2 Based on KCC's recent experience on similar projects, the estimated cost of providing a WTS facility with 75,000-tonne capacity is £13 million.

4.1.1.3 This equates to £173.33 per tonne and includes the cost of build and land. Tonnage figures for Kent show that each dwelling produces 0.82 tonnes of waste requiring processing at a WTS each year -see Table 2 below.

This gives a per dwelling rate for new WTS infrastructure of therefore £142.13.

Table 2 – WTS - Contribution Per Dwelling

New WTS	Cost	Cost Per Tonne	Waste Per Dwelling	Cost Per Dwelling (£173.33 * 0.82)
75,000 Tonne Capacity (Per Annum)	£13,000,000	£13,000.000 / 75,000	0.82 Tonnes Per Annum	£142.13

4.4.2 Household Waste Recycling Centre (HWRC) Facilities

4.4.2.1 To increase recycling capacity, several existing HWRC sites have been identified for replacement or extension, with one additional facility required. These are summarised in Table 3 below.

TABLE 3 - HWRC PROJECTS

HWRC Sites	Project Type	Serves (District)
Dover HWRC	Extension	Dover HWRC catchment
Ebbsfleet HWRC	New (additional)	Dartford and Pepperhill HWRC catchment
Sittingbourne HWRC	New (replacement, including increased capacity)	Sittingbourne HWRC catchment
Faversham HWRC	Extension	Faversham HWRC catchment
Maidstone HWRC	Extension in the short term New (Replacement, including increased capacity in the long term)	Maidstone HWRC catchment
Margate HWRC	Extension	Margate HWRC catchment
Sheerness HWRC	Extension	Sheerness HWRC catchment
Swanley HWRC	Extension	Swanley HWRC catchment
Tunbridge Wells HWRC	Extension	Tunbridge Wells HWRC catchment
Folkestone HWRC	Extension	Folkestone HWRC catchment

4.4.2.2 Based on KCC's recent experience of delivering similar projects, the estimated build cost of providing a new HWRC facility of 25,000 tonnes capacity is £5 million, and £1 million for a 5,000 tonne HWRC extension. Both equate to a build cost of £200 per tonne, again, including provision for land purchase. Figures show that each Kent household produces 0.26T of waste to be processed at a HWRC each year, giving a per dwelling rate for HWRC infrastructure of £52.00 – See Table 4 below.

Table 4 – HWRC – Contribution Per Dwelling

New HWRC	Cost	Cost Per Tonne £5,000.000 / 25,000	Waste Per Dwelling	Cost Per Dwelling £200.00 * 0.26
25,000 Tonne Capacity (Per Annum)	£5,000,000	£200.00	0.26 Tonnes Per Annum	£52.00
HWRC Extension	Cost	Cost Per Tonne £1,000.000 / 5,000	Waste Per Dwelling	Cost Per Dwelling £200.00 * 0.26
5,000 Tonne Capacity (Per Annum)	£1,000,000	£200.00	0.26 Tonnes Per Annum	£52.00

4.4.2.3 Unlike the WTS catchment areas, those for HWRCs have not been defined by district boundaries: residents are thus free to use any HWRC, regardless of which district/borough it lies within. Typically, residents choose a site based on ease of access, typically a circa 20-minute radius, depending on distance, site capacity or the range of materials accepted.

4.4.2.4 All customers must book a slot in advance and provide a postcode, allowing KCC to monitor which district customers are travelling from. An analysis of 1.7m trips to Kent's HWRCs between March 2021 and February 2022 is provided in **Table 5** below, with the shaded cells representing the district in which each HWRC is located. It is clear that most users choose the facility in their area, or where access is easiest.

Table 5 Part 1: Proportion of trips made to HWRCs from customer postcode location (March 2021 – February 2022)

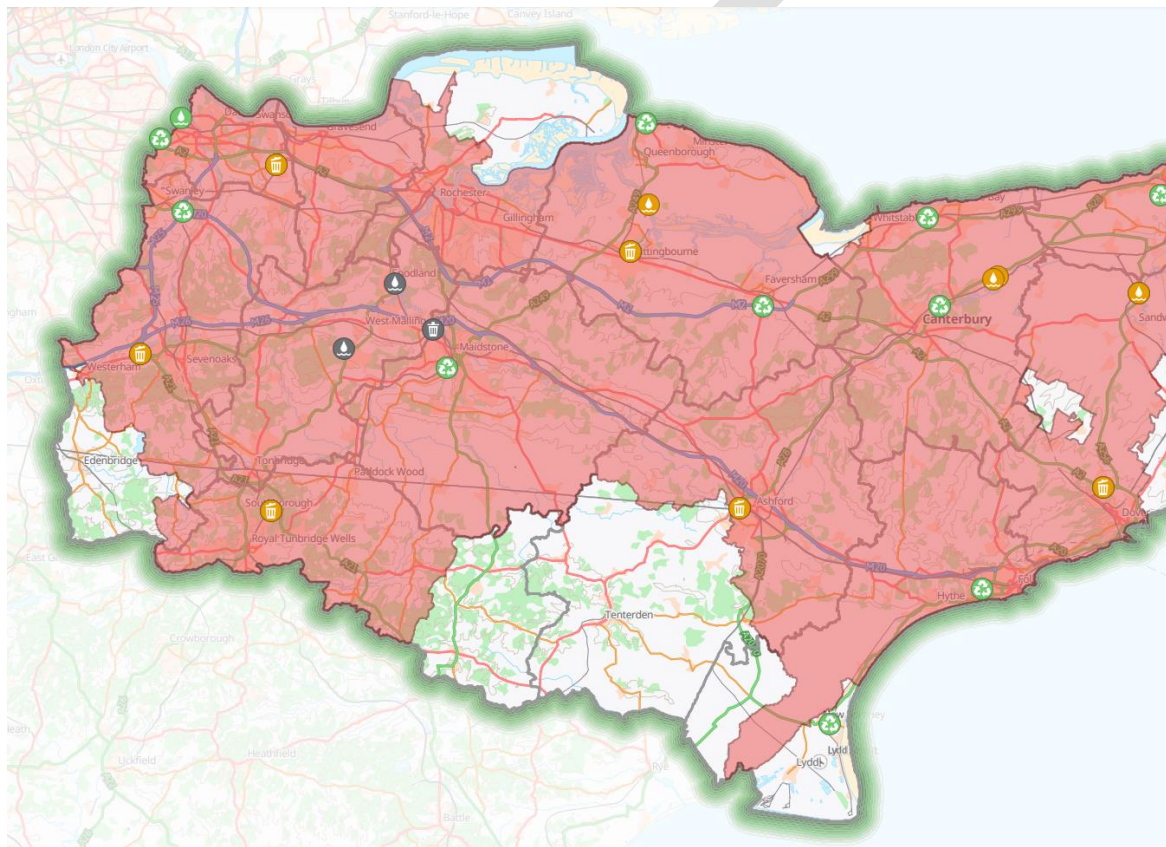
HWRC	Customer's postcode location						
	Ashford	Canterbury	Dartford	Dover	F&H	Gravesham	Maidstone
Ashford	91.3%	0.4%	0.0%	0.2%	2.4%	0.0%	4.5%
Canterbury	1.7%	89.1%	0.0%	4.4%	1.7%	0.1%	0.3%
Dartford	0.1%	0.1%	90.1%	0.1%	0.1%	1.4%	0.4%
Deal	0.1%	0.4%	0.0%	97.7%	0.3%	0.0%	0.0%
Dover	0.2%	2.2%	0.0%	93.4%	3.5%	0.0%	0.0%
Faversham	5.6%	6.8%	0.0%	0.4%	0.3%	0.1%	1.5%
Folkestone	0.8%	0.3%	0.0%	2.6%	95.6%	0.0%	0.1%
Herne Bay	0.1%	97.0%	0.0%	0.4%	0.1%	0.0%	0.1%
Maidstone	0.4%	0.2%	0.0%	0.1%	0.1%	0.1%	85.1%
Margate	0.1%	0.6%	0.0%	0.6%	0.1%	0.0%	0.0%
New Romney	8.1%	0.2%	0.0%	0.3%	87.1%	0.0%	0.2%
Pepperhill	0.1%	0.1%	18.5%	0.1%	0.1%	69.8%	0.5%
Richborough	0.1%	1.2%	0.0%	44.4%	0.2%	0.0%	0.1%
Sevenoaks	0.1%	0.1%	0.0%	0.0%	0.1%	0.0%	0.3%
Sheerness	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%	0.5%
Sittingbourne	0.2%	0.3%	0.0%	0.1%	0.1%	0.1%	3.8%
Swanley	0.1%	0.1%	5.6%	0.1%	0.1%	1.1%	0.9%
Tunbridge Wells	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	2.1%
Total Visits	139,030	205,922	88,993	213,938	163,839	87,435	142,036

Table 5 Part 2: Proportion of trips made to HWRCs from customer postcode location (March 2021 – February 2022)

HWRC	Customer's postcode location						
	Sevenoaks	Swale	Thanet	Tonbridge and Malling	Tunbridge Wells	Medway	Outside Kent
Ashford	0.0%	0.2%	0.1%	0.1%	0.5%	0.0%	0.2%
Canterbury	0.0%	1.2%	1.2%	0.1%	0.0%	0.0%	0.2%
Dartford	4.9%	0.1%	0.1%	0.3%	0.0%	0.1%	2.3%
Deal	0.1%	0.0%	0.8%	0.0%	0.0%	0.0%	0.4%
Dover	0.0%	0.1%	0.4%	0.0%	0.0%	0.0%	0.1%
Faversham	0.0%	84.6%	0.4%	0.1%	0.0%	0.2%	0.1%
Folkestone	0.1%	0.1%	0.1%	0.0%	0.1%	0.0%	0.2%
Herne Bay	0.0%	0.5%	1.4%	0.0%	0.0%	0.0%	0.2%
Maidstone	0.1%	0.3%	0.1%	12.6%	0.7%	0.2%	0.1%
Margate	0.0%	0.1%	98.1%	0.0%	0.0%	0.0%	0.2%
New Romney	0.0%	0.0%	0.1%	0.1%	0.2%	0.0%	3.6%
Pepperhill	8.0%	0.2%	0.0%	0.8%	0.0%	1.5%	0.2%
Richborough	0.0%	0.1%	53.6%	0.0%	0.0%	0.0%	0.2%
Sevenoaks	73.0%	0.0%	0.0%	17.3%	1.2%	0.0%	7.7%
Sheerness	0.0%	98.2%	0.1%	0.1%	0.0%	0.2%	0.2%
Sittingbourne	0.0%	94.3%	0.2%	0.4%	0.0%	0.5%	0.1%
Swanley	75.0%	0.1%	0.1%	9.0%	0.2%	0.1%	7.6%
Tunbridge Wells	1.5%	0.0%	0.0%	24.7%	70.3%	0.0%	1.1%
Total Visits	120,257	144,311	199,758	77,919	107,583	3,091	18,820

4.4.2.5 As the table shows, while most residents use their own district HWRC (shown in green), this is not always the case. The [WRAP](#) (Waste and Resources Action Programme) Guide recommends that HWRC provision should be located so residents are within a 20-minute drive. KCC has used this recommendation to create its HWRC catchment area, using Lower Layer Super Output Area (LSOA) boundaries. The HWRC rate will be applied to those developments within a HWRC catchment area with an identified project, as shown by Plan 1.

Plan 1: HWRC catchment area (shown in red)



4.4.3 Land Contribution

4.4.3.1 Where new waste infrastructure is required, or additional land needed to enable an existing WTS/HWRC to expand, KCC will seek the provision of land and/or proportionate financial contributions.

4.4.3.2 National Planning Practice Guidance advises how planning authorities should prepare plans and take account of waste requirements. KCC will work with the LPAs and developers to identify and allocate sites to ensure additional waste capacity is planned for, including land required for waste expansions and new facilities.

- 4.4.3.3 This land will generally be provided to KCC at 'nil consideration'. Where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically have gained residential planning permission, but is required to provide infrastructure for other sites, it will normally be valued at residential land value. Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider.
- 4.4.3.4 The site will still be provided to KCC at nil consideration. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.

5. Indexation

- 5.1 To ensure that financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. The BCIS All-In Tender Price Build Index will be applied, with the base date for indexation set at March 2022.

6. Time Limit on Spend

- 6.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.

7. Further Information

- 7.1 Please seek early advice from KCC Waste for further information on land requirements and transfer terms – email wasteinfrastructure@kent.gov.uk

From: **Mike Hill, Cabinet Member for Community and Regulatory Services**
Simon Jones, Corporate Director, Growth, Environment and Transport

To: **Growth, Economic Development and Communities Cabinet Committee – 16 May 2023**

Decision No: **23/00040**

Subject: **Adoption of Gypsy and Traveller Site Pitch Allocation Policy**

Classification: **Unrestricted**

Electoral Divisions: **All divisions**

Summary: This report sets out a final version of the Gypsy and Traveller Site Pitch Allocation Policy further to the consultation draft presented to the Growth, Economic Development and Communities Cabinet Committee in November 2022. Whilst the number of responses was low, this is not unusual for a consultation relating to KCC gypsy and traveller policy, and there was positive support for the revised Gypsy and Traveller Site Pitch Allocation Policy and some constructive feedback around language and accessibility, which has been addressed in the final version. There was challenge to one of the proposed exclusions regarding Unauthorised Encampments and this has been revised with legal opinion sought, which has led to the amendments in the final version. There have also been some other minor amendments made in response to comments during the consultation.

Recommendation(s):

The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse or make recommendations in relation to the proposed decision to be taken by the Cabinet Member for Community and Regulatory Services, to adopt the Gypsy and Traveller Site Pitch Allocation Policy and Application Form included at Appendix B and C respectively, and delegate to the Director Growth & Communities any further decisions that may be appropriate to deliver the policy as shown at Appendix A.

1. Introduction

- 1.1 This report presents the Growth, Economic Development and Communities Cabinet Committee with a final version of the Gypsy and Traveller Site Pitch Allocation Policy following a ten-week public consultation which closed on 7th February 2023.
- 1.2 The draft Gypsy and Traveller Site Pitch Allocation Policy was presented to Growth, Economic Development and Communities Cabinet Committee and endorsed for public consultation in November 2022.
- 1.3 There have been amendments made to the draft Gypsy and Traveller Site Pitch Allocation Policy because of the public consultation and the details of these are

featured in section 3 of this report. The revised Gypsy and Traveller Site Pitch Allocation Policy and Application Form can be found in Appendix B.

2. Consultation Activity

2.1 Following endorsement from the Growth, Economic Development and Communities Cabinet Committee to proceed to public consultation, a vast amount of work was undertaken to raise awareness of the consultation and promote the opportunity to provide feedback to a wide range of stakeholders. This included:

- Recording and publicising two videos to introduce the consultation and to summarise the proposed changes.
- Hosting and publicising five face-to-face events in libraries across Kent, including an event on a Saturday to consider those who worked Monday to Friday.
- Direct contact with every resident on sites owned and managed by the Authority by text message, letter, and a visit by a Site Manager at the start of the consultation and again part way through.
- Direct contact with every applicant currently on the waiting list for a pitch on a site owned by the Authority, at the start of the consultation and again part way through.
- Direct emails to 172 stakeholder partners and organisations, at the start of the consultation and again part way through
- Presentation at the Kent Housing Officers Group meeting.
- Publication of the consultation on the Let's Talk Kent website.
- Highlighting the consultation on the Gypsy and Traveller Service pages on kent.gov.uk.
- Social media post promoting the face-to-face events.

2.3 A summary of engagement with the consultation webpage, material and social media can be found below:

- 953 page views, 581 visits by 536 unique visitors.
- 108 document downloads, including 74 downloads of the consultation document, and 26 views of the videos to help explain the proposed changes.
- 8,500 post views, with 501 clicks on social media.

2.4 In total, 13 responses were received to the consultation from:

Responding As...	Number of consultees
As a resident of a Kent County Council owned Gypsy and Traveller site	2
As a Gypsy and Traveller living on a private site or in bricks and mortar	3
As a member of the public not living on a Gypsy and Traveller site	1
On behalf of a Parish / Town / Borough / District Council in an official capacity	4
On behalf of a charity, voluntary or community sector organisation (VCS)	2
A representative of a local community group or residents' association.	1

- 2.5 Whilst this number is low, it is important to note that responses were received from three recognised and respected organisations who will help represent the views of the community - Equality and Human Rights Commission; Friends, Families and Travellers; and Kent Equality Cohesion Council.

Response statistics to the closed questions in the consultation have been summarised below via the number of consultees answering instead of percentages.

- 10 out of 13 consultees responding indicated the draft Site Pitch Allocations Policy was easy to understand. An additional 2 consultees believe it was easy to understand in part.
- 6 out of 13 consultees responding indicated the Policy adequately considers the community and its culture. An additional 3 consultees believe it considers the community and its culture in part.
- 7 out of 13 consultees responding indicated the draft Policy meets the aims set out in the consultation document. An additional 3 consultees believe it meets these aims in part.
- 7 out of 13 consultees responding indicated they agree with the exclusions set out in the Policy. An additional 2 consultees agree in part.

Free text feedback highlighted some concerns with regards to eligibility criteria (in relation to those illegally camping) and consistency with other Local Authority Housing Allocation policies (1 respondent). Some consultees also highlighted the need for the policy to be readily accessible in terms of format of the application and straightforward content.

