



# KENT COUNTY COUNCIL DEVELOPER CONTRIBUTIONS GUIDE CONSULTATION REPORT

PREPARED BY LAKE MARKET RESEARCH



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# BACKGROUND AND METHODOLOGY

## Background

In seeking to achieve sustainable development in the public interest, the impact of growth on infrastructure is a key consideration. Kent County Council (KCC) 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. The Developers Contribution 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.

The Guide 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 be used as the basis of KCC responses to propose growth strategies in developing development plans to provide evidence for the infrastructure delivery planning and viability assessments that underpin the plan.

## Consultation process

On the 8 December 2022 an eight-week consultation was launched and ran until the 2 February 2023. The consultation provided the opportunity for stakeholders to provide feedback on the draft Guide and the technical appendices, in particular how easy it is to find the information required and whether the content is clear and informative. Feedback was captured via a consultation questionnaire which was available on the KCC engagement website. Hard copies of the consultation questionnaire were also available on request. The KCC team also received feedback via email. This has been reviewed and incorporated accordingly.

A consultation stage Equality Impact Assessment (EqIA) was carried out to assess the impact the Guide could have on those with protected characteristics. The EqIA was available as one of the consultation documents and the questionnaire invited respondents to comment on the assessment that had been carried out. No comments were received regarding the Equality Impact Assessment.

To raise awareness of the consultation and encourage participation, the following was undertaken:

- Virtual and face-to-face meetings prior to the consultation period with Kent Chief Planners Group, Kent Planning Policy Forum, the Kent House Builders and Developers Group.
- Email to stakeholders including district/borough councils, housing developers, land promoters and planning professionals
- Media release - <https://news.kent.gov.uk/articles/developer-contributions-guide-update-consultation>
- Invite to 3,226 [Let's talk Kent](#) registered users who have expressed an interest in being kept informed of consultation regarding Regeneration and Economic Development and General Interest
- Promoted through Kent Association of Local Councils (KALC) – information posted on their website and Facebook page and an article in their newsletter
- Link to the consultation added to [service page on Kent.gov](#)
- Promo footer on Development Investment Team emails
- Social media via KCC's corporate Facebook, Twitter and LinkedIn accounts

- All consultation material included details of how people could contact KCC to ask a question, request hard copies or alternative format.
- A Word version of the questionnaire was provided on the consultation webpage for people who did not wish to complete the online version. This is available to download on <https://letstalk.kent.gov.uk/developer-contributions-guide>.
- A large print version of the draft Guide was available from the consultation webpage.

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

- 3,962 page views, 1,377 visits, by 1,111 visitors.
- 1,095 document downloads, including 596 downloads of the draft Guide.
- Social media had a reach of 8,881, with 141 clicks.

## Points to note

- Consultees were invited to comment on the draft Guide as well as the technical appendices and were given the choice of which questions they wanted to answer / provide comments. The number of consultees providing an answer is shown on each chart / table featured in this report.
- Please note that for any questions with less than 30 consultees answering, results are presented in terms of number of consultees answering instead of percentages. Responses to all the technical appendices was low, ranging from 2 to 11 contributing.
- Consultees were given a number of opportunities to provide feedback in their own words throughout the questionnaire. This report includes examples of verbatims received (as written by those contributing) but all free text feedback is being reviewed and considered by KCC.
- Feedback received by the KCC team via email has been reviewed for the purpose of analysis and free text comments have been included where applicable in this report.
- Participation in consultations is self-selecting and this needs to be considered when interpreting responses.
- Response to this consultation does not wholly represent the individuals or practitioners the consultation sought feedback from and is reliant on awareness and propensity to take part based on the topic and interest.
- KCC was responsible for the design, promotion, and collection of the consultation responses. Lake Market Research was appointed to conduct an independent analysis of feedback.

## Profile of consultees responding

34 consultees took part in the consultation questionnaire; 33 received via online submissions, 1 received via a hard copy questionnaire. The KCC team also received feedback via email and received 7 emails. The table below shows the profile of consultees responding to the consultation questionnaire only. The proportion who left this question blank or indicated they did not want to disclose this information has been included as applicable.

