



Tunbridge Wells Borough Council

FAO: Kevin Hope

Economic Development

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Thursday 8th July 2021

Your Ref: TW/21/02129/EIASCO
Our Ref: K/E/TW/21/02129/EIASCO
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Dear Kevin,

Provision and Delivery of County Council Community Services:

We refer to the above EIA Scoping Opinion planning application which concerns proposed residential development at **Land South and South East of Mascalls Court Road, Paddock Wood** and comprising up to **1,200 new dwellings (and including a care home, new primary school, and nursery)**.

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

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

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

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

Request Summary

	Per 'Applicable' House	Per 'Applicable' Flat	Project
Nursery	26 place nursery to be provided as part of a 2 Form Entry Primary School		
Primary Education New Build	£6,800.00	£1,700.00	New on-site 2FE Primary School
Primary Land	1 No. 2 FE Primary School level site of 2.05ha at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)		
Special Education Needs	£1,051.82	£262.96	Towards providing additional places for those children with Special Educational Needs within Specialist Settings and /or mainstream SRP provision
Secondary Education (Expansion)	£4,540.00	£1,135.00	Towards the 2FE expansion of the Mascalls Academy School OR
Secondary Education New	£5,176.00	£1,294.00	Towards a new 6 FE secondary school within the Tonbridge & Tunbridge Wells non-selective and West Kent selective planning groups
Secondary Land	£4,392.89	£1,098.22	Towards the cost of secondary school land purchase if the developer is not transferring land at nil cost to KCC

'Applicable' excludes 1 bed units of less than 56 sqm GIA, and sheltered accommodation.

	Per Dwelling (x1,200)	Total	On Site Community Buildings	Project
Community Learning	£16.42	£19,704.00	Free use of on-site community facilities for Adult Education classes	Contributions towards IT, equipment and resources to enable outreach work in the vicinity of the development

Youth service	£65.50	£78,600.00	Free use of on-site community facilities for youth sessions	Contributions towards IT, equipment and resources to enable outreach work in the vicinity of the development
Libraries	£55.45	£66,540.00	Free use of on-site community facilities for library purposes	Contribution towards bookstock, equipment, IT and resources at Libraries serving the development
Social Care	£146.88	£176,256.00	Free use of new community facilities on-site for meetings, groups and therapy sessions	Towards specialist Housing Provision in the District, adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development.
All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)				
Community Buildings specification	<ul style="list-style-type: none"> • Design that is Dementia friendly with dementia friendly decoration and signage. • A catering area which is compliant with the Equality Act including adjustable height work surfaces, wash areas, cupboards etc • Toilets and changing facilities for the severely disabled in accordance with the Changing Places specification: http://www.changing-places.org/the_campaign/what_are_changing_places_toilets_.aspx 			
Waste	£183.67	£220,404.00	Towards new WTS and new and improved HWRCs to serve Tunbridge Wells residents	
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>			
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>			

Please note that these figures:

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

Justification for infrastructure provision/development contributions requested

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

Primary School Provision

The proposal gives rise to a minimum of 314 new primary school pupils during occupation of the development. This need can only be met through the provision of a **new on-site 2 Form Entry Primary School**.

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

The County Council requires 1 No. 2 FE Primary School Freehold site of 2.05 ha on a level site at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements - attached). Paddock Wood lies within an area of flood risk and we note that the land identified for the primary school is either in or abounds an area in Flood Zone 2, which is not acceptable.

The school site also requires a financial contribution towards the construction of the new on-site primary school of **£6,800.00 per 'applicable' house** and **£1,700.00 per 'applicable' flat**.

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

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Timing of the school site:

The new School will be required to be transferred in a timely manner, in accordance with need, including provision of construction, highways and active travel routes.

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Secondary School Provision

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

Assessment of secondary need in the education planning groups indicates significant need. This proposal is projected to give rise to 240 additional secondary school pupils from the date of occupation of this development. There is currently no capacity in the existing system to absorb the additional need that this proposed development would create. Therefore, the 2FE expansion of the existing Mascalls Academy School for the additional school places will be required to ensure the development is sustainable. Alternatively, contributions towards a new 6 FE secondary school within the Tonbridge & Tunbridge Wells non-selective and West Kent selective planning groups would be required.

Proportionate construction costs for each pupil generated by the development are required towards the construction of an expanded or new school, and contributions towards the purchase of land for a school expansion or a new school, unless the developers transfer the land to KCC at nil cost.

The Secondary pupils generated from the development will require financial contributions towards the expansion of the Mascalls Academy School at **£4,540.00** for each applicable house and **£1,135.00** for each applicable flat **OR** construction of a new Secondary School at **£25,880.00 per pupil place** (**£5,176.00** for each 'applicable' house and **£1,294.00** per 'applicable' flat) 'Applicable' means: all dwellings, except 1 bed units of less than 56 sqm GIA and any sheltered accommodation.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

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

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Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£16.42 per dwelling** towards IT, Equipment and resources to enable outreach work in the vicinity of the development.

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Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards IT, equipment and resources to enable outreach work in the vicinity of the development.

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Libraries

This new development will generate new borrowers for the Library service. KCC is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Paddock Wood at 793 items per 1,000 population is well below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively.

The County Council therefore requests **£55.45 per household** to address the direct impact of this development. As and when these monies are received, they will be used towards bookstock, equipment, IT and resources at Libraries serving the development.

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Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.

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

a proportionate monetary contribution of **£146.88 per household** towards specialist Housing Provision in the District, adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development.

- The **Ministry of Housing, Communities and Local Government** identified in June 2019 guidance ***Housing for older and disabled people*** the need to provide housing for older & disabled people is critical. **Accessible and adaptable housing** enables people to live more

independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to **Building Reg Part M4(2) standard** to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant's requirements.

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Waste

Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC), Materials Recovery Facilities (MRF) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRCs and WTSs will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of **£183.67 per household** is required towards a new WTS and new and improved HWRCs to serve Tunbridge Wells residents to mitigate the impact from new housing growth emanating from this development.

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Broadband: Fibre to the premise/gigabit capable

The NPPF (para 112) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

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

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

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Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement.

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

may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

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

Yours sincerely,

Richard Kidd

Richard Kidd
Development Contributions
Kent County Council

Cc: Redrow Homes South East And Persimmon Homes South East, c/o Judith Ashton Associates, The Studio Maytham Farmhouse Maytham Road Rolvenden Layne Cranbrook Kent, TN17 4QA – FAO Judith Ashton

KCC, Education & Communities, Invicta House
File

Appendices:

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

C. General Site Transfer Terms