3. Amendments Made Following Feedback from Consultation

- 3.1 Considering the feedback received from the consultation, there have been amendments made to the proposed Gypsy and Traveller Site Pitch Allocation Policy.
- 3.2 Following the feedback received about the proposed exclusion where an applicant has set up 'an unauthorised encampment on Kent County Council land (including highways) within the last 3 years and behaved criminally/anti-socially whilst doing so', this has been amended to clarify that this exclusion would only apply if an Unauthorised Encampment was set up AND in doing so, the applicant engaged in anti-social conduct. As per the policy, this would be verified by information or advice from the Police, a KCC service or another enforcement partner.
- 3.3 Feedback was received about the language used throughout the Policy, and the need for it to be adjusted to be less confusing and less 'business' like in tone. This has been considered and the document has been amended to ensure clarity, clear language and plain English, where possible. There was never an intention to use any discriminatory or stereotypical language in the document, or to not recognise the diversity within the Gypsy Roma Traveller cultures, and as such, the document has been amended to recognise this diversity more explicitly and to remove any terms that have been highlighted as being potentially discriminatory.

- 3.4 There were comments received about assistance for applicants in completing the application form, so the policy has been amended to include details of further support and assistance that can be accessed by applicants. In addition, the GRT Resident Service will offer applicants the opportunity to come to a KCC office, and we will support the completion of the application with them. The creation of a video explaining the application process and form is also being explored with KCC Digital Services.
- 3.5 The proposed Policy has not changed position on the need for identity documents to be supplied as part of the application process. However in recognition of the potential difficulties that may incur with providing identity documents, the proposed policy has been amended to include that the GRT Resident Service will provide advice, guidance, and assistance to obtain the necessary supporting identify documents where possible, whilst maintaining the need for all decisions for pitch allocations to be made based on fact and evidence.
- 3.6 To ensure consistency and fairness at the interviews, a standard template will be used that ensures every applicant is asked the same questions in the interests of consistency. Appropriate records will be maintained throughout the application process.
- 3.7 The Points Allocation System has been slightly amended to consider the feedback from the consultation and has been peer reviewed with other Local Authority scoring systems (such as Norfolk County Council and West Sussex County Council).
- 3.8 The Application Form has been amended to show the scores allocated to each question, and what supporting documentation is required. Two questions around bank accounts and savings have also been removed because on reflection, these were considered unnecessary.

4. Financial Implications

There are no negative financial implications to the draft Pitch Allocation Policy; however, the introduction of the deposit scheme will provide some limited reimbursement to Kent County Council when a resident absconds from site, either leaving behind waste, owing rent arrears to the Authority, or causing damage when leaving.

5. Equalities Implications

- 5.1 Screening of the project did not highlight any significant direct negative impact on any of the protected groups, however, it did provide some specific areas for consideration around making the consultation and application process accessible to all.
- 5.2 That said, feedback from the consultation did propose some further consideration around support and assistance for applicants, and this has been considered and the Policy amended to include details of support and assistance available to applicants.

5.3 The Equality Impact Assessment has been reviewed considering the feedback received during consultation, and the subsequent changes that have been made and can be found in is included in the Background Documents (section 8) in this report.

6. Conclusions

6.1 The Gypsy and Traveller Site Pitch Allocation Policy underpins Kent County Council's aim to provide a safe environment for Gypsy Roma Traveller communities to live and thrive in Kent and is pivotal to the good management of its sites.

6.2 Several stakeholders were engaged as part of the pre-consultation activity during the preparation of the draft policy, and it has now been subject to public consultation. Following this, the draft Gypsy and Traveller Site Pitch Allocation Policy has undergone some revisions to make the policy as robust, fair and accessible as possible.

7. Recommendation(s)

Recommendation(s): The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse or make recommendations in relation to the proposed decision to be taken by the Cabinet Member for Community and Regulatory Services, to adopt the Gypsy and Traveller Site Pitch Allocation Policy and Application Form included at Appendix B and C respectively, and delegate to the Director Growth & Communities any further decisions that may be appropriate to deliver the policy as shown at Appendix A.

8. Background Documents

- Appendix A – Proposed Record of Decision
- Appendix B – Gypsy and Traveller Site Pitch Allocation Policy
- Appendix C - Gypsy and Traveller Site Pitch Application Form
- Appendix D - [Gypsy and Traveller Site Pitch Allocation Policy Consultation Report](#)
- Appendix E - [Gypsy and Traveller Pitch Allocation Policy EqIA](#)

9. Contact Details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Mike Hill, Cabinet Member for Community and Regulatory Services

DECISION NO:

23/00040

For publication

Key decision Yes

Subject: Gypsy and Traveller Site Pitch Allocation Policy

Decision:

As Cabinet Member for Community and Regulatory Services, I agree to adopt the revised Gypsy and Traveller Site Pitch Allocation Policy and Application Form and delegate to the Director Growth & Communities any further decisions that may be appropriate to deliver the policy.

Reason(s) for decision:

Kent County Council owns and manages seven sites across the County which are used to accommodate Gypsy, Roma, Traveller communities. The Gypsy and Traveller Site Pitch Allocation Policy was last updated in 2012 and it sets out how the County Council will establish an applicant's need for a pitch on any KCC owned site, and how vacant plots will be allocated. This policy is pivotal to the good management of sites and ensuring that our sites provide a safe environment for Gypsy Roma Traveller communities. Our policy requires this review to reflect learnings from subsequent and recent enforcement and compliance actions, as well as good practice adopted by other Local Authority Gypsy and Traveller teams.

The draft revised Policy was consulted upon from 30th November 2022 to 7th February 2023, following the consultation endorsement by the Growth, Economic Development and Communities Cabinet Committee in November 2022. The results of the consultation have been received and incorporated into the revised Policy as appropriate, and the Gypsy and Traveller Site Pitch Allocation Policy is now considered ready for adoption.

The purpose of this decision is to adopt the new Policy.

Cabinet Committee recommendations and other consultation:

The draft version of the policy was reported to the Growth, Economic Development and Communities Cabinet Committee and endorsed for public consultation in November 2022. The updated revised policy will be presented to and discussed by Members at their meeting on 16th May 2023.

Any alternatives considered:

The option of not revising the policy was considered but rejected due to the significance of this Policy in effective Site management and the need to ensure that council owned sites provide a safe environment for Gypsy Roma Traveller communities.

Any interest declared when the decision was taken, and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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1. Introduction

Kent County Council (KCC) is committed to allocating pitches on its Traveller Sites to Gypsies, Roma and Travellers in most need.

KCC is not a registered housing authority under the Housing Act 1985. Therefore, KCC has no statutory obligation to house applicants – that duty in Kent sits with the District and Borough Councils. KCC reserves the right to reject any applicant who fails to meet the criteria as set out by this procedure.

2. Aims of the Policy

- To provide pitches on KCC owned sites for eligible Gypsies & Travellers
- To provide a safe environment for Gypsy and Traveller communities to live and thrive in Kent by allocating pitches on a fair and consistent basis
- To recognise the diversity of the Gypsy Roma Traveller communities
- To make best use of pitches for permanent use
- To ensure that pitches are allocated fairly and transparently and based on priority need.

3. Legislative Framework

This policy has regard to the provisions of:

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Mobile Homes Act 1983
- Data Protection Act 2018
- Housing Act 2004
- Human Rights Act 1998
- Housing and Regeneration Act 2008
- Equality Act 2010

4. Scope of the Policy

This policy sets out KCC's arrangements for allocating pitches on any of KCC's permanent Gypsy and Traveller sites based on an individual's circumstances and level of need. This policy covers new applications for pitches, adding licence holders to existing pitch licence agreements and existing residents requesting transfers between KCC sites.

5. Data Protection and Information Sharing

All information provided as part of the application process will be treated as confidential and stored securely in accordance with the Data Protection Act 2018.

Information will not be given to third parties without consent; unless there is a requirement in law to do so.

All personal information provided will be processed in accordance with the Gypsy & Traveller Service Applications Privacy Notice.

6. Equality and Diversity

The Equality Act 2010 protects people from discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Romany Gypsies, Irish Travellers and Scottish Travellers are recognised as ethnic groups for the purpose of the Equality Act 2010.

As a public sector organisation, the Council follows the Public Sector Equality Duty under the Equality Act 2010. In the exercise of its functions, the Council has due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council recognises the diverse needs of our communities and is committed to promoting equality of opportunity and fair access to all.

The Council aims to provide a safe environment for Gypsy and Traveller communities to live and thrive in Kent by allocating pitches on a fair and consistent basis.

7. Eligibility for Applying for a Pitch

To apply for a pitch on any of KCC's Gypsy and Traveller sites, you must:

- Be from a Gypsy, Roma or Traveller background¹, and
- Be aged eighteen or over, and
- Have lived in Kent for at least 12 months, or who have close family (grandparents, parents, children, or siblings) who have lived in Kent for at least the last three consecutive years, or
- Meet the criteria because of exceptional circumstances and special needs regardless of their previous address, or
- Be an existing licence holder on one of KCC's owned sites, wishing to transfer to another KCC owned site.

To be eligible for a pitch, an applicant must have legal right to remain in the UK.

8. Exclusions for Applying for a Pitch

There will be applicants who are not eligible for a pitch on KCC's Gypsy and Traveller sites. **If an applicant, or any person intending to live with the applicant** on site falls into any of the following categories, the applicant will not be accepted for any of the following reasons:

8.1 Statutory Exclusions

Any person who is ineligible under the law because they are subject to immigration control unless they fall within a class prescribed by regulations made by the Secretary of State.

8.2 Anti-Social Behaviour

The applicant, or any person intending to live with the applicant, has been evicted or the cause of an eviction from a local authority Gypsy or Traveller site or been the subject/cause of a Possession Order or Injunction due to antisocial behaviour within the past 5 years.

¹ 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.' (Planning Policy for Travellers Sites (March 2012))

8.3 Unacceptable Behaviour

The applicant, or any person intending to live with the applicant, has been guilty of unacceptable behaviour within the past 3 years, as per information and advice from the Police, a KCC service or another enforcement partner, which the Council is of the opinion makes them unsuitable to be a resident on a KCC Gypsy and Traveller Site. Such behaviour may include, but is not limited to:

- Convictions for violent or other serious offences
- Convictions for drug use or drug dealing
- Used threatening language or behaviour to any officer of a Council, its contractors or any other associated person or partner agency
- Behaved in an anti-social manner towards neighbours (including being responsible for fly tipping/unlicensed scrap dealing)
- Supplied false or misleading information when making an application for a pitch
- Deliberately worsened their housing situation through anti-social behaviour cause
- Moved onto any of our sites without permission in advance
- Set up an unauthorised encampment on KCC land (including highways) within the last 3 years **and** behaved anti-socially whilst doing so
- Failure to pay rent, utility bills or any other payments associated with accommodation
- Sanctions issued by previous landlords for significant poor conduct on sites/serious breaching licence agreements
- Committed benefit fraud against public sector organisations i.e., council tax, Department of Work and Pensions.

8.4 Other Accommodation

The applicant and/or their partner own a residential property or is the tenant of a Local Authority or a registered social landlord, or a registered holder of a pitch on any other local caravan site.

This does not include existing residents on a KCC owned site who wish to transfer to another KCC site.

8.5 Other Considerations

A key aim for KCC is to support and enable communities that are balanced, safe, inclusive, and sustainable, whilst encouraging community cohesion and preventing any conflicts on site and/or with settled residents living near a site. The council will operate the policy in a way that supports the long term needs of each site.

As a result, additional factors will be considered when reviewing applications to ensure the compatibility of an applicant with current residents. Factors may include, but are not limited to religious practices, kinship, lifestyle, and existing groupings on sites. Any and all consideration will be based on fact, evidence and reliable intelligence.

Size of pitch (single or double) will be considered when allocating pitches to new and existing licensees to ensure that the best use of pitches is followed. For example, a single resident may not be considered for a double sized pitch if the next highest scorer is a large family.

9. Applications Process

The Council's application form must be completed for all new applicants and existing licensees wishing to apply for a pitch – this can be the paper or digital version. All applications made on the Council's form will be considered.

The application form can be found at [website](#), or you can request a paper copy by calling the KCC GRT Resident Service on 03000 421567.

An officer from the GRT Resident Service can help applicants complete the form if required. The Council will provide free of charge advice and information about the right to make an application.

Should you require any help or support with applying for a pitch, you can contact:

- KCC GRT Resident Service on 03000 421567 and we will be able to assist with completing the forms and explaining the evidence required, and provide free of charge advice and information about the right to make an application, or
- Friends, Families and Travellers provide a national helpline on 01273 234 777, which provides support with applying for a pitch, or
- Your local Citizens Advice Bureau on 0800 144 8848

Care should be taken when filling out this application form, and all information provided must be true and correct. Where false or misleading information is provided **at any time** during the allocation process, the application will be refused/stopped and may be subject to criminal investigation for offences under the Fraud Act 2006.

9.1 Application Form Submission

Completed application forms must be submitted to the KCC GRT Resident Service, either online, by email to gypsy.traveller@kent.gov.uk or by post to:

KCC GRT Resident Service.
Invicta House
County Hall
Maidstone
Kent ME14 1XX

It is your (the applicants) responsibility to ensure you keep KCC updated of any changes in your contact details or any changes in circumstances (including but not limited to children, education arrangements, medical conditions, criminal convictions).

9.2 Identity and Supporting Evidence

Supporting documents **must** be provided with the application form for **you as the applicant, and any person intending to live with you**. These documents are used to ensure that all decisions are made based on information and fact.

These must be original copies and must include:

- Proof of Identity – this could be a birth certificate, driving license, or passport, or any other paperwork listed as acceptable in the [Government's guide for right to rent checks](#)

Other documents that should be provided depending on your circumstances can include:

- Proof of current/last address – this can be a utility bill, bank statement, council tax bill dated within last 3 months (if applicable)
- Proof of family – this can be birth certificates, child benefit information, income support details, or council tax letter to show family
- Evidence of receipt of any benefits – this can be housing benefit/universal credit/tax credit/child benefit
- Details of school for children and special education needs
- Access to other local services – this can be a letter or email from another local service (for example, social services)
- Evidence of eviction/homelessness – this can be a letter or email showing you have been evicted
- Evidence of safety concerns – this can be details of incidents, crime reference numbers, or similar
- Evidence of carer arrangements – this can be a letter from a medical professional or community health worker, or showing you are in receipt of carers allowance
- Information about medical conditions – this can be a doctor's letters, medical records, hospital letter
- Information about criminal records – this can be details of previous incidents, or letters from Police

KCC reserves the right to seek further supporting evidence as required to support an application.

If you are unable to provide any of these supporting documents, please contact the KCC GRT Resident Service on 03000 421567 for further advice and support with providing documents.

9.3 Joint Applicants and Other Pitch Residents

Couples who intend to live together must make a joint application. All applicants must be eligible as per this policy.

Details must be provided for all persons intending to live on the pitch (including those under 18) so that they can be added to the pitch application licence if successful. Any persons not detailed in the application form, and subsequently not included on the Pitch Licence Agreement, will be treated as unauthorised residents.

9.4 Validation of Application

Once the completed application and supporting information has been received, the application is validated and checked to ensure all necessary information has been received.

If the application is complete and all necessary information has been provided, you will be notified that the application has been accepted.

If there are any missing documents or information, you will be contacted and told what needs to be provided and by when (normally a date for two weeks is given). At the end of this time, if the application is checked and found to be complete with all necessary supporting evidence provided, you will be notified that your application has been accepted. If there are still missing documents or information, you will be contacted and advised that, on this occasion, the application is rejected as it is incomplete.

Once rejected, any further application for a pitch will require a new application form with supporting documentation.

9.5 Assessment of Applications

All valid applications will be reviewed by the KCC GRT Resident Service. All assessments are made using the personal information and circumstances declared only – no opinions or assumptions will be made.

The criteria used to assess applications is:

- Existing accommodation
- Security of Tenure
- Welfare considerations
- Local connections
- Familial arrangements
- Education arrangements
- Medical conditions
- Time on waiting list

The points allocation system can be found in Appendix 1 at the end of this policy.

All scored applications will be entered on to the Waiting List. When a pitch becomes available, the top five highest scoring applications are contacted and asked to provide up to date details if their original application is more than 3 months old. The applicant has two weeks to provide this information. Once the information has been received, scoring is repeated considering any added information provided, and the top three highest scoring applicants are contacted and invited in for interview.

Where no response is received to the request for updated information, the applicant is written to/emailed and asked to confirm that they still want to be considered for a pitch. The applicant has two weeks to respond, after which time, if no response is received, the applicant will be removed from the Waiting List and the application, and all related documentation will be securely deleted. A record will be kept of names for those application forms which have been deleted.

9.6 Debtors

Where applicants have an outstanding housing related arrears (rent, utilities, council tax), no offer of a pitch will be made until the arrears is settled in full, unless there is a housing need that outweighs the arrears.

Where applicants have previously owed money to KCC and the account has not been settled in full, they will not be considered for a pitch, unless there is a housing need that outweighs the debt.

9.7 Interview

The three applications with the highest score will be invited in to meet with the KCC GRT Resident Service, to discuss their application in more detail, to provide original copies of supporting documents and to verify the information provided. To ensure fairness and consistency, all interviews will follow the same format and the same questions will be asked.