<b>RESPONDING AS...</b>	<b>Number of consultees of total answering 34</b>	<b>% of total answering 34</b>
As a Kent or Medway resident	17	52%
In your capacity as a planning professional	2	6%
On behalf of a housing developer	5	15%
As a or on behalf of a landowner	1	3%
As a Parish/Town/District/Borough/County Councillor	2	6%
On behalf of a Parish/Town/District/Borough Council in an official capacity	1	3%
Other (including campaign forums, transport organisation)	5	15%

A summary of the types of organisations responding can be found below:

- Parish Councils – 2 submissions
- Kent Councils – 7 submissions
- Campaign groups – 2 submissions
- Planning professionals – 3 submissions
- Housing Associations – 4 submissions
- Developers – 2 submissions
- Transport organisation – 1 submissions

Please note that other organisations also provided feedback in this consultation but did not reveal the organisation they represented.

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## EXECUTIVE SUMMARY OF RESPONSE TO THE MAIN GUIDE

**The vast majority agree the Guide clearly explains its purpose in each section:**

- 91% agree sections 1.0 and 2.0 clearly explains ‘why developer contributions are sought and their importance in creating sustainable development and quality places’.
- 91% agreed sections 1.0 and 2.0 clearly explains ‘the legal and planning status of the guide and the legal framework in which it will sit’.
- 82% agree section 1.0 ‘clearly explains the developer contributions mechanisms and the interaction between S106 obligations and the Community Infrastructure Levy’.
- 82% agree section 3.0 ‘clearly outlines KCC’s general approach to developer contributions’. 18% disagree with the clarity of this section and the feedback provided should be reviewed in detail.
- 81% agree section 4.0 ‘clearly outlines KCC’s approach to land, buildings and developer contributions in kind’.

**Just over six in ten (61%) agree with KCC’s approach to land, buildings and developer contributions in-kind; 21% neither agree nor disagree and 18% disagree.**

**Response to the remaining questions posed on the main Guide was low (under 12 responses per question). As a result, statistics for these questions have been summarised via the number of consultees answering instead of percentages.**

- 6 out of 8 consultees responding indicated they agree with KCC’s approach to land, buildings and developer contributions in-kind.
- 5 out of 7 consultees responding indicated they agree with KCC’s approach to Planning Performance Agreements.
- 3 out of 7 consultees responding indicated they agree that unilateral undertakings should only be used for small, non-complex developments.
- 4 out of 7 consultees responding indicated they agree that KCC should always be a signatory to a legal agreement for county infrastructure.
- 1 out of 4 consultees responding indicated they would prefer to sign developer contribution legal agreements with the county council as a party and 2 consultees indicated they would prefer to sign without the county council as a party.
- 3 out of 8 consultees responding indicated they generally believe the payment triggers are fair and reasonable (understanding that in some cases triggers may differ).
- 2 out of 3 consultees responding indicated they think KCC’s approach to indexation is effective and reasonable.
- 5 out of 7 consultees responding indicated they agree with the principles underpinning appointment.

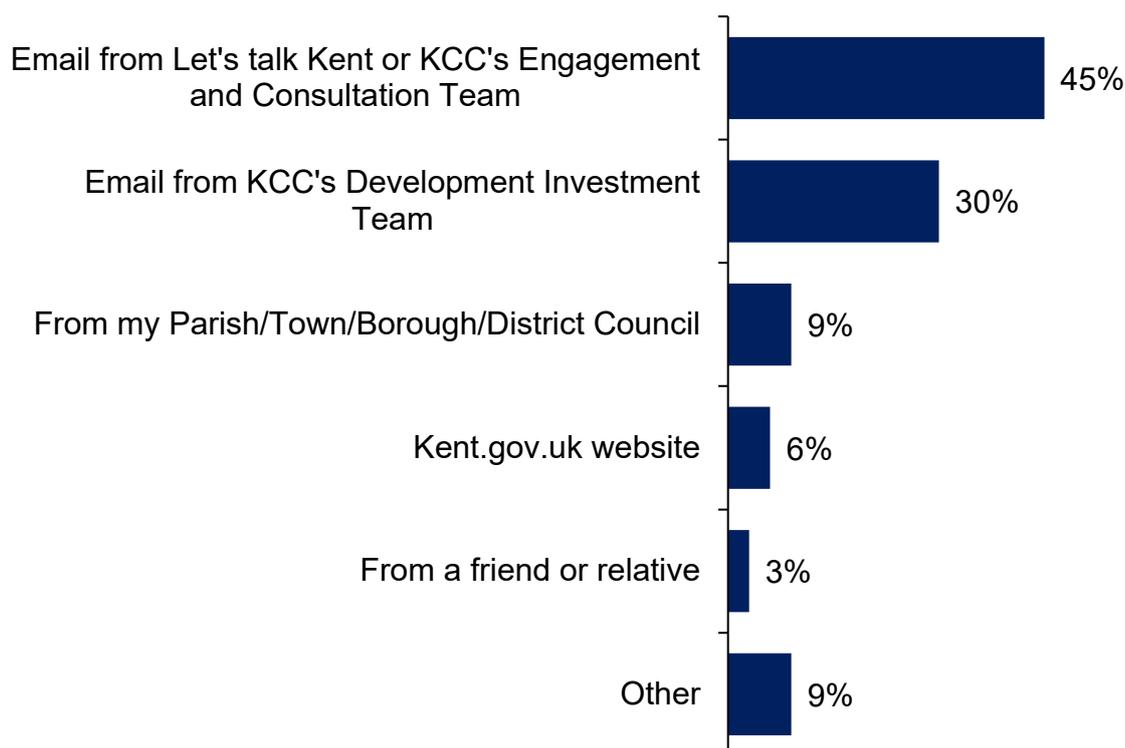
- 4 out of 6 consultees responding indicated they agree with KCC's approach to proportionate land contributions.
- All 3 consultees responding think KCC's policy on seeking bonds is reasonable.
- 5 out of 10 consultees responding indicated they agree with KCC's approach to viability reviews set out in the Guide.
- 5 out of 7 consultees responding indicated they think the Guide makes it clear why fees, charges and monitoring costs are necessary.

## CONSULTATION AWARENESS

- The main routes to finding out about the consultation was via direct email either from Let's talk Kent / KCC's Engagement and Consultation Team (45%) or from KCC's Development Investment Team (30%).
- 9% became aware through their Parish/Town/Borough/District Council and 6% via the Kent.gov.uk website.

### How did you find out about this consultation?

Base: all answering (33), consultees had the option to select more than one response.



SUPPORTING DATA TABLE	Number of consultees of total answering 33	% of total answering 33
Email from Let's talk Kent or KCC's Engagement and Consultation team	15	45%
Email from KCC's Development Investment Team	10	30%
From my Parish/Town/Borough/District Council	3	9%
Kent.gov.uk website	2	6%
From a friend or relative	1	3%
Other (via colleague / client)	3	9%