The interview will also provide the opportunity for the applicant to ask any questions to the KCC GRT Resident Service, and for discussions about the pitch licence requirements to begin.

The scoring form will be reviewed based on the interview, and this may mean that scores increase or decrease depending on what further information is verified and disclosed. Where two applicants have the same score following interview, there will be a decision made based on housing need. Records of all interviews and scores will be kept.

9.8 References and Verification Checks

Following the interview, appropriate steps will be taken to verify the information provided by you and background checks completed to confirm suitability for a pitch/site. As part of your application, you have provided your consent for us to complete appropriate due diligence and verification checks on the information you have provided to us.

These checks may include but are not limited to:

- References from previous landlords/local authorities/housing associations
- Credit checks/checks with other local authorities to identify any arrears owed to other public sector partners and to confirm the pitch rent is affordable
- Checks with other information systems administered by KCC (including our intelligence and Trading Standards databases)
- Checks with the Department of Work and Pensions to verify the payment of benefits
- Checks with schools
- Check with doctors/hospitals for confirmation of medical conditions
- Checks with local Police

The results of any checks will be confidential, however if an application is refused because of these checks, applicants will be notified and explained the decision in accordance with the Data Protection Act 2018.

9.9 Updating the Application Form

If at any time during the application process, there are any changes to your circumstances or the information provided on the application form, you must tell KCC as soon as possible and your application will be reviewed considering these changes.

It is up to you to keep in touch with us, by telephone, letter or email. If you fail to keep your contact details up to date you may miss out on a pitch offer or be removed from the waiting list.

9.10 Visit to Site/Pitch

As part of the application process, the top scoring applicants will be invited to visit the site and pitch they are applying for before agreeing to the terms and conditions set out in the Pitch Licence Agreement.

10. Decision Not to Offer Pitch

At all times, KCC reserves the right not to allocate to a vacant pitch on a site, regardless of allocation of points, if in the opinion of the council it is in the best interest of the site and its management. You will be told of this decision.

11. Offer of Pitch

The offer of a pitch will be made verbally and confirmed in writing, and the successful applicant will be asked to accept or refuse the pitch within a week of receiving the letter. If no response is received within the week, then the pitch will be offered to the next highest scoring applicant.

If the offer of a pitch is accepted, a date to meet at a KCC office will be arranged. This meeting will allow KCC GRT Resident Service to explain the responsibilities of each party in the Pitch Licence Agreement and will allow the successful applicant to ask any questions they may have. At this meeting, two copies of the pitch licence agreement will be signed and one copy will be kept by KCC and one will be given to the successful applicant), and arrangements will be made to pay the deposit and move onto site. As appropriate, forms to arrange for direct payment of rent will be signed at this time.

If the offer of the pitch is refused, the pitch will be offered to the next highest scoring/appropriate applicant. The applicant refusing the pitch will advise whether they want to be considered for other pitches or if they are withdrawing their application, and records will be updated accordingly.

12. Pitch Licence Agreement

The Pitch Licence Agreement is regulated by the Mobile Homes Act 1983, and it sets out the rules governing good conduct of sites, the payments that must be made and advises of breaches and how these will be handled. It also provides the permission for residents, trailers/mobile homes, other buildings, and animals allowed on pitches. The Pitch Licence Agreement must be signed and agreed before moving on to the pitch.

In accordance with the Mobile Homes Act 1983, a written statement of the terms applicable to the Pitch Licence Agreement will also be supplied at least 28 days before the agreement is entered into, unless the successful applicant agrees in writing to a shorter period.

Once a Pitch Licence Agreement is in place, any breaches to it will result in appropriate action being taken against you. Breaches can include non-payment of rent or utilities, criminal activity, and anti-social behaviour.

13. Deposit

The Council will seek a deposit at the commencement of the licence. The licence holder will be required to pay two weeks rent in advance of occupation of the pitch. This must be paid within two weeks of accepting the pitch and access to the pitch will not be given until these monies have been paid. If this is not paid in this time, the pitch offer will be withdrawn, and the pitch will be offered to the next suitable applicant (repeating previous steps as necessary).

14. Moving on to site

On the date that is agreed for moving on to site, the new resident will be met on site by a member of the KCC GRT Resident Service within 24 hours of this date to handover any keys and complete the pitch inventory. The resident will be issued with a Residents Handbook providing key information about their pitch and the site.

15. Communication

KCC aims to provide regular updates throughout the allocation process where contact details are provided, and where a postal or email address is provided, written updates may be provided.

As part of the Pitch Licence Agreement, residents are required to update the Council with all relevant changes in circumstances, including but not limited to new residents, children turning eighteen, new children and criminal records.

16. Re-Siting Mobile Home

KCC may ask a Pitch Licence holder on a KCC owned site to re-site their mobile home on another pitch forming part of the same site or on a pitch on another KCC owned site in accordance with Chapter 4 of Schedule 1 to the Mobile Homes Act 1983, or the parties may mutually agree to a move to another pitch on the same site or another KCC site.

This does not count as an allocation for the purpose of this policy.

17. Statutory Succession

In certain circumstances, there may be a statutory right of succession to a pitch agreement under section 3 of the Mobile Homes Act 1983.

This does not count as an allocation for the purpose of this policy.

18. Appeals/complaints

Any grievances or complaints can be handled using KCC's formal complaints procedure. A copy of this can be found at [Complaints and compliments - Kent County Council](#) or paper copy can be obtained from the KCC GRT Resident Service.

Appendix 1 – Points Allocation System

Points are awarded based on evidence provided with application only – proof must be provided in all circumstances.

Points Rating Criteria	Points
<u>Local Connections</u>	
Applicant(s) have lived in Kent for at least 12 months, or have close family who have lived in Kent for at least the last three consecutive years	20 per application form
<u>Problems with Existing Accommodation</u>	
Currently homeless	40
Unauthorised encampment/development without useable facilities	30
Living on an overcrowded plot	10
Living on an unauthorised private site	10
On unauthorised encampment/development with facilities	10
Current accommodation not culturally suitable	10
Living in temporary accommodation and cannot stay long term	10
<u>Poor or Absent facilities</u>	
Lack of water supply	20
No Toilet	20
No Bathing or Showering facilities	20
<u>Security of Tenure</u>	
Given notice to quit through no fault of their own	25
Applicant at Risk of Eviction (through no fault of their own)	20
<u>Welfare Considerations</u>	
Applicant fears for their personal safety. At risk of, or escaping violence, intimidation, harassment (through no fault of their own)	40
Applicant is required to support or care for a relative	30
<u>Family Considerations - points awarded per child or relative</u>	
Pregnancy	15
Relatives aged over 60	15

Children under 12 months	10
Children 1 -18 Years old	5
<u>Educational Considerations – points awarded per child in school</u>	
Children 5-11 Years Old	10
Children 12-18 Years Old	10
Children that have a Statement of Special Educational Needs	25
<u>Medical Considerations</u>	
Severe. Applicant has life limiting illness, which means they cannot complete basic welfare/daily tasks. Applicant has a carer/care plan in place	100
Substantial. Applicant has/ is likely to have significant health problems. Has, or is likely to frequently have an inability to carry out personal care or domestic routines now and in future.	75
Moderate. Applicant has an inability to carry out the majority of personal care/domestic routines, most of the time. May need help from family on occasion.	50
Minor. Applicant has recognised medical condition but it does not limit their daily activities or personal welfare on a daily basis	30
<u>Waiting List</u>	
Additional 1 point for every <u>complete</u> year on the waiting list	

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Application for a Pitch on a KCC Owned Site

The Council's application form must be completed for all new applicants and existing licensees wishing to apply for a pitch. All applications made on the Council's form will be considered.

Should you require any help or support with applying for a pitch, you can contact:

- KCC GRT Resident Service on 03000 421567 and we will be able to assist with completing the forms and explaining the evidence required, and provide free of charge advice and information about the right to make an application, or
- Friends, Families and Travellers provide a national helpline on 01273 234 777, which provides support with applying for a pitch, or
- Your local Citizens Advice Bureau on 0800 144 8848

Care should be taken when filling out this application form, and all information provided must be true and correct. Where false or misleading information is provided **at any time** during the allocation process, the application will be refused/stopped and may be subject to criminal investigation for offences under the Fraud Act 2006.

Completed application forms must be submitted to the KCC GRT Resident Service, either online, by email to gypsy.traveller@kent.gov.uk or by post to:

KCC GRT Resident Service.
Invicta House
County Hall
Maidstone
Kent ME14 1XX

It is your (the applicants) responsibility to ensure you keep KCC updated of any changes in your contact details or any changes in circumstances (including but not limited to children, education arrangements, medical conditions, criminal convictions).

Consents

Please read each statement in full, and check the box to confirm acceptance:

The information I will give about myself, and my family members is true to the best of my knowledge. I understand that any false or misleading information I give may lead to prosecution for a criminal offence, my application will be deleted, and I may be evicted from the pitch I have been allocated

KCC GRT Residents Service complies with the Data Protection Act 2018. I have read and understood the privacy notice which explains how me, and my family members personal information is held and processed.

I can confirm that all my family members know their personal details have been included in my application and they all understand how their information will be held and processed by KCC GRT Residents Service

I give permission for the KCC GRT Residents Service to carry out verification checks on all information I have provided in the application, and to complete appropriate background checks on myself and all members of my family who will be residing with me. I understand that KCC GRT Residents Service will treat the information received in this process about myself and my family members in confidence.

I understand that I am responsible for telling KCC GRT Residents Service about any changes to me and my family members personal circumstances throughout the application process and whilst on the Waiting List.

Signed:

Name:

Date:

1. About You

Name of Applicant (including any other names by which known)	
Surname	First Names
Date of Birth	National Insurance Number
Contact Phone Number	
Contact Email Address	
Name of Person Completing This Form (if different from main applicant)	

Current Address		
How long at this address	Years	Months
Is this your contact address?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If no, please provide contact address		
If you have lived at this address for less than 5 years, please provide all previous addresses and dates below		
Previous Address	From	To

Marital Status	<input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Other		
Partner			
Name		Date of Birth	
National Insurance Number			
Will your partner be living with you on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

To which ethnic group do you belong?	
Gypsy/Roma	
Traveller of Irish Heritage	
Scottish Traveller	
Other (please specify)	

2. Current Address/Location

What kind of accommodation is your current address? E.g. mobile home, house, homeless
Who owns the property/site:
Please provide contact details for Local Authority/Landlord
Do you have to move from your present location for any reason?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please detail reasons and provide supporting evidence:

Is your current accommodation unsuitable for any of the following reasons:

Problems with Existing Accommodation (can score up to 40 points)

- Overcrowding – there is not enough room
- Unauthorised site without useable toilets and washing facilities
- Unauthorised private site
- Temporary accommodation – cannot stay long term
- Not culturally suitable

Poor or Absent Facilities (can score up to 60 points)

- Lack of water supply
- Lack of toilet
- No bathing or showering facilities

Security of Tenure (can score up to 25 points)

- I am being evicted through no fault of my own
- I have been given notice to quit through no fault of my own
- I am being evicted for my behaviour (misuse/breach of agreement/misconduct)

Welfare Considerations (can score up to 40 points)

- It is not safe for me/my family to remain
- I am at risk of violence, intimidation, harassment through no fault of my own
- I am escaping violence, intimidation, harassment through no fault of my own
- I am required to support or care for a relative

If you have answered yes to any of the above, please give full details and provide supporting evidence:

If you have been travelling in the last 5 years (for more than 50% of the time), please provide a summary of your travelling patterns

3. Your Application for a Pitch

Which site(s) are you applying for: (please tick next to each site)	
Aylesham Caravan Site, Snowdon, Dover	
Barnfield Caravan Park, Ash, Sevenoaks	
Coldharbour Caravan Site, London Road, Aylesford	
Greenbridge Caravan Site, Canterbury	
Polhill Caravan Park, Dunton Green, Sevenoaks	
Three Lakes Caravan Park, Sittingbourne	
Windmill Caravan Park, West Malling	
Any/all of the sites above	

Do you have the right to remain in the UK?	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

4. Local Connections

Do you have close family living in Kent? (grandparents, parents, children, or siblings)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide their details below and how long they have lived in Kent for:	
Do you have any connections to the site(s) you are applying for?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details below:	

5. Familial Arrangements (can score points for all those living with you)

Please list all people in your household who will be living with you on the site				
Surname	First Name	Date of Birth	National Insurance Number	Relationship to You

If you're application is successful, and you are offered a pitch, only the names of the people you have listed here will be permitted to live with you

Are you, or any person listed above, pregnant? (can score up to 15 points)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

6. Medical Needs (can score up to 100 points)

Do you, or any person listed above, have complex medical needs? (evidence must be provided)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

Do you have medical conditions falling into any of the categories below? (Evidence must be provided by a medical professional)	<input type="checkbox"/> Yes <input type="checkbox"/> No
A. I have a life limiting illness, which means that I cannot complete basic welfare/daily tasks. I have a carer / care plan in place.	<input type="checkbox"/> Yes <input type="checkbox"/> No
B. I have significant health problems. I have or am likely to frequently have an inability to carry out personal care or domestic routines now and in future.	<input type="checkbox"/> Yes <input type="checkbox"/> No
C. I have an inability to carry out the majority of personal care/domestic routines, most of the time. I may need help from family on occasion.	<input type="checkbox"/> Yes <input type="checkbox"/> No
D. I have a recognised medical condition but it does not limit my daily activities or personal welfare on a daily basis.	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you have answered yes to any of the above conditions, please give full details:	

Are you a carer for any person listed above? (Evidence must be provided) (can score up to 30 points)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Is any person listed above a carer for you?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

7. Education Arrangements (points can be scored for every child in school)

Please provide details for any of the people listed above who are in school? Evidence must be provided			
Name	Name of School	Address of School	Is this a special education school?

Do you, or any person listed above, have a social worker assigned to you by a Local Authority? Evidence must be provided	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

8. Other

Do you have any pets that you would like to live with you on site?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please detail below:	
Pet	Number
Dogs	
Cats	
Horses	
Chickens	
Other - please detail below:	

9. Accommodation Arrangements

Do you have a caravan or a mobile home?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
If you do not, and you are successful in getting a pitch, where/how do you intend to get a mobile home?	

Do you, or any person listed above, own any other property, land, mobile/static home in the UK or abroad?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

10. Financial Arrangements

Are you, or any person listed above, employed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Are you, or any person listed above, self-employed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Do you have a bank account?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you have any other sources of income? i.e. rental income, pension etc	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please provide details and amounts	

How will you be paying for your pitch rent?

- Universal Credit
- Housing benefit
- Rent (income from employment)
- Rent (other income) – Please specify source of income:

Please list all state benefits and other income which you or any person listed above receive per week:

Employment support/job seekers allowance	£
Universal credit	£
Wages from paid employment	£
Working Families Tax Credit	£
Disability Living Allowance	£
PIP	£
Child Benefit	£
Child Tax Credit	£
Maintenance from spouse	£
Pension credit	£
State pension	£
Other – please detail	£
	£

11. Declarations

Have you, or any person listed above, ever been a resident previously on any site owned/managed by KCC?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Have you, or any person listed above, previously applied for a pitch on a site owned/managed by KCC?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Have you, or any person listed above, ever had an application for accommodation refused?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

Have you, or any person listed above, been convicted of a violent offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Have you, or any person listed above, been convicted of a drug related offence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Do you, or any person listed above, have any criminal actions pending?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

Have you, or any person listed above, used or displayed threatening behaviour towards an officer of the Council or other agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Have you, or any person listed above, been convicted of or been subject to an injunction for threatening behaviour?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	
Have you, or any person listed above, been issue with a breach notice or notice to quit by a Council?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

Are you, or any person listed above, in debt with housing related costs to a Council or supplier?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:	

<p>Please provide any details of welfare issues that the KCC GRT Residents Service should take into account when considering your application. For example, any support with reading and writing, completing form, applying for benefits etc.</p>

Please provide any further information which you feel should be known in support of your application.

12. Supporting Documents

You must provide all and any documents that support your application. Please tick all that you have provided with your completed application form:

Document	Provided	Office Use Only - Received
Photographic ID for you as main applicant (birth certificate and driving licence or passport)		
Photographic ID for joint applicant (birth certificate and driving licence or passport)		
Photographic ID for any children/family members over 18 who will be residing with you		
Birth certificates for all children		
Proof of current address		
Proof of eviction from current address		
Proof of safety concerns for your current address (such as police reference numbers)		
Evidence of pregnancy		
Evidence of medical conditions (such as doctors or hospital letter)		
Proof of carer status		
Proof of education arrangements (such as letter from school/Local Authority)		
Evidence of social worker arrangements		
Proof of all income and benefit payments (such as letters from providers, bank statements, pension statements, statements of savings accounts)		
Evidence of any criminal records		
Evidence of any breaches/warning letters issued by previous landlords		

If you have any questions or are unable to provide any of these supporting documents, please contact the KCC GRT Resident Service on 03000 421567 for further advice and support with providing documents.

Supporting documents **must** be provided with the application form for **you as the applicant, and any person intending to live with you**. These documents are used to ensure that all decisions are made based on information and fact.