# FEEDBACK ON DRAFT GUIDE

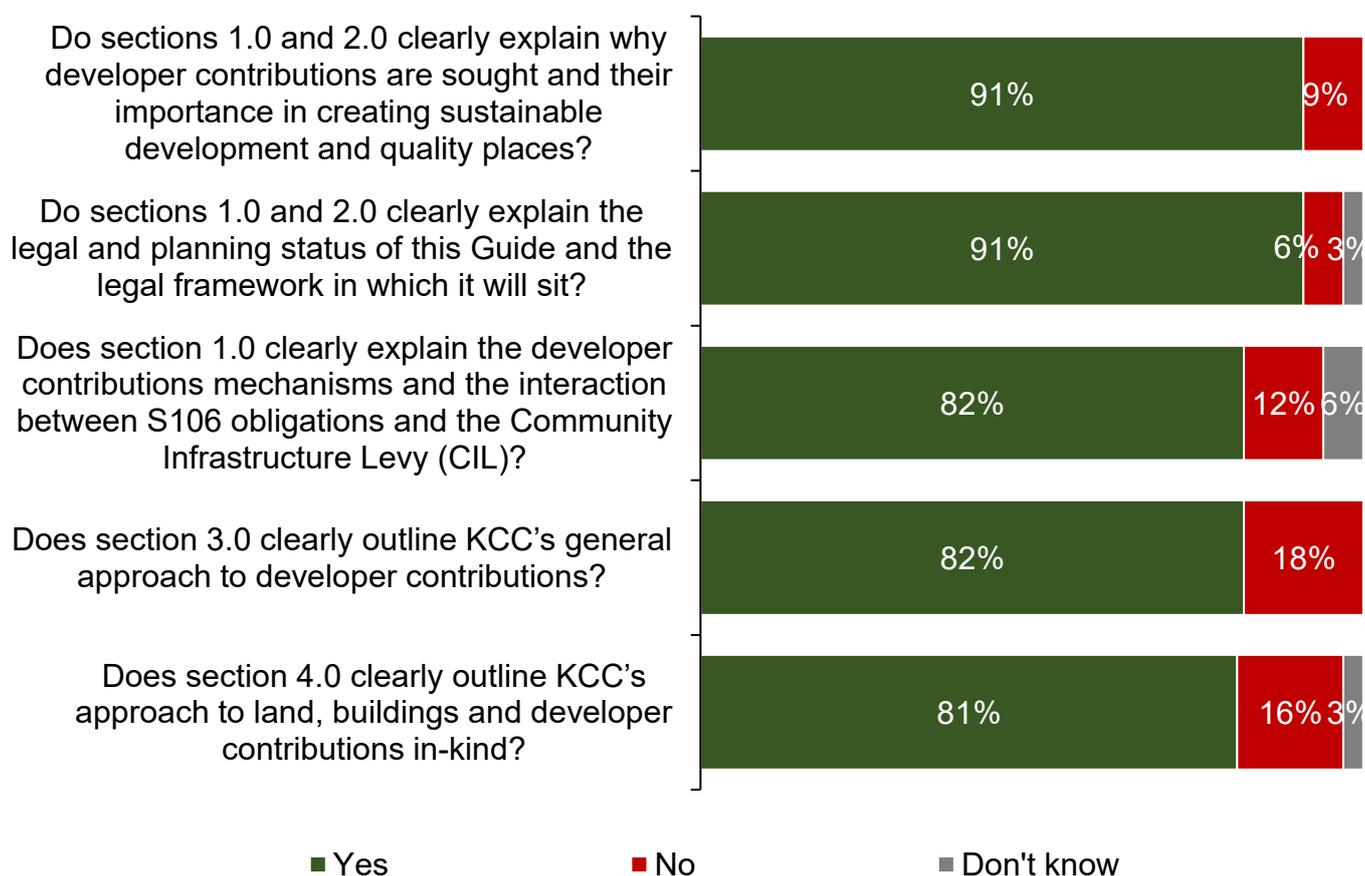
This section of the report summarises feedback from consultees for each section of the main document.

## CLARITY OF SECTION EXPLANATION

- The vast majority (91%) agree sections 1.0 and 2.0 clearly explain ‘why developer contributions are sought and their importance in creating sustainable development and quality places’ and ‘the legal and planning status of the guide and the legal framework in which it will sit’.
- Agreement remains high on the remaining sections tested. 82% agree section 1.0 ‘clearly explains the developer contributions mechanisms and the interaction between S106 obligations and the Community Infrastructure Levy’ and section 3.0 ‘clearly outlines KCC’s general approach to developer contributions’. 18% disagree that section 3.0 clearly outlines KCC’s general approach to developer contributions.
- 81% agree section 4.0 ‘clearly outlines KCC’s approach to land, buildings and developer contributions in kind’.

### Do the following sections clearly explain...?

Base: all answering (33)



Do sections 1.0 and 2.0 clearly explain why developer contributions are sought and their importance in creating sustainable development and quality places?

<b>SUPPORTING DATA TABLE</b>	<b>Number of consultees of total answering 33</b>	<b>% of total answering 33</b>
Yes	30	91%
No	3	9%
Don't know	0	0%

Do sections 1.0 and 2.0 clearly explain the legal and planning status of this Guide and the legal framework in which it will sit?

<b>SUPPORTING DATA TABLE</b>	<b>Number of consultees of total answering 33</b>	<b>% of total answering 33</b>
Yes	30	91%
No	2	6%
Don't know	1	3%

Does section 1.0 clearly explain the developer contributions mechanisms and the interaction between S106 obligations and the Community Infrastructure Levy (CIL)?

<b>SUPPORTING DATA TABLE</b>	<b>Number of consultees of total answering 33</b>	<b>% of total answering 33</b>
Yes	27	82%
No	4	12%
Don't know	2	6%

Does section 3.0 clearly outline KCC's general approach to developer contributions?

<b>SUPPORTING DATA TABLE</b>	<b>Number of consultees of total answering 33</b>	<b>% of total answering 33</b>
Yes	27	82%
No	6	18%
Don't know	0	0%

Does section 4.0 clearly outline KCC's approach to land, buildings and developer contributions in-kind?

<b>SUPPORTING DATA TABLE</b>	<b>Number of consultees of total answering 33</b>	<b>% of total answering 33</b>
Yes	26	81%
No	5	16%
Don't know	1	3%

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For each question, consultees were also given the opportunity to explain their reasons for disagreeing in their own words. For the purpose of reporting, we have reviewed respondents' comments and have incorporated examples of the detailed comments received.

### **Sections 1.0 and 2.0**

**“It needs to be more robust in avoiding damage to Kent - especially by avoiding building on flood plains and also overloading the (hopeless) water and sewage infrastructure.”** (Kent or Medway resident)

**“The fact that developer contributions are only ever sought in order to make planning applications acceptable in planning terms, should be acknowledged up front in the document. They do not apply to all forms of development and this should be made clearer in these introductory sections (thresholds are set out later in the document at Table 1 but that is on page 16). Paragraph 1.2.4 notes that the guide will be reviewed when significant changes to KCC service strategies are made. There are similar references to regular revisions and updates throughout the guide. There needs to be a better and more equitable mechanism for addressing rising costs of infrastructure than KCC simply increasing their contributions unilaterally. As the Guide notes later on, Local Planning Authorities have to balance all of the matters that are subject to developer contributions in determining planning applications, which presumably face the same challenges.**

**Adopted policies, allocations and infrastructure costs will have formed the basis of a whole plan viability assessment when the plan was prepared. This would have been based on assumptions about costs and tested at examination in order for the plan to be found sound. The draft Guide introduces a raft of new headings for which contributions will be required in the future (there is no explanation for this change – presumably waste treatment facilities were funded in the past without the benefit of developer contributions so why is it now necessary for this to be added?) and provides a mechanism for KCC to increase the level of contribution without any consultation with the District LPA. This is not consistent with the assumptions that would have been made when most Local Plans were being prepared. In the light of the above, it is questionable whether the Guide meets the tests set out in paragraph 1.4.1.3.”** (Parish/Town/District/Borough Council)

**“The legal framework for seeking developer contributions is explained, but the status of the guide is more ambiguous. Paragraph 1.3.1 notes that the Guide is a non-statutory planning document, yet the rest of the Guide is written in a way that suggests it has more weight, perhaps in anticipation of the commitment in Funding Kent's Future to: ‘Seek change so that our key strategic policies (Growth & Infrastructure Framework, Kent Design Guide, Developer Contribution Guide) have a statutory basis and as such are material to planning decisions’ (Priority 2 -Infrastructure First). The paragraph goes on to say that KCC has adopted the Guide as policy following public consultation and Cabinet approval – this use of the future tense is in anticipation of the next step in publishing the Guide, however it does convey the message that the consultation is a fait accompli. Also, Paragraph 1.4.4.1. refers to relevant paragraphs in the NPPF, presumably the latest published version in July 2021?”** (Parish/Town/District/Borough Council)

**“Paragraph 1.5.6 states that KCC will report on all S106/CIL received showing where these have been spent and how it intends to spend future contributions. This information has not**

been forthcoming up until now, only at high level through the IFS. Is the intention to include this more detailed breakdown in the IFS in future, or will this information be shared with Districts individually? We has worked with KCC in the past to deliver Local Plans, which has resulted in a plan led approach to the delivery of infrastructure in the Borough. However, the proposed flexibility for KCC to increase contributions set out in the Guide introduces uncertainty into that process.” (Parish/Town/District/Borough Council)

“I would like to see a clearly laid out formula which genuinely allowed for necessary infrastructure to be funded. Currently infrastructure delivery lags way behind development. Take Hermitage Lane as an example.” (Forum representative)

### **Section 3.0**

“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.”. The risk is that "considered on its own merit" means making it up as we go along and that local challenges such as the underfunding of the Fountain Lane roundabout will distract necessary focus on implementing the Hermitage Lane Cycle Route which should be the highest priority as it is a practical step to reducing the pressure on the completely overloaded road network in the area.” (Forum representative)

“Not building on flood plains eg the area around Paddock Wood/ Yalding etc and also clear limits to what the sewage system can cope with and the need for reliable water supply - without destroying the chalk streams or aquifers.” (Kent or Medway resident)

“it is not clear if the proposed contributions will differ depending on type of development (commercial, residential, care homes/ retirement living etc).” (Housing developer)