These must be original copies and must include:

- Proof of Identity – this could be a birth certificate, driving license, or passport, or any other paperwork listed as acceptable in the [Government's guide for right to rent checks](#)

Other documents that should be provided depending on your circumstances can include:

- Proof of current/last address – this can be a utility bill, bank statement, council tax bill dated within last 3 months (if applicable)
- Proof of family – this can be birth certificates, child benefit information, income support details, or council tax letter to show family
- Evidence of receipt of any benefits – this can be housing benefit/universal credit/tax credit/child benefit
- Details of school for children and special education needs
- Access to other local services – this can be a letter or email from another local service (for example, social services)
- Evidence of eviction/homelessness – this can be a letter or email showing you have been evicted
- Evidence of safety concerns – this can be details of incidents, crime reference numbers, or similar
- Evidence of carer arrangements – this can be a letter from a medical professional or community health worker, or showing you are in receipt of carers allowance
- Information about medical conditions – this can be a doctor's letters, medical records, hospital letter
- Information about criminal records – this can be details of previous incidents, or letters from Police

From: Mike Hill, Cabinet Member for Community and Regulatory Services

Simon Jones, Corporate Director, Growth, Environment and Transport Directorate

To: Growth, Economic Development and Communities Cabinet Committee - 16 May 2023

Subject: Kent County Council Village and Community Hall Grant Scheme Report

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: N/A

Electoral Division: All

Summary: This report provides an update on grants made by Kent County Council's Village Halls and Community Centres grant scheme since April 2021. A similar report reflecting on the previous two years' performance was last made to this committee in July 2021.

18 new projects have been supported by the scheme. KCC has approved grants to the total value of £243,193 against a total project value of £4,618,559. Match funding is secured from a range of sources, for example the National Lottery, central government, other local authorities including parish councils, and from private and/or voluntary sector organisations. As of 2021 KCC's contribution amounts to approximately 5.3% of the total project value which equates to a leverage rate of £18 for every £1 KCC gives to village halls. The total project value over a 10-year period is 9.77% which equates to a leverage rate of £9 for every £1 of grant.

Recommendation: The Growth, Economic Development and Communities Cabinet Committee is asked to note the report and make any recommendations to the Cabinet Member.

1. Introduction

1.1 In the 25 years since Kent County Council's Village Halls and Community Centres grant scheme was established, over 190 community halls throughout Kent have received £4.25 million of capital funding from Kent County Council. The scheme continues to provide grants of up to £30k for improvements to community facilities throughout Kent.

2. Background

2.1 Village halls and community buildings are important components in sustaining inclusive and active communities, particularly in rural areas where there are fewer venues and services. They offer communities a hub for social interaction

and increasingly have adopted a multi-purpose role, often serving as a social centre, arts centre, sports centre and, in some cases, providing a physical space for education, health and retail services.

- 2.2 Village and community halls are also important contributors to Kent's economy, supporting jobs, both directly (e.g., cleaners, caretakers, grounds maintenance) and indirectly (pre-school staff, shop and post-office staff, fitness instructors, caterers). Local building firms, electricians and other local services are always involved.
- 2.3 There are over 300 village and community halls in Kent and many more community sports and recreation centres, social clubs, and church halls. Most community buildings are small charities run by local volunteer trustees and are heavily reliant on fundraising.
- 2.4 Many Community Hall management committees look to Kent County Council's Village and Community Hall Grant Scheme. The Scheme offers capital grants of up to £30,000 from an annual allocation of £75,000, to support a wide range of projects including, internal reconfigurations and extension works, re-roofing, installation of new heating systems, toilets and kitchens, replacement windows, insulation, new flooring, improved access for people with disabilities, and energy efficiency works. The Scheme will not fund fees, general repairs or maintenance, projects which have already started or improvements to car parks.

3. Process

- 3.1 To ensure eligibility the following are requested from applicants:
 - Governing documents setting out the village hall trusts and the constitutional structure, i.e., the basis on which the land and property is to be held and managed.
 - Specification / schedule of works
 - Three like-for-like quotations, based upon the design details and specification.
 - Evidence of the partnership funding
 - Business plan (for new halls or halls building large extensions)
 - Planning approval (if applicable)
 - Evidence of need support (surveys, letters, feasibility studies)
- 3.2 The scheme operates on an annual basis. Applications are reviewed by KCC officers and (until recently) with advisory support from the Village Halls Advisor for Action for Rural Communities in Kent (ARCK).
- 3.3 A recommendation is then made to Mr Mike Hill (Cabinet Member Community and Regulatory Services) to decide whether a project should be Approved or Rejected and what conditions should be set if funding is approved.
- 3.4 Grants are available on a match funding basis. KCC can fund up to 50% of project costs (to a maximum of £30,000). Match funding can come from a wide variety of sources, for example government funds, local authorities, parish councils, private or voluntary sector contributions.

- 3.5 To minimise risk to KCC, approved funds are paid in arrears by the Council, subject to the submission of appropriate invoices and progress reports. A proportion of the grant is paid against a supplied invoice. For example, if the Council grant represents 50% of the total project cost, and an invoice of £10,000 is submitted, the Council will pay 50% (£5,000). To receive the full grant the grantee must submit all project invoices.
- 3.6 Recipients of grants are required to complete and submit an evaluation form as part of their grant agreement with the County Council. The purpose of this is to evaluate the outcome of the grants against short-term and long-term benefits to the community it serves, and whether the outcomes were achieved in line with the grant conditions. Evaluations are usually expected within 12 months after the project completion date.
- 3.7 Applications that are rejected by the scheme are usually offered alternative support from KCC in the form of funding and project development advice if required.

4. Financial Implications

- 4.1 The current annual capital allocation is £75,000. Administration of the scheme is covered from the annual revenue base budget (estimated at £16,377 in 2022/23 excluding overheads). The capital allocation has gradually been reduced over the last 10 years due to financial pressures within the organisation. In 2013/14 the annual allocation £200,000, reduced to £150,000 in 2016/17, £100,000 in 2018/19 and then to £75,000 in 2019/20. The current budget is under annual review.
- 4.2 Since April 2021, 18 new projects have been supported by the scheme of which seven are new projects, ten have completed and one withdrawn. KCC has approved grants to a total value of £243,193 against a total project value of £4,618,559.
- 4.3 In terms of financial leverage, KCC's contribution to community halls is viewed very positively by other funders, particularly by National Lottery, and KCC's support is often a significant factor in helping to secure additional funding. Since 2001 KCC's contribution amounts to approximately 5.3% of the total project value, and this equates to a leverage rate of £18 for every £1 KCC gives to village halls. Over a ten-year period KCC approved grants to a total value of £1,323,300 against a total project value of £13,543,954. The total project value over a 10-year period is 9.77% which equates to a leverage rate of £9 for every £1 of KCC grant awarded.
- 4.4 There continues to be a strong demand for grant funding for improvements to community centres. ACRE's survey of halls nationwide in 2020 confirmed the need for funding support. Of the 52 Kent halls that responded to the survey, 31 identified buildings that need improving (an estimated total cost of £1.35 million). Scaled-up to the whole county the funding need is estimated to be over £15 million.
- 4.5 The COVID-19 pandemic and the cost-of-living crisis (rising energy and building costs) has had a negative impact on the voluntary sector over the last two years,

reducing sector confidence in taking on costly large-scale projects. As a result, we have seen a slight falloff in applications for larger schemes over the last few two years. It is also in part due to the comparatively low-key level promotion of the scheme than in previous years. This is driven by the smaller overall available budget and the increased risk of the scheme being heavily over-subscribed.

4.6 The table below shows schemes allocated grant funding since 2021/22.

Applicant	Project	Total Project Cost	Grant Offered
Burham Village Hall (Tonbridge and Malling)	Refurbishment of the roof	£90,000	10,000
Knockholt Village Centre (Sevenoaks)	Hall Refurbishment	£400,000	15,000
Matfield Village Hall (Tunbridge Wells)	New ceiling with insulation	£21,197	10,000
Platt Memorial Hall (Tonbridge and Malling)	Extension	£54,779	10,000
St Faith's Centre (Maidstone)	New community centre	£1,605,000	20,000
Frittenden Memorial Hall (Tunbridge Wells)	Remodelling of hall	£240,000	25,000
Biddenden Village Hall (Maidstone)	Replacement of windows	£32,000	£16,000
Rolvenden Village Hall (Ashford)	Replacement of boilers	£18,267	£6,000
East Peckham Village Hall (Tonbridge and Malling))	Replacement of external doors/windows	£32,436	£16,218
Burham Village Hall (Tonbridge and Malling)	Replacement of emergency doors	£7,800	£3,900
Boughton Village Hall (Swale)	Installation of solar panels	£30,954	£15,479
Whitfield Village Hall (Dover)	Replacement of toilets	£17,096.00	£17,096.00
Otham Village Hall (Maidstone)	Replacement of toilets	£18,000.00	£9,000.00
Dymchurch Village Hall (Folkestone & Hythe)	Toilet Refurbishment	£34,950	£5,000
West Faversham Community Centre (Swale)	Toilet Refurbishment	£19,000	£9,500
Cliffsend Village Hall Foundation (Thanet)	New Roof	£30,080	£15,000
Eynsford Village Hall (Sevenoaks)	New build (replacement hall)	£1,947,000	£30,000
Hunton Parish Hall (Maidstone)	Replacement windows	£20,000	£10,000

	Total	£4,618,559	£243,193
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5. Legal implications

5.1 KCC acts as the managing authority for the scheme. KCC undertakes eligibility and due diligence checks on all applications before being examined by the Cabinet Member. KCC Approve or Reject the applications and decide on what conditions should be set if funding is approved and monitor all projects in receipt of funding support. KCC Internal Audit will oversee the procedures and processes and advice on other matters related to the use of the funds.

6. Equalities implications

6.1 Equalities implications: an EqIA was published in 2023, with low/no negative impact on Protected Groups, and no potential for negative discrimination. The assessment also identifies positive impacts for Protected Groups.

7. Other corporate implications

7.1. None

8. Governance

8.1 The Director of Growth and Communities will inherit the main delegations via the Officer Scheme of Delegation

9. Conclusions

There continues to be a strong demand for grant funding towards improvements to community centres and Kent County Council's Village Halls and Community Centres grant scheme gives much needed financial support to community facilities throughout Kent, helping to ensure that these important buildings are future proof, flexible, safe, accessible, energy efficient, warm and welcoming.

10. Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to note the report and make any recommendations to the Cabinet Member.

11. Background Documents

11.1 Photograph Gallery

12. Contact details

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Relevant Director:
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A Selection of Projects Funded by Kent County Council Village Hall & Community Centre Grant Scheme (Gallery)

Biddenden Village Hall (Maidstone) – replacement windows



Rolvenden Village Hall (Tunbridge Wells) - replacement of boilers



Painters Forstal Community Hall (Swale) – new community hall





Matfield Village Hall (Tonbridge and Malling) - new ceiling with insulation



Platt Memorial Hall (Tonbridge and Malling) - extension for small office and storage (KCC previously supported the funding of the new hall)



Frittenden Memorial Hall (Tunbridge Wells) - remodelling of hall (replacement cladding, new kitchen and toilets, windows, heating and new meeting room)



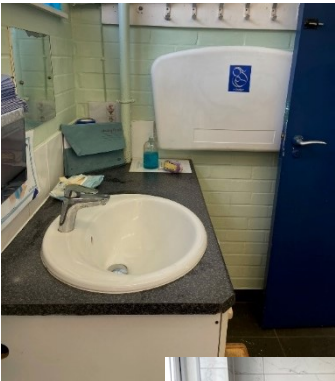
St Faith's Community Centre (Maidstone) – new hall (including demolition of vicarage and Ringlestone Hall)



Burham Village Hall (Tonbridge and Malling) - replacement of emergency doors



Whitfield Village Hall (Dover) - replacement toilets



Before



After



Eynsford Village Hall (Sevenoaks) - replacement hall



South East Elevation



South West Elevation

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From: Derek Murphy, Cabinet Member for Economic Development
Mike Hill, Cabinet Member for Community and Regulatory Services
Simon Jones, Corporate Director for Growth, Environment and Transport

To: Growth, Economic Development and Communities Cabinet Committee – 16 May 2023

Subject: Performance Dashboard

Classification: Unrestricted

Summary: The Growth, Economic Development and Communities Performance Dashboard shows the progress of Key Performance Indicators (KPIs) and activity indicators for Quarter 3 of 2022/23.

22 of the 25 KPIs achieved target and were RAG rated Green. The other 3 KPIs were below target but did achieve floor standard and were RAG rated Amber.

KPIs and targets proposed for reporting 2023/24 performance are included in this report.

Recommendation(s):

The Growth, Economic Development and Communities Cabinet Committee is asked to NOTE the performance report for Quarter 3 of 2022/23 and COMMENT on the KPIs and targets proposed for 2023/24.

1. Introduction

- 1.1. Part of the role of Cabinet Committees is to review the performance of those functions of the Council that fall within its remit. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the third report for the 2022/23 financial year.

2. Performance Dashboard

- 2.1. The current Growth, Economic Development and Communities Performance dashboard provides results up to the end of December 2022 and is attached in Appendix 1.
- 2.2. The Dashboard provides a progress report on performance for the Key Performance Indicators (KPIs) for 2022/23. The Dashboard also includes a range of activity indicators which help give context to the KPIs.
- 2.3. KPIs are presented with RAG (Red/Amber/Green) alerts to show progress. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.

3. Growth & Communities - Business and Enterprise / Developer Investment

- 3.1. The number of properties brought back to use through No Use Empty (NUE) over the 12 months to December was 420, exceeding target. £1.3m was secured as developer contributions, which was 99.9% of the amount sought, meaning this KPI was above target. The target for the number of businesses assisted via the Kent and Medway Growth Hub was exceeded for those provided with both light/medium and intensive support.

4. Growth & Communities - Libraries, Registration and Archives (LRA)

- 4.1 Despite Quarter 3 traditionally being a quieter time for LRA, the service experienced growth during this Quarter in comparison with the same period in 2021/22 which highlights continued recovery and may also be due to work highlighting the role of libraries in supporting people through rising costs of living.
- 4.2 Library visitors increased by 34% on the same period last year and were at 72% of pre-pandemic levels for the same period, being 4% above the average for a national comparator group as reported by Libraries Connected.
- 4.3 Physical issues have increased by 6% and were at 87% of pre-pandemic levels for the same period, surpassing a national comparator group average of 84%. Factoring in the 13% increase in e-issues, the total issues during Quarter 3 are up by 9% on last year and have now consistently exceeded pre-Covid levels for the year to date.
- 4.4 The LRA Events and Activities offer continues to expand, with growing numbers of Meet and Practice English sessions (including several groups for Ukrainian refugees), and the continuation of popular Rhyme Time and Talk Time sessions in libraries. For children, there are activities such as Lego and Coding clubs, increasing numbers of class visits to libraries across the county as well as continued increased volume of Playground activity for the 0-2 age range. The number of events has increased by 6% on the last Quarter, and at over 30,000 attendees, the target for Quarter 3 has been significantly exceeded.
- 4.5 As with libraries, the Archive service traditionally experiences a dip in visitors during Quarter 3, and this coupled with a week's closure in October for essential maintenance to Kent History and Library Centre meant that visitors to the Search Room fell from 598 in Quarter 2 to 433 in Quarter 3. However, this figure is on a par with the Quarter 1 visits, and up by 11% on the same period last year. A corresponding dip in remote enquiries means that the target for Quarter 3 has not been met, but at 1,844 enquiries is within the forecast parameters.
- 4.6 A survey of the visitors to the Archive Search Room during Quarter 3 has yielded a customer satisfaction rating of 98%.
- 4.7 Ceremonies naturally dip in Quarter 3, but continue to exceed pre-Covid figures, with a 13% increase in Quarter 3 compared to the same Quarter pre-Covid. A total of 1,417 ceremonies were delivered, which included the welcoming of 657 new citizens.

4.8 The Business and Intellectual Property Centre (BIPC) has seen some growth in Quarter 3, with 25 one-to-one sessions completed with clients meeting the target set for the Quarter. Seven webinars were delivered as well as three BIPC Local spaces being installed in Deal, Sandwich, and Whitstable Libraries, so that clients can engage in one-to-one advice sessions in person with a member of the BIPC team or via Zoom from these locations. The BIPC Locals will officially be launched In Quarter 4 with coffee morning sessions to promote these spaces.

5. Growth & Communities – Other Services

5.1 Most indicators for other services in Growth & Communities have met or exceeded target and are RAG rated Green. Two KPIs failed to meet target but did achieve floor standard, so are RAG rated Amber. The median number of days is now at floor level and though an increase on the previous Quarter, reflects an improvement over the position for the same period the previous year; vacancies have now been filled and it is anticipated that this will positively impact performance in future quarters. The Percentage of cases progressed for initial coronial decision within two working days of notification of a death also remains below target, with some delays due to the time taken to receive information from the NHS.

6. KPIs proposed for reporting performance in 2023/24 are detailed in Appendix 2.

7. Recommendation(s):

The Growth, Economic Development and Communities Cabinet Committee is asked to NOTE the performance report for Quarter 3 of 2022/23 and COMMENT on the KPIs and targets proposed for 2023/24.

Contact details

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Growth, Economic Development and Communities Performance Dashboard

Financial Year 2022/23

Results up to end of December 2022

Page 187

Produced by Kent Analytics

Guidance Notes

RAG RATINGS

Results in this report show either quarterly data or Year to Date (YTD) values.