“Only by examining the technical appendices can one establish the manner in which individual contributions are calculated - but even then the evidence base is hard to understand. For example, within the contribution’s calculator, certain calculations rely upon the hidden Land Value tab - but no explanation is provided as to where the land value come from, or how the calculation operate. The document also identifies the contributions are "set at the maximum required" which is difficult to understand. One would expect a middle/ median contribution amount would be more appropriate. No explanation is provided - which is surprising given that the education (and overall) contributions are increasing as a result of this contributions guide update, with no apparent concern for development viability / deliverability.” (Housing developer)

“The draft Guide introduces a raft of new headings for which contributions will be required in the future, but there is no explanation for this. This is not consistent with the assumptions that would have been made when most Local Plans were being prepared and runs the risk of making all of Kent Local Plans unviable or undeliverable. It also has consequences for decision making, if the viability of schemes is impacted by increasing contributions.” (Parish/Town/District/Borough Council)

### **Section 4.0**

“Too many items are ‘to be advised’ and some of these are very important. There is an acceptance that the Kent population will grow from 1.5- nearly 2m - like many people I do

**not accept this as inevitable or desirable. Also there is a comment about school drop-offs helping local businesses like cafes, but it would be better for the environment and also for near- school parking congestion if there was a huge amount more effort into getting school children to commute by bus.”** (Kent or Medway resident)

**“Where a developer is providing land at Nil consideration but the land would provide for a school that is larger than the requirements of the developers site, KCC are seeking contributions from surrounding developers to pay to the developer providing the land. In practice, this has proven to be opaque and has meant that developers are unable to assess whether the land purchased by KCC has been achieved at good market value. KCC should be required to publish the transactions and assessments to the value of the land, in order to justify the contributions from developers.”** (Housing developer)

**“In section 4.1.3 the Guide states that where infrastructure is needed to serve more than one development land can be provided by one developer and other developers will make a capital contribution. Developers will have to work together to agree a proportionate approach. The Guide does not explain how KCC will ensure that developers will work together or what contingency arrangements if any will be put in place to ensure the infrastructure is delivered in the event of no agreement.”** (Parish/Town/District/Borough Council)

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For section 3.0 KCC contributions specifically, consultees were also given the opportunity to describe any elements they felt should be included in this section but currently missing, in their own words. For the purpose of reporting, we have reviewed the 14 comments made and have incorporated examples of these below.

**“More detail about how contributions and contribute to the Counties Net Zero challenges would be helpful.”** (Parish/Town/District/Borough/County Councillor)

**“Contributions for increased green infrastructure.”** (Local Authority Officer)

**“Contribution towards health care facilities.”** (Parish/Town/District/Borough/County Councillor)

**“Breakdown of proposed contributions by different type of development. Also are there any exemption zones, i.e. where the growth is most needed in the most deprived areas? as otherwise the development would never be viable in these areas restricting economic and social growth.”** (Housing developer)

**“More detail regarding how affordable housing will be treated with regards to S106 and CIL contributions. It would be good to see if any dispensation/waivers will be provided where a wholly affordable site such as Extracare, housing for older people, Foyers and other forms of specialist housing are provided. Whilst it is recognised securing contributions through CIL and S106 are important, taking them can also reduce the amount of truly affordable housing that can be provided.”** (Housing developer)

**“It would be helpful to have also set out in this section how the contributions relate to older persons development. It has been our experience that in such cases no requests for education are sought but this should ideally be clarified in the main text rather than left to the individual LPA to clarify.”** (Planning professional)

**“No specific information behind the contribution amounts is provided within the main document and limited justification is included within the individual appendices. The contributions calculator identifies that the contributions are set at “the maximum [amount] required”, which is not referenced within the main document or within the appendices. It is also important to establish KCC’s comparison between these updated contribution amounts and those previously required, because they appear to have increased (cumulatively - on a rate per dwelling basis). If this is the case, it would be important to understand KCC’s justification for this, and the consideration that has been given to viability / deliverability of development sites within the affected planning authorities.”**  
(Housing developer)

**“This seems to be a number of discrete infrastructure types, each standing with its own technical appendix. The text should illustrate how contributions for multiple infrastructure types will be brought together so that they work with each other. For example, how provision of schools relates to required improvements in PROW. A specific section/technical appendix on cycleways should be introduced so that sufficient space is set aside to create new cycleways and funding is available to upgrade/enhance existing cycleways which link to the new development.”** (Kent or Medway resident)