GREEN	Target has been achieved
AMBER	Floor Standard* achieved but Target has not been met
RED	Floor Standard* has not been achieved

*Floor Standards are the minimum performance expected and if not achieved must result in management action

Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating; instead, they are compared with previous year or tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are in expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**.

Key Performance Indicators Summary

Growth & Communities – Economic Development	RAG
ED05 : Number of homes brought back to market through No Use Empty	GREEN
ED08 : Developer contributions secured against total contributions sought	GREEN
ED10 : Businesses assisted via Kent and Medway Growth Hub contract	GREEN
ED11 : Businesses assisted through intensive support provided via the Growth Hub contract	GREEN

Growth & Communities - Libraries, Registrations and Archives (LRA)	RAG
LRA06 : Customer satisfaction with Registration Services	AMBER
LRA15: Total number of customers attending events in Libraries and Archives	GREEN
LRA17: Number of volunteer hours adding extra value to the LRA service	GREEN
LRA26: Total number of people given advice and support through the Business and Intellectual Property Centre (BIPC)	GREEN
LRA12 : Customer satisfaction with libraries	GREEN
LRA13 : Customer satisfaction with archives	GREEN
LRA19 : Customer satisfaction with Libraries Direct Services	GREEN
LRA21 : Percentage of registration appointments available within statutory time targets	GREEN

Growth & Communities – Other Services	RAG
DT14: Percentage of Public Rights of Way (PRoW) faults reported online	GREEN
EPE16: Median number of days to resolve priority faults on public rights of way network (rolling 12-month figure)	AMBER
CST01: Percentage of local actions from completed Domestic Homicide Reviews implemented by target date.	GREEN
CST02: % of Lessons Learnt Domestic Homicide Review attendees rating the event as very good or excellent	GREEN
COR01: Percentage of cases progressed for initial coronial decision within 2 working days of notification of a death	AMBER
KCP01 : Kent Country Parks aggregate average star ratings from Google, Trip Advisor and Facebook	GREEN
KSS01: Number of work experience hours of science, technology, engineering and mathematics (STEM)	GREEN
PAG01: Percentage of planning applications determined to meet MHCLG performance standards	GREEN
PP01: % of the most vulnerable victims of scams recorded on the National Scams Hub supported by Public	GREEN
PP02: % of trader applications to Public Protection's 'Trading Stds Checked' scheme processed within 10 days	GREEN
SPA03: % of schools with a high proportion of pupils eligible for free school meals engaging with the Kent	GREEN
SPA04: Number of people attending and engaging with training and learning opportunities facilitated by Kent Sport	GREEN
TS04: Percentage of businesses rating Trading Standards advice as Very Good or Excellent	GREEN

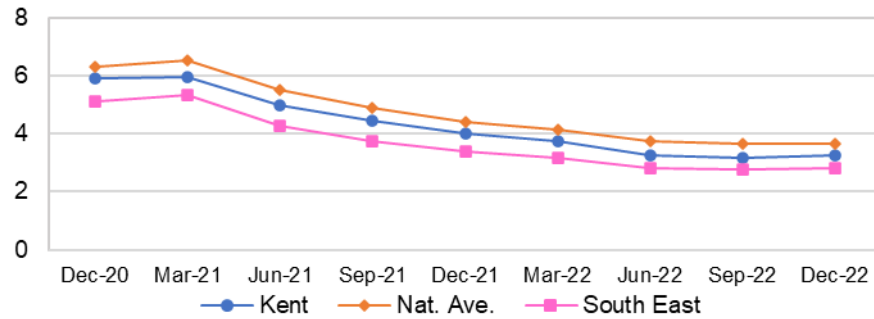
Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Derek Murphy

Ref	Performance Indicators	Dec-21 (Q3)	Mar-22 (Q4)	Jun-22 (Q1)	Sep-22 (Q2)	Dec-22 (Q3)	RAG	Target	Floor
ED05	Number of homes brought back to market through No Use Empty (Rolling 12 months)	458	428	350	445	420	GREEN	400	350
ED08	Developer contributions secured against total contributions sought (Quarterly)	98%	65%	99%	100%	99.9%	GREEN	98%	85%
ED10	Businesses assisted via Kent and Medway Growth Hub contract (Year to Date)	872	1,654	381	884	1,326	GREEN	1,010	909
ED11	Businesses assisted through intensive support provided via the Growth Hub contract (Year to Date)	10	189	14	36	86	GREEN	75	68

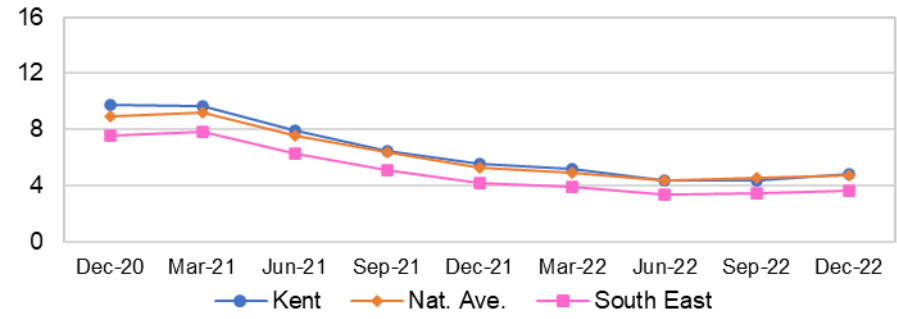
Ref	Activity Indicator	Dec-21 (Q3)	Mar-22 (Q4)	Jun-22 (Q1)	Sep-22 (Q2)	Dec-22 (Q3)	YTD 22/23	YTD 21/22
ED08a	Developer contributions secured (£000s)	15,897	9,395	6,342	9,339	1,349	17,030	36,888

ED08a – The Quarter to December 2022 saw completions of smaller developments which attracted a lower level of contributions from Developers.

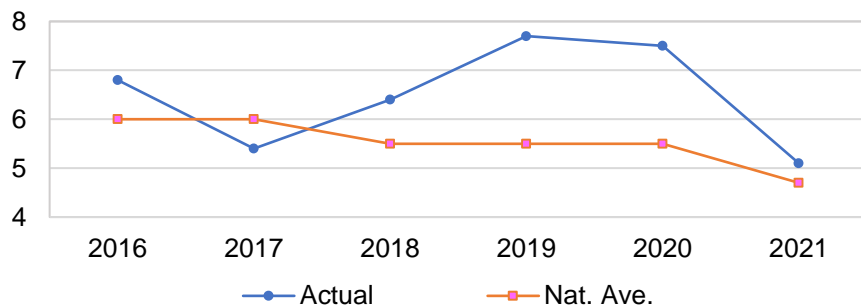
Percentage of 16 to 64 year olds claiming JSA/UC



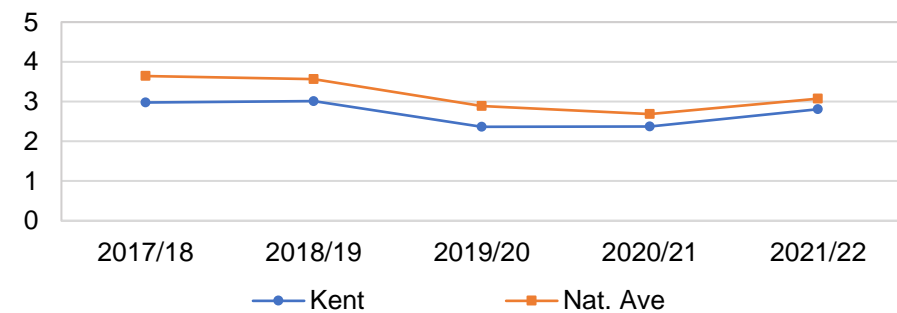
Percentage of 18 to 24 year olds claiming UC



Percentage of 16 to 17 year olds who are NEET



Percentage of 16-24 year olds starting an apprenticeship



The graph above shows the December to February average (Dec 2021 to Feb 2022 being the latest data). NEET data is subject to a high degree of seasonal variation and so caution must be exercised when attempting to determine trends over other time periods. The latest monthly figures (December 2022), suggest that 3.0% of 16 and 17 year olds in Kent were NEET vs 3.3% nationally (and 2.6% in Kent at the same point in 2021).

Graph above relates to Academic year.

Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Mike Hill

Quarterly KPIs

Ref	Performance Indicators	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	RAG	Target	Floor
LRA06	Customer satisfaction with Registration Services	94%	96%	94%	95%	94%	AMBER	95%	90%
LRA15	Total number of customers attending events in Libraries and Archives	12,085	21,638	30,703	41,829	31,622	GREEN	24,600	22,200
LRA17	Number of volunteer hours adding extra value to the LRA service	1,812	3,351	5,382	5,407	5,717	GREEN	5,200	4,700
LRA26	Total number of people given advice and support through the Business and Intellectual Property Centre (BIPC)	New indicator		19	17	25	GREEN	25	20

LRA06 – The satisfaction rating for Quarter 3 is one percentage point below target, however the total for the year to date is 95% which is on target for the year as a whole.

Annual KPIs

Ref	Performance Indicators – Libraries, Registration and Archives (LRA)	2018/19	2019/20	2020/21	2021/22	2022/23	RAG	Target 2022/23	Floor 2022/23
LRA12	Customer satisfaction with libraries	92%	94%	83%	94%	*	GREEN	90%	80%
LRA13	Customer satisfaction with archives	95%	96%	No Survey	97%	98%	GREEN	96%	90%
LRA19	Customer satisfaction with Libraries Direct Services	New Measure	97%	99.8%	98%	*	GREEN	95%	93%
LRA21	Percentage of registration appointments available within statutory time targets	97%	93%	100%	100%	*	GREEN	100%	93%

* Annual surveys are often completed towards the end of the year and results will be shown when available

Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Mike Hill

Ref	Activity Indicators (Quarterly totals)	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Expected Range	Expected Activity	
								Upper	Lower
LRA01	Number of visits to libraries (including mobiles) (000s)	517	531	613	749	696	Above	554	501
LRA02	Total number of books issued (includes audio- and e-books) (000s)	1,187	1,192	1,182	1,425	1,293	Above	1,250	1,150
LRA05	Number of online contacts to Libraries and Registration services (000s)	New indicator		390	347	289	Above	286	258
LRA27	Number of online contacts for Kent archives (000s)	New indicator		25	20	19	Below	25	23
LRA25	Number of archive enquiries answered	1,915	2,123	1,948	2,221	1,859	Yes	2,000	1,800

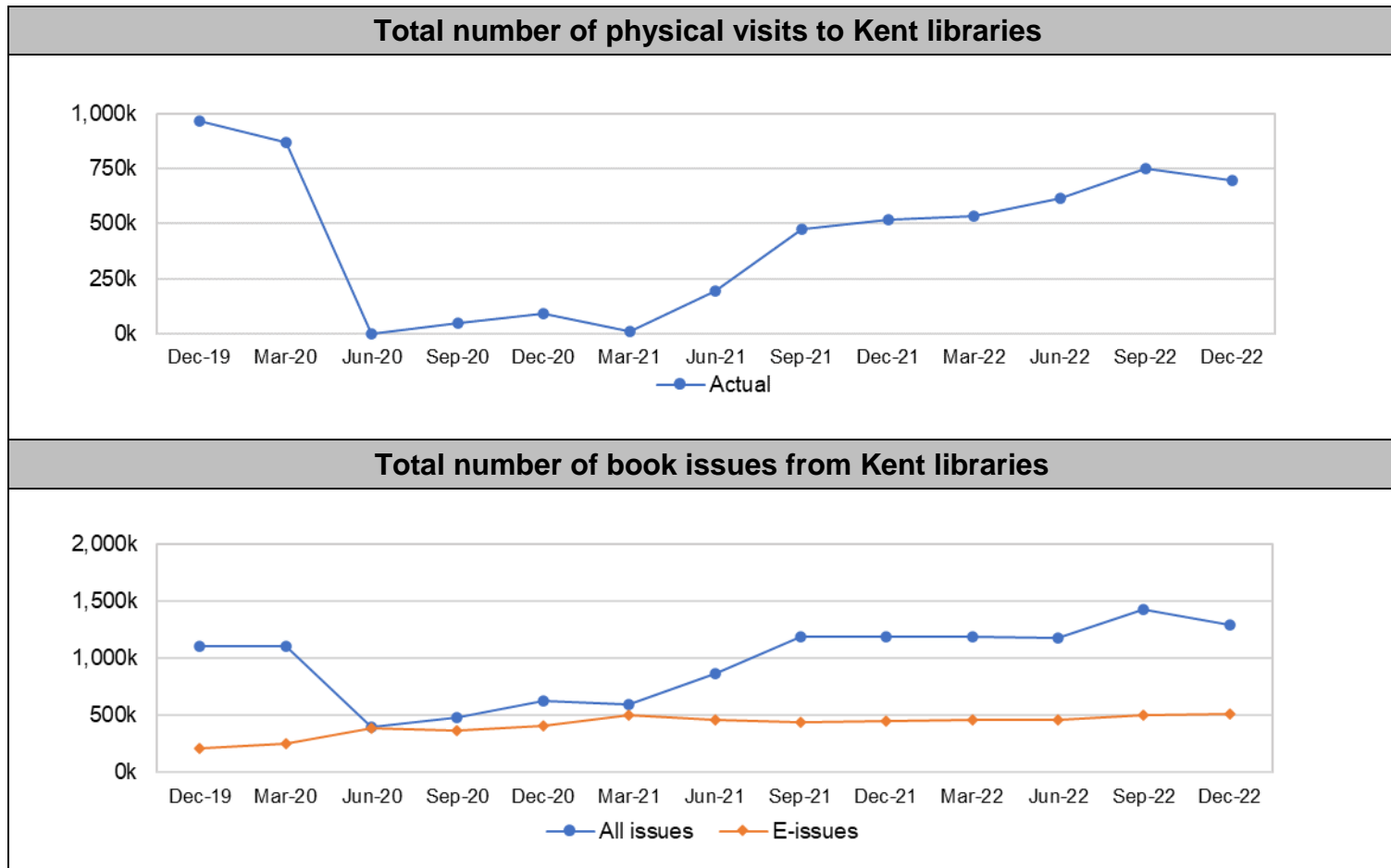
LRA01 – The number of visits to libraries and mobiles was 26% higher than expected for Quarter 3. Visits remained fairly high in this traditionally quieter Quarter which likely reflects not only the continued recovery of libraries but also their use as warm spaces during the winter months.

LRA02 – The number of items issued was 3% higher than expected, with children's issues remaining high, possibly as a legacy of the successful Gadgeteers Summer Reading Challenge and the continued growth of e-issues, which have increased by 13% on the same Quarter last year.

LRA05 – The seasonal downturn after the summer period was not as great as expected with the upper expectations for contacts being exceeded slightly.

LRA27 – the number of online contacts to Kent Archives did not meet expectations in Quarter 3. Use of the kentarchive.org website has been decreasing as it has been in place for some years now, so regular researchers are likely to have saved their searches and the PDF guides created by the team to support customers, which means that there is less navigation around the site. Social media engagement has also fallen, possibly due to the increased use of the physical service.

Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Mike Hill



Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Mike Hill

Ref	Performance Indicators - other services	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	YTD 22/23	YTD RAG	Target	Floor
DT14	Percentage of Public Rights of Way (PRoW) faults reported online	89%	91%	93%	93%	94%	94%	GREEN	90%	80%
EPE16	Median number of days to resolve priority faults on public rights of way network (rolling 12-month figure)	26	22	24	23	25	N/a	AMBER	20	25
CST01	Percentage of local actions from completed Domestic Homicide Reviews implemented by target date.	90%	100%	82%	75%	83%	81%	GREEN	70%	63%
CST02	Percentage of Lessons Learnt Domestic Homicide Review (DHR) Seminar attendees rating the event as Very Good or Excellent.	N/a	84%	77%	94%	86%	88%	GREEN	85%	76.5%
COR01	Percentage of cases progressed for initial coronial decision within 2 working days of notification of a death.	79%	80%	75%	75%	72%	74%	AMBER	83%	72%

EPE16 – The median number of days is now at floor level and though an increase on the previous Quarter, reflects an improvement over the position for the same period the previous year; vacancies have now been filled and it is anticipated that this will positively impact performance in future quarters.

COR01 – The coroner service is reliant on information from the NHS particularly in order to progress cases and while the NHS continues to be under pressure, the information is not always provided as quickly as we require in order to progress cases in an optimal time frame. This has been exacerbated by the recent and current NHS and doctors strikes. There has also been some impact from sickness absences within the team.

Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Mike Hill

Ref	Performance Indicators - other services	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	YTD 22/23	YTD RAG	Target	Floor
KCP01	Kent Country Parks aggregate average star ratings from Google, Trip Advisor and Facebook	4.6	4.6	4.6	4.6	4.6	4.6	GREEN	4.6	4.0
KSS01	Number of work experience hours of science, technology, engineering and mathematics (STEM) delivered by Kent Scientific Services (KSS) for Kent students in the 16-24 age range.	KSS did not support work experience in 2021/22 due to Covid			185	148	333	GREEN	225	135
PAG01	Percentage of planning applications determined to meet MHCLG performance standards	100%	100%	100%	100%	100%	100%	GREEN	100%	81%
PP01	Percentage of the most vulnerable victims of scams recorded on the National Scams Hub supported by Public Protection	100%	100%	100%	100%	100%	100%	GREEN	90%	80%
PP02	Percentage of trader applications to Public Protection's 'Trading Standards Checked' scheme processed within 10 working days.	100%	100%	100%	100%	100%	100%	GREEN	100%	81%

Division	Director	Cabinet Member
Growth & Communities	Stephanie Holt-Castle	Mike Hill

Ref	Performance Indicators - other services	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	YTD 22/23	YTD RAG	Target	Floor
SPA03	Percentage of schools with a high proportion of pupils eligible for free school meals engaging with the Kent School Games	New Indicators		55%	55%	54%	55%	GREEN	25%	22.5%
SPA04	Number of people attending and engaging with training and learning opportunities facilitated by Kent Sport			316	580	163	1,059	GREEN	350	280
TS04	Percentage of businesses rating Trading Standards advice (Primary Authority and Pay as You Go) as Very Good or Excellent	100%	100%	100%	100%	100%	100%	GREEN	90%	82%

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Proposed KPIs and Activity indicators for 2023/2024 (GEDCCC)

Growth and Communities

Key Performance Indicators

Ref	Indicator description	Latest 2022/23 (YTD Q3)	2022/23 Target	2023/24 Target	2023/24 Floor
ED05	Number of homes brought back to market through No Use Empty (Rolling 12 months)	445	400	400	350
ED08	Developer contributions secured against total contributions sought	100%	98%	98%	85%
ED10	Businesses assisted via Kent and Medway Growth Hub contract (light and medium touch)	1326	1,365	683	615
ED11	Businesses assisted through intensive support provided via Growth Hub contract (high intensity)	86	135	68	60
DT14	Percentage of Public Rights of Way (PRoW) faults reported online	94%	90%	90%	80%
EPE16	Median number of days to resolve priority faults on public rights of way network (rolling 12-month figure)	25	20	20	25
CST01	Percentage of local actions from completed Domestic Homicide Reviews implemented by target date.	81%	70%	70%	63%
CST02	Percentage of Lessons Learnt Domestic Homicide Review Seminar attendees rating the event as Very Good or Excellent.	88%	85%	85%	76.5%
CST03	Percentage of service users who report feeling safer due to warden support. (NEW INDICATOR)	N/A	N/A	70%	65%
COR01	Percentage of cases progressed for initial coronial decision within 2 working days of notification of a death.	74%	83%	83%	72%
KCP01	Kent Country Parks aggregate average star ratings from Google, Trip Advisor and Facebook	4.6	4.6	4.6	4

Appendix 2

Ref	Indicator description	Latest 2022/23 (YTD Q3)	2022/23 Target	2023/24 Target	2023/24 Floor
KSS01	Number of work experience hours of science, technology, engineering and mathematics (STEM) work experience delivered by Kent Scientific Services for Kent students in the 16-24 age range.	333	300	350	315
PAG01	Percentage of planning applications determined to meet MHCLG performance standards	100%	100%	100%	81%
PP01	Percentage of the most vulnerable victims of scams recorded on the National Scams Hub visited and supported by Public Protection	100%	90%	90%	80%
PP02	Percentage of trader applications to Public Protection's 'Trading Standards Checked' scheme processed within 10 working days.	100%	100%	100%	81%
AKM01	The percentage of schools with the highest numbers of children eligible for free school meals engaging with the Kent School Games.	54%	25%	55%	45%
AKM02	No of people attending and engaging with training and learning opportunities annually facilitated by Active Kent & Medway.	1,059	500	1000	900
TS04	Percentage of businesses providing feedback after receiving business advice by Trading Standards and rating it as Very Good or Excellent.	100%	90%	90%	82%
LRA06	Customer satisfaction with Registration services	95%	95%	95%	90%
LRA12	Customer satisfaction with Libraries	94%	88%	90%	85%
LRA13	Customer satisfaction with Archives	97%	96%	95%	90%
LRA15	Total number of customers attending physical and virtual Libraries and Archives events	104,154	N/A	168, 500	152, 400

Activity indicators

Indicator description
Percentage of population aged 16 to 64 in employment
Percentage of population aged 16 to 64 claiming JSA

Ref	Indicator description	Threshold	Q1	Q2	Q3	Q4	2023-23 Target
LRA01	Number of visits to libraries (including mobiles)	Upper	766	802	745	817	3,130
		Lower	693	725	674	739	2,614
LRA02	Number of items issued (including prisons and all e-items)	Upper	1326	1523	1402	1453	5,707
		Lower	1199	1381	1268	1315	5,163
LRA25	Number of archive enquiries answered	Upper	2110	2350	1980	2600	9,040
		Lower	1910	2130	1790	2360	8,190

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From: Derek Murphy, Cabinet Member, Economic Development
Simon Jones, Corporate Director of Growth, Environment and Transport

To: Growth, Economic Development & Communities Cabinet Committee - 16 May 2023

Subject: **Cyclopark Operator Agreement**

Key Decision **23/00047**

Classification: Unrestricted

Past Pathway of paper: N/a

Future Pathway of paper: Cabinet Member Decision

Electoral Division: All

Summary: Cyclopark is a unique 43-acre sports and community facility built on redundant land made available because of the realignment of the A2 trunk road south of Gravesend and opened in May 2012 as a legacy project to the London Olympic and Paralympic Games.

The park is owned by KCC and operated on KCC's behalf by a charitable trust (Cyclopark Trust) specifically established for the purpose. KCC entered into a contractual agreement with Cyclopark Trust, the 'Operator Agreement,' covering May 2012 to 26 May 2022 (10 years) which covers lease of the land, commuted sum funding from (the then) Highways Agency and wider funding and operating arrangements.

A new deed of variation (retrospective) is required to extend the agreement for a further 10 years for the Cyclopark Trust to continue to operate the venue on behalf of KCC. This is possible under the Section 31 (31.2) of the Operator Agreement.

Work commenced October 2021 with Invicta Law Limited. A draft Deed of Variation for review was received 29 April 2022 and circulated to Cripps solicitors acting for the Cyclopark Trust. Comments were received back, and a final version was agreed in principle 29 June 2022. It has not been possible to bring this for decision until now during which time KCC continued to support the Trust during 22-23 under the same terms as stated in the original Operator Agreement to ensure continuity of service provision.

Changes to the Operator Agreement require a Deed of Variation to be approved by both parties.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Economic Development:

(a) to approve a retrospective Deed of Variation to the Operator Agreement between KCC and Cyclopark Trust for the operation of the park and continuation of KCC financial support for the period 27 May 2022 to 26 May 2032 (10 Years) and;

(b) that authority be delegated to the Director of Growth and Communities to take appropriate actions in accordance with the terms of the Operator Agreement as necessary to implement this decision

as shown at Appendix 1.

1. Introduction

1.1 Cyclopark is an important community asset, physically positioned in one of the areas of the county with the highest levels of inactivity and in an area of high deprivation.

https://www.kent.gov.uk/data/assets/pdf_file/0006/7953/Indices-of-Deprivation-headline-findings.pdf

1.2 The Operator Agreement was put in place for 10 years (May 2012 to 26 May 2022).

1.3 A Deed of Variation to the Operator Agreement was agreed in December 2015 (non-key decision) to transfer the lease of two additional land holdings to further develop the facility and to enable the Cyclopark Trust to draw down the commuted sum allocated for the upkeep of this land.

1.4 Prior to the expiry date of the Operator Agreement, the KCC Strategic Programme Manager discussed the potential to extend the agreement for a further 10 years with Head of Service and the Cyclopark Trust.

1.5 This is possible under the Section 31 (31.2) of the Operator Agreement: “Prior to the expiration of the Initial Contract Period, the Council may, in its absolute discretion, offer the Operator an extension of the Contract for a period of ten (10) years from the date of expiry of the Initial Contract Period (“the Subsequent Contract Period”). In the event that the Operator notifies the Council of its acceptance of the extension, the Contract shall continue during the Subsequent Contract Period on the same terms and conditions as existed during the Initial Contract Period and shall remain subject to termination by the Council pursuant to the Council’s right under Condition 28 (Termination)”.

1.6 The KCC Strategic Programme Manager wrote to the Cyclopark Trust (17 January 2022) to seek confirmation from the Cyclopark Trust that they would accept the offer to extend the Operator Agreement for a period of 10 years. This was accepted on 31 January 2022.

1.7 The KCC Strategic Programme Manager instructed Invicta Law Limited to fashion a new Deed of Variation for a further 10 Years (27 May 2022 to 26 May 2032) which has been considered by the Cyclopark Trust and agreed in principle. There is now a requirement to seek retrospective approval.

2. Achievements and Impact

- 2.1 Since opening in 2012 Cyclopark has provided an inspiring and accessible place for people from all social classes to ride their bikes. From young people learning to ride through to Olympic gold medallists, the top-class facilities have provided a supportive and safe environment for cycling.
- 2.2 The BMX track is named after Olympian and BMX gold medallist Beth Shriever. John Boy Smith won a gold medal at the Commonwealth Games and trains at Cyclopark.
- 2.3 Over the last 10 years, Cyclopark has expanded and grown its support for cyclists. Introducing more healthy activities for non-cyclists and hosted many cycling events from regional races through to national championships in BMX and Cyclocross.
- 2.4 Today, Cyclopark offers dozens of scheduled activities each week as well as being open for people to drop-in to ride or exercise. In addition to this it supports disabled cyclists and pupils from local schools who may not have the opportunity to gain experience to ride.
- 2.5 During 2022-23, the Trust have:
 - Taught 434 children and adults to ride bikes for the first time;
 - Delivered 4,279 individual Health & Wellbeing sessions targeting those with underlying health conditions;
 - Delivered 2,088 disability cycling sessions using especially adaptive bikes;
 - Hosted 3 National and 6 regional cycling events as well as several community days; and
 - £1.25m estimated impact to the local economy.
- 2.6 In October 2022, Kent welcomed its first public visit from a member of the Royal family since the death of Her Majesty Queen Elizabeth II. HRH the Duke of Gloucester visited Gravesend to see examples of the physical and cultural regeneration taking place in Gravesham, which included a visit to the Cyclopark where he unveiled a commemorative plaque to mark its tenth anniversary.

3. Objectives and activities

- 3.1 The Vision for the Cyclopark is to “provide a community hub, centred around cycling, for health, wellbeing, socialising and driving positive change for the lives of people in our community.”
- 3.2 The Cyclopark Trust have put in place a Four-Year Strategic Plan 2022-2026 which clearly outlines the role that the Trust can play in supporting its local community to be more active, recognising the stubborn inequalities and differences that make it harder for some to enjoy the benefits of sport and physical activity to their mental and physical wellbeing. <https://www.cyclopark.com/media/1890/cyclopark-strategic-plan-digital-version.pdf>

- 3.3 The Trust have established four core values: teamwork, trust, treating people fairly to provide exciting opportunities for the most disadvantaged and spending money wisely.
- 3.4 Over the next four years, through their Strategic Plan, Cyclopark are focussed on achieving the following key objectives:
- **Learn to ride** – support every child in our local community to be able to ride a bike before they leave primary school.
 - **Developing riders** – play a key role in training more people to cycle so they are confident using the growing number of cycle routes in our local and wider area.
 - **Engaging the community** – increased use of and participation in Cyclopark by the local community through an inclusive approach where everyone, irrespective of their background, identity, or circumstances, can access our facilities and reach their potential.
 - **Improving health and wellbeing** – offer a wide range of activities and programmes and encourage growth in visitors to Cyclopark.
 - **Events** – host and support competitive riders at regional, national, and international cycling events and celebrate their success with the local community.
 - **Cycling development pathway** – support the journey from learning to ride to a podium finish.
- 3.5 The Plan also closely aligns with Sport England’s “Uniting the Movement”, a 10-year vision to transform lives and communities through sport and physical activity with its focus on positive experiences for Children and Young People, Connecting Communities, Health and Wellbeing and Active Environments as well as supporting access to established pathways within sport and UK’s Sport’s plays around the delivery of major sporting events. <https://www.sportengland.org/about-us/uniting-movement>
- 3.6 As such the Trust is well placed to contribute to Sport England and the Government’s agenda for tackling the inequalities so intrinsically linked to inactivity through the delivery of targeted interventions and utilising emerging community partnerships to support this.
- 3.7 Sadly, many of our community face disadvantage and inequality. In the new strategy, Cyclopark aim to help local people overcome these challenges. We know that staying healthy and fit is key to a longer, happier life and we will endeavour to give as many people as possible the opportunity to get healthier and fitter through cycling and exercise.

4. Finance

KCC

- 4.1 The value of the original Operator Agreement is £1,250,000 (10 years at £125,000 per annum). The annual allocation is contained in the KCC Final Budget Book 2023-24 (approved 9 February 2023, Page 58, Row 80 – Growth & Communities, Growth and Support to Businesses).

- 4.2 In addition to the annual sum under the terms of the Operator Agreement, the Trust were provided with further financial support totalling £340,000 during the financial years 2012-2016 inclusive.
- 4.3 The total value of the commuted sum as catered for in the previous Deed of Variation was £259,000. A final commuted sum payment of £48,000 was made in financial year 2017-18.
- 4.4 The KCC Strategic Programme manager confirms that since 2018-19 only the agreed sum of £125,000 relating to the Operator Agreement have been made.
- 4.5 An annual sum of £30,6000 rent is paid by KCC to Combined Property Control (freeholder of land which is not owned by KCC which is under a 50-year lease agreement). There are 37 years remaining on the lease.
- 4.6 KCC re-charge £30,6000 rent to The Cyclopark Trust. Therefore, nil cost to KCC.
- 4.7 When the original decision was taken in November 2010, the supporting report stated: “The £125k per annum will be required in the longer term for a period of at least 25 years and is part of the financial viability forecasting for the project. The financial viability is necessary not only to the future success of the park but is also required by some of the funding partners as a condition to their capital funding towards the project.”
- 4.8 Acknowledging that the original decision was taken some 13 years ago, the KCC Strategic Programme Manager has in discussion with the Cyclopark Trust agreed to the following clause being included in the proposed Deed of Variation (Appendix A):
- “The Council agreed to make available, solely upon its discretion, to the Operator funding of up to £125,000.00 (one hundred and twenty-five thousand pounds) per annum for the new extended Contract Period referred to in Recital (C), which shall be made available at the sole discretion of the Council, who shall not be obligated to pay”.
- 4.9 This means the funding is not guaranteed and is subject to normal County Council MTFP processes. It also aligns with the aspirations of the Trust to increase their profitability going forward and to seek alternate funding where applicable and not be solely reliant on KCC subsidy.
- 4.10 There is a requirement within the Operator Agreement that the Trust make available to KCC its annual accounts. This gives KCC an opportunity to review, discuss with the Trust and factor any savings required into the MTFP process for future years without necessarily over complicating the Operator Agreement, as stated in 4.8.
- 4.11 So long as the Trust are given sufficient notice, for example 6 months prior to the commencement of the following financial year, that funding could or will be reduced by an agreed value, then this will be part of the annual review by KCC.
- 4.12 There is no current allocation within the KCC Capital Programme for new infrastructure on site. The Trust are responsible for general repairs and maintenance of the site, tracks and property as stated in the Operator Agreement. There is a requirement to build a “sinking fund” to cover such costs.

4.13 However, some of the original fencing around the site is no longer fit for purpose and continues to be repeatedly damaged following repair. The Trust must then deal with the removal of abandoned vehicles (cars or motorbikes). This also triggers complaints from residents which need to be managed. The Trust and KCC Strategic Programme Manager are currently exploring options for a more robust alternative solution but that would come with a cost.

Cyclopark

4.14 The Cyclopark Trust has 36 employees, 11 volunteers and 9 Trustees.

4.15 The Trust has submitted its annual returns, accounts and trustees' annual report (TAR) for the last five financial periods on time. The most recent return for the period ending 31st March 2022 was submitted on 1 November 2022. The accounts are independently verified by Kreston Reeves (specialism in Charitable Trusts).

<https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5022992/charity-overview>

4.16 The table below shows income and expenditure over the last 5 financial years:

Income / Expenditure	31/03/2018	31/03/2019	31/03/2020	31/03/2021	31/03/2022
Total gross income	£ 1,010,000	£ 888,230	£ 1,050,000	£ 753,780	£ 1,090,000
Total expenditure	£ 890,660	£ 986,880	£ 957,480	£ 690,470	£ 993,790
Net	£ 119,340	-£ 98,650	£ 92,520	£ 63,310	£ 96,210

4.17 Whilst the above shows a modest net surplus each year except for the year ending 31st March 2019, the Trust along with other operators of leisure activities are facing increased energy costs.

4.18 Whilst the audited accounts for the financial year 2022-23 are not yet concluded, the Trust have reported to the KCC Strategic Programme Manager that they expect to break even. However, the value attributed to rising electricity charges are some £40,000 for 2023-24.

4.19 The venue remained open during the pandemic due but did suffer a drop in membership. The current economic climate is also a contributing factor as individuals counts their pennies. However, membership is on the increase following a revision to entrance and membership fees to ensure the venue remains an attractive location for the local community.

4.20 The trust is currently investigating the potential for a modular build on site, which would require planning permission as it is a temporary building. However, if approved then this will facilitate more capacity for an increased membership base, provide more fitness classes and generate more revenue, which would contribute to the upkeep of the infrastructure and give the opportunity to review the KCC subsidy in future years.

4.21 Hosting national events (sporting and non-sporting) is another way the Trust are successfully generating income as well as seeking out other funding opportunities, such as Office for Health Improvement and Disparities (formerly Public Health England).

5. Equality and Diversity

5.1 The Trust have their own EqIA checklist and statement (Appendix B and Appendix C).

6. Information and Governance

6.1 The Trust is currently updating their Privacy Policy to comply with the General Data Protection Regulation (GDPR), and this will be published at <https://www.cyclopark.com/>

6.2 The Cyclopark Trust is a registered charity number 1144915 (05 December 2011). There are 9 trustees who are responsible for controlling the work, management and administration of the charity on behalf of its beneficiaries. <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5022992/trustees>

Monitoring

6.3 The KCC Strategic Programme Manager is the current point of contact with the Cyclopark Trust regarding the Operator Agreement. Meetings are held with Simon Jones, Chief Executive of the Trust and Kim Lloyd, Chair of the Trust either virtually or in person. The most recent meeting took place at Cyclopark on 6 April 2023 and attended by the Cabinet Member for Economic Development.

6.4 Section 5 – Measuring Success (Cyclopark Four Year Strategic Plan 2022-26) illustrates the Key Performance Indicators (KPIs) which are now in place and relate directly to operational deliverables and its overall strategic goals. This is the culmination of an internal review following the appointment of new trustees.

AREA	OUTCOME	IMPACT GOAL
Ride	A significant increase in the number of Gravesham children riding bikes prior to leaving primary school.	More people cycling more often is great for the environment and provides essential skills for life and a better wellbeing.
Coaching & activity	Increased number of children and young people from disadvantaged backgrounds participating in cycling and other Cyclopark activities.	Reduce health inequalities in the community and increase activity and opportunity for those most disadvantaged.
Disability	More people with disabilities riding bikes more often.	Improved health and wellbeing for all regardless of physical or mental disabilities. Allowing for greater independence and sense of achievement.
Elite events	The delivery of first class regional, national and world cycling and sporting events.	Improved reputation, commercial income opportunities and sponsorship. Creating inspired and engaged communities and increasing participation.
Diversity & inclusion campaigns % increase	We have a culture that puts diversity and inclusion at the heart of everything we do, creating a welcoming, vibrant and engaging atmosphere for all users.	More people using our facilities from traditionally hard to reach groups, providing a greater customer base, increased brand loyalty and a sense of community.
Health & wellbeing	A programme of activities designed to improve the health and wellbeing of our community including those with underlying health conditions.	Improved health and wellbeing for our members and community. Reduction in lifestyle-related diseases for those taking part.

- 6.5 The KPIs will help appreciate the outcomes and impact of the Trusts strategic objectives based on the volume of take-up in the above areas.
- 6.6 The performance of Cyclopark is monitored by the Strategic Programme Manager and reviewed by the Growth and Communities Divisional Management Team.
- 6.7 This report as well as providing an update seeks the agreement for a retrospective Deed of Variation to the main Operator Agreement for a period of another 10 years to May 2032 and seek authority be delegated to the Director of Growth and Communities to take appropriate actions in accordance with the terms of the Operator Agreement as necessary to implement this decision.

7. Policy

- 7.1 Framing Kent's Future is the Council's strategic plan for 2022 to 2026, setting out the priorities over the next and how to tackle the challenges and make the most of the opportunities that the county is facing. Cyclopark supports the Interim Strategic Plan working with a range of partners including KCC, Gravesham Borough Council, NHS England and British Cycling making a valid contribution to three of the four priorities, namely:

- Priority 1 – Levelling Up
- Priority 3 – Environmental Step Change
- Priority 4 - New Models of Care and Support

- 7.2 The Trust is committed to work with its partners to hardwire a preventative approach into improving the health of Kent's population and narrowing health inequalities. A vital component of levelling up Kent is taking action to narrow the gaps in health outcomes by supporting people to lead healthier lives.
- 7.3 Cyclopark Trust's Strategic Plans focuses on achieving the following key objectives:

- Learn to Ride
- Developing Riders
- Engaging the community
- Improving health and well being

8. Conclusion

- 8.1 Cyclopark is unique. There is nothing comparable in the UK and due to its location is attracting visitors from all parts of the UK and visitors from overseas. As a prominent local charity, it is making a tremendous impact on the health and wellbeing of people in our communities and producing world class medal winning athletes.
- 8.2 The sports and leisure industry has faced challenging times with the closure of local amenities. The staff and trustees of the Cyclopark are enthusiastic about their roles and responsibilities and very much focused on the future.

- 8.3 Cyclopark are especially grateful for the support of key partners, staff, volunteers, and members over the last ten years and look forward to further strengthening these relationships over the coming years.
- 8.4 The Trust are committed to seeking out new projects to deliver in the area, working with:
- Stakeholders (Asset Based Community Development)
 - Partnerships – Local Community Groups, Local Government, Ebbsfleet Development Corporation and businesses.
 - Public Health – DGS Physical Activity, Environment & Transport subgroup.
- 8.5 The Trust seek to maximise positive publicity. For example, the opening two rounds of the 2023 National BMX Racing Series at Cyclopark were broadcast live on You Tube thanks to British Cycling teaming up with BMX Race Hub.

<https://www.britishcycling.org.uk/about/article/20230403-Challis-secures-back-to-back-wins-as-Isidore-and-Moore-battle-for-podiums-at-National-BMX-Series-0>

- 8.6 Continued financial support under the new deed of variation to the Operator Agreement will allow the Trust to further their ambitions to become self-funding. The clause incorporated into the proposed Deed of Variation (4.6) recognises this and reinforces the point that the funding available is at the discretion of KCC and not a guarantee.

9. Recommendation(s):

- 9.1 The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Economic Development:
- (a) to approve a retrospective Deed of Variation to the Operator Agreement between KCC and Cyclopark Trust for the operation of the park and continuation of KCC financial support for the period 27 May 2022 to 26 May 2032 (10 Years) and;
 - (b) that authority be delegated to the Director of Growth and Communities to take appropriate actions in accordance with the terms of the Operator Agreement as necessary to implement this decision

as shown at Appendix 1.

10. Appendices and background documents:

Appendix 1 – Proposed Record of Decision

Appendix A – Draft Deed of Variation V4 prepared by Invicta Law Ltd

Appendix B – Equality Impact Assessment Checklist

- [Appendix B EQIA Cyclopark Checklist.pdf](#)

Appendix C – Equality Impact Assessment Statement

- [Appendix C EQIA Cyclopark Statement.pdf \(kent.gov.uk\)](#)

Links for previous key decisions:

- November 2010: 10/01494:
<https://democracy.kent.gov.uk/documents/s14598/ROD.pdf>
- August 2011: 11/01721:
<https://democracy.kent.gov.uk/documents/s18636/11%2001721%20Record%20of%20Decision.pdf>
- December 2015: Non-Key Decision
<https://democracy.kent.gov.uk/mgDecisionDetails.aspx?Id=34882&Opt=1>

11. Contact details

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Relevant Director: Stephanie Holt-Castle
Growth & Communities
Phone number: 07920 108 843
E-mail: Stephanie.Holt-Castle@kent.gov.uk

KENT COUNTY COUNCIL –PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Derek Murphy, Cabinet Member for Economic Development

DECISION NO:

23/00047

For publication

Key decision: YES

Subject Matter / Title of Decision: Cyclopark Operator Agreement

Decision:

As Cabinet Member for Economic Development, I agree to:

- (a) approve a retrospective Deed of Variation to the Operator Agreement between KCC and Cyclopark Trust for the operation of the park and continuation of KCC financial support for the period 27 May 2022 to 26 May 2032 (10 Years) and;
- (b) that authority be delegated to the Director of Growth and Communities to take appropriate actions in accordance with the terms of the Operator Agreement as necessary to implement this decision.

Reason(s) for decision:

Cyclopark is a unique 43-acre sports and community facility and is owned by KCC and operated on KCC's behalf by a charitable trust (Cyclopark Trust) specifically established for the purpose. KCC entered into a contractual agreement with Cyclopark Trust, the 'Operator Agreement,' covering May 2012 to 26 May 2022 (10 years) which covers lease of the land, commuted sum funding from (the then) Highways Agency and wider funding and operating arrangements. A new deed of variation (retrospective) is required to extend the agreement for a further 10 years for the Cyclopark Trust to continue to operate the venue on behalf of KCC.

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Growth, Economic Development and Communities Cabinet Committee at its meeting on 16 May 2023.

Any alternatives considered and rejected:

- (a) Extend the Operator Agreement for a further 10 years on existing terms
- (b) Procure a new Operator
- (c) KCC to operate Cyclopark

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

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Dated

2023

(1) THE KENT COUNTY COUNCIL

(2) CYCLOPARK

DEED OF VARIATION

relating to an agreement for **the provision and
maintenance of Cyclopark (The Operator Agreement)**

THIS DEED is dated

2023

BETWEEN:

- (1) **THE KENT COUNTY COUNCIL** of County Hall, Maidstone, ME14, 1XQ (the "**Council**")
- (2) **CYCLOPARK** (under company number 07762463) a private company limited by guarantee whose address is situated at Watling Street, Gravesend, Kent, DA11 7NP (the "**Operator**").

each a "**Party**" and together the "**Parties**".

BACKGROUND

- (A) The Council and the Operator entered into the Agreement for the Provision and Maintenance of Cyclopark (the Operator Agreement) dated 26th May 2012 for the day to day management and operation of Cyclopark ("**Original Agreement**"). The Operator Agreement is attached at Schedule 1 of this deed.
- (B) Since the Original Agreement was signed, there has been a variation to incorporate Additional Funding, Additional Land and commuted sum linked to the Lease of the Additional Land resulting in the consequence that the Original Agreement needed to be varied to take into account these amendments. The parties agreed to vary the Original Agreement by signing a Deed of Variation Agreement on 25 January 2018 which is attached at Schedule 2 of this deed ("**First Variation Agreement**"). The Operator Agreement and the Deed of Variation Agreement shall be referred together as the "**Complete Agreement**".
- (C) The Council and the Operator have now agreed to extend the Original Agreement from 27 May 2022 ("**Effective Date**") by a further period of ten (10) years exercising its rights under Clause 31.2 of the Original Agreement.
- (D) The Council agreed to make available, solely upon its discretion, to the Operator funding of up to £125,000.00 (one hundred and twenty five thousand pounds) per annum for the new extended Contract Period referred to in Recital (C), which shall be made available at the sole discretion of the Council, who shall not be obligated to pay.
- (E) The Parties wish to amend the Original Agreement as set out in this deed with effect from the date of this deed ("**Variation Date**").
- (F) The Parties agree that in all other respects the Original Agreement (as varied by this Deed of Variation) and the First Variation Agreement shall remain in full force and effect.

AGREED TERMS

1. TERMS DEFINED IN THE AGREEMENT

In this deed, expressions defined in the Original Agreement and used in this deed shall have the meaning set out in the Original Agreement. The rules of interpretation set out in the Original Agreement apply to this deed.

2. VARIATION OF THE ORIGINAL AGREEMENT

2.1. The following variations have been agreed to:

2.1.1 The Original Agreement has been extended from the Effective Date for a further of 10 years on the terms and conditions of the Original Agreement;

2.1.2 Prior to the expiry of this extended period, the Council may, in its absolute discretion, offer the Operator an extension of the Contract for a further period of ten (10) years from the date of expiry of the period outlined in Clause 2.1.1. In the event the Operator notifies the Council of the acceptance of the extension under this clause the Contract shall continue during the extended period under this clause on the same terms and conditions of the Original Agreement and shall remain subject to termination by the Council pursuant to the terms in the Original Agreement;

2.1.3 The Council may, upon its own discretion and choice, make available a sum of £125,000.00 to the Operator each year for the period outlined in Clause 2.1.1;

2.1.4 The Council agrees that the Operator shall be allowed to sub-let partly and/or wholly the land referred to in the Lease (contained in Appendix 3) ("Lease"); and

2.1.5 The Council agrees to assist in the drafting and executing of a Licence, within a reasonable time, between the Operator and the Council so that the Operator may carry out the activities outlined in Clause 2.1.4.

3. CONFIDENTIALITY

3.1 The terms of this Deed of Variation are confidential and the Parties agree not to disclose them or any part of the contents to any other person (save for their respective professional advisors, the Council funders and as required by law).

3.2 Each of the Parties hereby undertakes to the other:

- 3.2.1 To keep confidential all information (written and oral) concerning the business and affairs of the other Party that it obtains or receives as a result of the funding and this Deed of Variation, First Variation Agreement and the Original Agreement (collectively the "Information"); and
- 3.2.2 Not without the other Parties prior written consent to disclose the Information in whole or in part to any person save as required by law or by the Council's funders.
- 3.3 The provisions of this Clause 3 shall not apply to whole or any part of the Information to the extent that such Information is in the public domain.

4. GENERAL

- 4.1 Each of the Parties shall sign, execute and complete all such documents and deeds as shall be necessary for the purpose of carrying out the terms of this Deed of Variation and/or bringing this Deed of Variation into effect.
- 4.2 This Deed of Variation is personal to the parties and the Operator shall not without the prior written consent of the Council assign, delegate or sub-contract any of its rights and/or obligations under or arising out of this Deed of variation (or any documents referred to in it), or purport to do any of the same.

5. TERMINATION

- 5.1 The termination provisions of the Original Agreement shall be amended to include reference to the Lease and the Council shall be entitled to terminate the Original Agreement in the event that the Operator breaches any terms of the Lease and, for the avoidance of doubt, the Lease shall terminate when the Original Agreement terminates.

6. ENTIRE AGREEMENT

- 6.1 The terms of this Deed of Variation together with the First Variation Agreement and Original Agreement, and the Lease constitute the entire agreement between the Parties and supersede all previous agreements between the Parties relating to its subject matter.
- 6.2 Each Party acknowledges that, in entering into this Deed of Variation, it has not relied on, and shall have no right or remedy in respect of, any statement, representation, and shall no right or remedy in respect or, any statement, representation assurance or warranty (whether made negligently or innocently) other than expressly set out in this Deed of Variation, First Variation Agreement and/or the Original Agreement.

7. PREVAIL

7.1 In the event of any conflict and/or contradiction and/or inconsistency between the terms of this Deed of Variation, First Variation Agreement and the terms of the Original Agreement, the terms of this Deed of Variation shall prevail and/or the interpretation of the Council of the terms shall be upheld.

8. CONTRACT (RIGHTS OF THIRD PARTIES) ACT 1999

A person who is not a party to this Deed of variation shall not have any rights under or in connection with it by virtue of the Contracts (Rights of Third Parties) Act 1999.

9. COUNTERPARTS

9.1 This deed may be executed in any number of counterparts or duplicates each of which will be an original and such counterparts or duplicates will together constitute one and the same agreement.

10. GOVERNING LAW

10.1 This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the laws of England and Wales.

11. JURISDICTION

11.1 Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this deed or its subject matter or formation (including non-contractual disputes or claims).

IN WITNESS whereof the parties have executed this agreement as a deed and it is hereby delivered on the day and year first before written.

APPENDIX 1 – ORIGINAL AGREEMENT

The parties acknowledge receipt of the Original Agreement which is incorporated by reference but not attached hereto.

APPENDIX 2 – FIRST VARIATION AGREEMENT

The parties acknowledge receipt of the Original Agreement which is incorporated by reference but not attached hereto.

APPENDIX 3 – LEASE

The parties acknowledge receipt of the Original Agreement which is incorporated by reference but not attached hereto.

THE SEAL of KENTY COUNTY COUNCIL)
and was hereunto affixed)
in the presence of:-)

AUTHORISED SIGNATORY	Signature
Name	

AUTHORISED SIGNATORY	Signature
Name	

SIGNED for and on behalf of)
CYCLOPARK)
in the presence of:-)

AUTHORISED SIGNATORY	Signature
Name	

AUTHORISED SIGNATORY	Signature
Name	

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From: Derek Murphy, Cabinet Member for Economic Development
Simon Jones, Corporate Director, Growth, Environment and Transport Directorate

To: Growth, Economic Development and Communities Cabinet Committee - 16 May 2023

Subject: Old Rectory – New Management Contract

Key decision Executive non-Key Decision 23/00026

Classification: **Unrestricted**

Electoral Division:

- Conrad Broadley, Northfleet & Gravesend West
- Dr Lauren Sullivan, Northfleet & Gravesend West

Summary:

Kent County Council is seeking a further one-year extension to the existing contract for Management Services at The Old Rectory Business Centre in Northfleet, a Kent County Council owned facility that has been offering high quality office space to SMEs and new businesses since 2009. The current contract for management services was awarded in 2015 to an external supplier for a period of seven years, with an extension granted for a further year which expires on 30th November 2023. A further one-year extension will enable the centre to continue to provide business support services to local SMEs and new business and enable the Council to undertake a full review of the options for the future. The annual profit is estimated to be £75-£80k (against an estimated gross income of more than £1m over a 3-year period).

Recommendation(s):

The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Economic Development on the proposed decision to extend the existing Old Rectory Business Centre Management Services contract by a further one year and delegate to the Director Growth & Communities to take other relevant actions including but not limited to entering into required legal agreements as necessary to implement the decision, as shown at Appendix A.

1. Introduction

- 1.1 The Old Rectory is a KCC owned facility that has offered high quality office space to SMEs since 2009. The centre is managed by an external supplier.
- 1.2 In September 2015 the Growth, Economic Development and Communities Cabinet Committee approved the procurement of management services at the Centre.
- 1.3 Following a full OJEU procurement process a seven-year contract was awarded to “Basepoint Centres Ltd” in December 2015. The contract

commenced on 1 December 2015 and had a termination date of 30 November 2022 with an option to extend for up to 48 further months. A one-year extension (which will end on 30 November 2023) for the procurement of management services was granted by the Director for Growth and Communities in October 2022.

- 1.4 As part of the continuous review of services to ensure they remain fit for purpose, the proposal is to extend management services contract at the centre by a further 12 months during which time a review will be conducted to decide the future of the Centre.

2. Background, Options & Risks

- 2.1 The Old Rectory Business Centre in Northfleet is a Kent County Council owned facility that has been offering high quality office space to SMEs and new businesses since 2009. Currently the business centre offers a total of 30 furnished offices providing a minimum of 79 workstations.
- 2.2 The Old Rectory is a Grade II* Listed building of approximately 270sq m gross (2,900 sq. ft) built in the early 16th Century (1510) and retaining many original features of historical interest. Since 2009 the building provides furnished office space, a large meeting room, together with further open plan lobby space. The Annexe is a modern building of approx. 6730 sq. m gross (7,680sq. ft) over three floors, and refurbished to provide further furnished office suites.
- 2.3 The building was purchased by KCC in 2004. Originally the listed part of the building provided high end office accommodation for the Kent Thameside Delivery Board and subsequently the Kent Thameside Regeneration Partnership (KTRP). The annexed business centre provided fully furnished office space and meeting rooms and a 5-year management contract was awarded to an external supplier "Basepoint Centres Ltd" in 2009 (following a full OJEU process). When KTRP ceased to exist in 2011, further work was undertaken to utilise all space and create additional fully furnished office space.
- 2.4 The service provider is required to undertake the following tasks:
 - To promote and market the business centre space, manage the sales process, and negotiate licenses. Collect and hold deposits, invoice, and recover monthly Licence fees and consumables;
 - To provide cost effective property management services to the whole building, including telecoms, IT, reception, cleaning, security (including the wider site), repair & maintenance, utilities, waste, health & safety/compliance, and landscaping (note that the buildings insurance is under a KCC bulk policy);
 - To provide proactive business centre management services to both the business centre customers, including telecoms, support and guidance where needed, deliveries, post, etc.;
 - Provide a range of support and development measures for the new businesses; and
 - To manage the reception area providing welcome services, visitor management, information and ensure legislative requirements such as

those for health and safety, DDA and equalities issues are properly addressed.

- 2.5 In addition to the above, the provider is responsible for:
- All running costs, including utilities and marketing;
 - Procuring and managing the core property management services; providing centre staff, and delivery of all services to the building and its occupiers;
 - The licensee agreements;
 - Reporting to KCC on a quarterly basis (on-site meetings); and
 - Providing KCC with monthly accounts detailing the previous month's income and expenditure
- 2.6 KCC Growth and Communities is responsible for both the contract management and approving maintenance/improvement works at the centre, as well the financial monitoring of the Old Rectory which includes invoicing for the reimbursement of profit. KCC Property maintains responsibility for property level compliance, including asbestos management, water hygiene, electrical certificates, fire risk assessment, gas safety and lift policies.
- 2.7 The Old Rectory Business Centre continues to offer high quality specialised support to local small businesses; attracting inward investment within Kent and helping businesses to grow and expand. Not only does the centre generate income for the council, but it also meets council's economic objectives, adding value by investing locally, as well as supporting local employment within the wider local economy. Through this centre and the partnership KCC has with the provider, the council maintains a direct role in backing SMEs and entrepreneurs to start-up and grow. With many businesses still recovering from the impacts of the Covid and having to deal with current economic challenges, KCC's involvement with the centre through these difficult times has provided much needed stability and assurance to businesses located at The Old Rectory.
- 2.8 Gross estimated income will be more than £1m if the contract was extended for three years, but current financial circumstances suggest that a more detailed review of all the options should now be undertaken to decide the best value course of action.
- 2.9 The following options were considered :
1. **Extend the contract for the duration of 3-years** - to exercise the full extension clause within the existing contract, allowing the current service provider an 11-year term (7 years with up to 48-month provision for extensions). The current provider has proposed a reduction to their share of profits by 25% (from 40% to 30% of the total profit) for the duration of a 3-year contract extension with effect from 30th November 2023. This option would increase KCC's share of the profits (if other terms remain the same), and by extending the existing contract, it will cut out the disruption/cost of a potential new management company replacing the current provider (IWG/Basepoint). Also, given the volatility of the current market, it may be sensible to go out to tender in 3 years' time, when conditions could be more favourable to business.

2. **Initiate a full PCR compliant procurement exercise.** Whilst The Old Rectory has benefited from the current service provider maximising potential income generation from the centre, a full OJEU process would permit KCC to test the market to ensure both price and value for money. KCC would continue to receive a share of profits. However, any potential change to the service provider could be disruptive to current licensees located at the centre.
3. **Dispose of the asset.** If this option is chosen the Council would lose out on future income revenue but would receive an immediate capital receipt which could be put towards other Council resources. This option would potentially be disruptive to existing businesses located at the centre.
4. **Dispose of the asset and transfer its functions (as a business centre) as an ongoing concern.** This option would also ensure that any disruption to existing businesses located at the centre is minimised. As with Option 3, if this option is chosen the Council would lose out on future income revenue but would receive an immediate capital receipt which could be put towards other Council resources.

2.10 Operational costs risk: the centre is self-funding, thus returning a profit to KCC on an annual basis. These funds form the basis of the “sinking fund” ring-fenced for the Old Rectory for continued maintenance of the overall building.

2.11 Options 1 (extension of contract) and Option 2 (open procurement process) meet the objectives of ‘Framing Kent’s Future 2022-2026’ by supporting the Kent economy to be resilient and successfully adapt to the challenges and opportunities it faces over the coming years; and by backing SMEs and entrepreneurs to start-up, grow and drive adoption of new technology.

3. Financial Implications

3.1 The centre is self-funding and generates a profit, which is held by Basepoint/IWG. KCC invoices them annually for a share of the profit, which is placed within a ring-fenced budget held by KCC, and is utilised as necessary, where works to the building in the future become necessary. The annual net profit to KCC is currently estimated to be between £75k-£80k.

3.2 KCC staff time has not been historically charged to the project but will be undertaken for this further 12-month extension period, if the extension is agreed. This will require an update to the existing protocol regarding the use of the ring-fenced budget.

4. Legal implications

4.1 KCC are exercising the extension clause within the Contract and therefore there is minimal risk of challenge as the OJEU Call for Competition and Award Notice details that the contract would be for up to a 11-year period (7 years with up to 48-month provision for extensions). There has been no case law where a party has successfully challenged an extension allowed for within a procurement

process that was granted late. It would be difficult to evidence grounds of challenge when the potential extension period has been detailed within the notices and tender documents.

- 4.2 Any additions/adjustments to the standard contract produced in 2015 (ratified by KCC Legal Services) will be passed to KCC Legal for checking ahead of the contract being put in force.

5. Equalities implications

- 5.1 Equalities implications: an EqIA was published in 2023, with low/no negative impact on Protected Groups, and no potential for negative discrimination. The assessment also identifies positive impacts on Protected Groups. The previous assessment was in 2019. It should be noted that a diversity questionnaire will be requested from each tender response in the event of an open procurement process. In addition, is provider is required to provide services consistent with the Council's Equality and Diversity Statement. .

6. Other corporate implications

- 6.1 Option 1 (extension of contract) and 2 (open procurement process) do not impact other areas of the Council's work.
- 6.2 Option 3 (disposal of the asset) and Option 4 (disposal of the asset and transfer its functions as a business centre as an ongoing concern) would provide capital income to KCC.

7. Governance

- 7.1 The Director of Growth and Communities will inherit the main delegations via the Officer Scheme of Delegation.

8. Conclusions

- 8.1 This decision is required to enable the continuation of specialist Management Services at The Old Rectory business centre in Northfleet, a valued business resource in North Kent. The decision will enable the current provider to continue to provide quality business support services to local SMEs and new business for a further year and enable the Council to undertake a full review of the longer-term options.

9. Recommendation:

- 9.1 The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Economic Development on the proposed decision to extend the existing Old Rectory Business Centre Management Services contract by a further one year and delegate to the Director Growth & Communities to take other relevant actions including but not limited to entering into required legal agreements as necessary to implement the decision, as shown at Appendix A.

10. Background Documents

- 10.1 Appendix A – Proposed Record of Decision
Appendix B – EqlA: [Old Rectory Business Centre \(kent.gov.uk\)](http://kent.gov.uk)

11. Contact details

Report Author:

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Relevant Director:

Stephanie Holt-Castle
Director for Growth and Communities
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stephanie.holt-castle@kent.gov.uk

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Derek Murphy, Cabinet Member for Economic Development

DECISION NO:

23/00026

For publication

Key decision: No

Subject: Old Rectory Management Contract

Decision:

As Cabinet Member for Economic Development, I agree to extend the existing Old Rectory Business Centre Management Services contract by a further one year and delegate to the Director Growth & Communities to take other relevant actions including but not limited to entering into required legal agreements as necessary to implement the decision.

Reason(s) for decision:

The Old Rectory Business Centre in Northfleet, is a Kent County Council owned facility that has been offering high quality office space to SMEs and new businesses since 2009. The current contract for management services was awarded in 2015 to an external supplier for a period of seven years, with an extension granted for a further year which expires on 30th November 2023. A further one-year extension will enable the centre to continue to provide business support services to local SMEs and new businesses and enable the Council to undertake a full review of the options for the future.

Cabinet Committee recommendations and other consultation:

The proposed decisions will be considered by Members of the Growth, Economic Development and Communities Cabinet Committee at their meeting on 16th May 2023.

Any alternatives considered:

1. Extend the contract for the duration of 3-years
2. Initiate a full PCR compliant procurement exercise.
3. Dispose of the asset.
4. Dispose of the asset and transfer its functions (as a business centre) as an ongoing concern.

Any interest declared when the decision was taken, and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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From: Derek Murphy, Cabinet Member for Economic Development
Simon Jones, Corporate Director, Growth, Environment & Transport

To: Growth, Economic Development and Communities Cabinet Committee
– 16 May 2023

Decision No: N/A – For information only

Subject: **Decisions taken between Cabinet Committee Meetings**

Classification: **Unrestricted**

Past Pathway of Paper: Cabinet Member Decision

Future Pathway of Paper: N/A

Electoral Division: County-wide

Summary: The attached decision was taken between meetings of this Cabinet Committee as it could not be reasonably deferred to the next programmed meeting of the Cabinet Committee for the reasons set out in paragraph 2.1 below.

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to note that decision 23/00028 Kent and Medway Business Fund (KMBF) & Innovation Investment Loan Extension via i3 was taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution.

1. Introduction

1.1 The Cabinet Member for Economic Development has taken decision 23/00028 as it could not reasonably be deferred due to the reasons set out in paragraphs 2.1 below.

2. Background to decision

2.1 The current contracts to offer recycled KMBF/Regional Growth Fund loans to eligible companies ended 31 March 2023. Kent County Council (KCC) was negotiating with Department Levelling Up, Housing and Communities to extend the contracts but this was put on hold pending a decision by Government Treasury. Whilst a final decision is awaited; the Cabinet Member for Economic Development has taken the decision to use Innovation Investment Loan (i3) programme funding to ensure the continuance of the KMBF to be able to offer grants, loans, and equity finance to enable businesses in Kent and Medway to create new jobs and increase business investment.

3. Recommendation(s)

The Growth, Economic Development and Communities Cabinet Committee is asked to note that decision 23/00028 Kent and Medway Business Fund (KMBF) & Innovation Investment Loan Extension via i3 was taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution.

4. Background Documents

Record of Decision:

- [Decision - 23/00028 - Kent and Medway Business Fund \(KMBF\) & Innovation Investment Loan Extension via i3](#)

Contact details: Report Author Theresa Warford, Staff Officer Theresa.warford@kent.gov.uk 03000 417192	Relevant Director: Simon Jones Corporate Director, Growth, Environment and Transport Simon.jones@kent.gov.uk 03000 41163
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From: Benjamin Watts, General Counsel

To: Growth, Economic Development and Communities Cabinet Committee – 16 May 2023

Subject: Work Programme 2023/2024

Classification: Unrestricted

Past and Future Pathway of Paper: Standard agenda item

Summary: This report gives details of the proposed work programme for the Growth, Economic Development and Communities Cabinet Committee.

Recommendation: The Growth, Economic Development and Communities Cabinet Committee is asked to consider and agree its Work Programme for 2023/2024.

1. Introduction

- 1.1 The proposed work programme, appended to the report, has been compiled from items in the Future Executive Decision List and from actions identified during the meetings and at agenda setting meetings, in accordance with the Constitution.
- 1.2 Whilst the chairman, in consultation with the cabinet members, is responsible for the programme's fine tuning, this item gives all members of this cabinet committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Work Programme

- 2.1 The proposed work programme has been compiled from items in the Future Executive Decision List and from actions arising and from topics, within the remit of the functions of this cabinet committee, identified at the agenda setting meetings. Agenda setting meetings are held 6 weeks before a cabinet committee meeting, in accordance with the constitution.
- 2.2 The cabinet committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered at future meetings, where appropriate.
- 2.3 The schedule of commissioning activity which falls within the remit of this cabinet committee will be included in the work programme and considered at future agenda setting meetings to support more effective forward agenda planning and allow members to have oversight of significant service delivery decisions in advance.
- 2.4 When selecting future items, the cabinet committee should consider the contents of performance monitoring reports. Any 'for information' items will be

sent to members of the cabinet committee separately to the agenda and will not be discussed at the cabinet committee meetings.

3. Conclusion

- 3.1 It is vital for the cabinet committee process that the committee takes ownership of its work programme to deliver informed and considered decisions. A regular report will be submitted to each meeting of the cabinet committee to give updates of requested topics and to seek suggestions for future items to be considered. This does not preclude members making requests to the chairman or the Democratic Services Officer between meetings, for consideration.

4. Recommendation: The Growth, Economic Development and Communities Cabinet Committee is asked to consider and agree its Work Programme for 2023/2024.

5. Background Documents: None

6. Contact details

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Benjamin Watts
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**GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITIES CABINET COMMITTEE
WORK PROGRAMME 2023/2024**

Item	Cabinet Committee to receive item
Work Programme	Standing item
Verbal Updates – Cabinet Members and Corporate Director	Standing item
District Visits Programme	Standing item
Final Draft Budget	Annually (January)
Annual Equality and Diversity Report	Annually (September 2023)
Risk Register – Strategic Risk Register	Annually (March)
Performance Dashboard	Quarterly
Kent and Medway Business Fund Monitoring	Bi-annual reporting (6 monthly)
Key Decision Items	

28 JUNE 2023 at 10am

1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item
6	District Visits Programme	Standing item
7	Community Wardens	
8	Economic Strategy for Kent and Medway	Key Decision
9	Work Programme	Standing item

26 SEPTEMBER 2023 at 2pm

1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item
6	District Visits Programme	Standing item
7	Annual Equality and Diversity Report	Annually
8	Kent and Medway Business Fund Monitoring	Bi-annually
9	Community Services Programme	
10	Work Programme	Standing item

9 NOVEMBER 2023 at 2pm

1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item
6	District Visits Programme	Standing item
7	Project Gigabyte Broadband Programme	Liz Harrison/Nigel Smith
8	Work Programme	Standing item

18 JANUARY 2024 at 10am

1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item
6	District Visits Programme	Standing item
7	Final Draft Budget	Annually
8	Work Programme	Standing item

5 MARCH 2024 at 2pm

1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item
6	District Visits Programme	Standing item
7	Risk Register	Annually
8	Kent and Medway Business Fund Monitoring	
9	Work Programme	Standing item

14 MAY 2024 at 2pm

1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item

6	District Visits Programme	Standing item
7	Work Programme	Standing item
3 JULY 2024 at 10am		
1	Intro/ Web announcement	Standing item
2	Apologies and Subs	Standing item
3	Declaration of Interest	Standing item
4	Minutes	Standing item
5	Verbal Updates – Cabinet Members and Corp. Dir.	Standing item
6	District Visits Programme	Standing item
7	Work Programme	Standing item

Items for Consideration that have not yet been allocated to a meeting

Thames Estuary/EDC/Thames Crossing	TBA - (possibly three separate items)
Otterpool	
Trading Standards Checked and Ports Team	Possibly two reports
Creative Economy	
Sources of Energy	<i>(Mark Hood – Agenda Setting 17/5/22)</i> Update paper.
Kent Design Guide	
Tourism in the county and economic impact	<i>(Mark Hood – Agenda Setting 3/8/22)</i>
UK Shared Prosperity Fund (KCC's strategic role)	<i>(Jordan Meade – GED&C CC 11/01/23)</i> After government announcement
Dungeness Nuclear Power Station	<i>(Mr Robey – agenda setting 31/01/23)</i>
Agriculture and farming economy	<i>(Mr Sole – GED&C CC 14 March 2023)</i>
Gypsy site investment	<i>(Mr Rayner – GED&C CC 14 March 2023)</i>
Banking hubs (LINK invitation)	<i>(Mr Hood – agenda setting 31/1/23)</i>

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