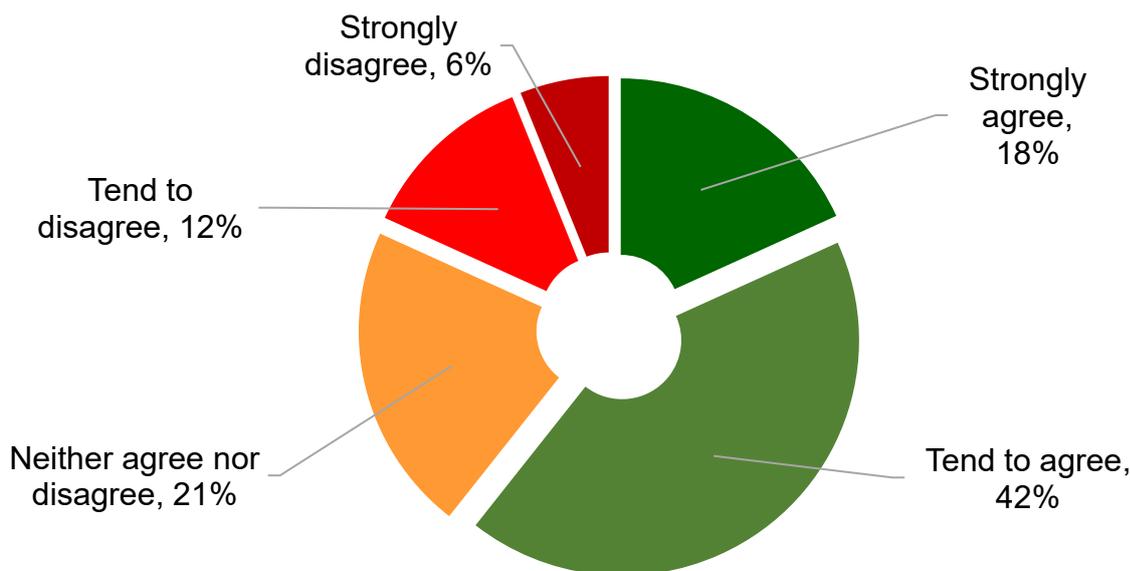
**“When describing road requirements, attention should also be paid to footways as well. For example vehicle movements through Blean are so high that it is dangerous to cross the A290 or walk along the west side of Blean Common. That situation results from earlier failure to provide footways on both sides of the road. It is reasonable for new developments in the village as well as in Whitstable (due to the fact that vehicles from there will further increase traffic on the A290) to contribute towards improving this situation.”** (Kent or Medway resident)

PERCEPTIONS OF APPROACH TO LAND, BUILDINGS AND DEVELOPER CONTRIBUTIONS IN-KIND

- 61% agree with KCC’s approach to land, buildings and developer contributions in-kind; 18% strongly agree and 42% tend to agree. 21% neither agree nor disagree and 18% disagree.

**To what extent do you agree or disagree with KCC’s approach to land, buildings and developer contributions in-kind?**

Base: all answering (33)



SUPPORTING DATA TABLE	Number of consultees of total answering 33	% of total answering 33
Strongly agree	6	18%
Tend to agree	14	42%
Neither agree nor disagree	7	21%
Tend to disagree	4	12%
Strongly disagree	2	6%

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 6 consultees provided a comment to this question and examples of their feedback can be found below:

**“The policy should allow some flexibility for individual sites to come forward on their own merit and should not be reliant on contributions from adjacent sites. The in-kind approach, if strictly enforced, potentially slows down the timely delivery of new homes.”** (Housing developer)

**“The idea that we can increase the Kent population by 20% in just a few years without MASSIVE impact on the environment is laughable. The garden cities idea is full of buzz word jargon and word salad.”** (Kent or Medway resident)

**“Issues of not building on flood plains, ensuring sewage and water are ok ( they aren’t now) while protecting streams and aquifers, avoiding school related traffic issues.”** (Kent or Medway resident)

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## PERCEPTIONS OF APPROACH TO PRE-APPLICATION ADVICE

8 consultees provided a response to whether they agreed or disagreed with KCC’s approach to Pre-Application Advice. 6 consultees indicated they agree with KCC’s approach, 2 disagree.

**To what extent do you agree or disagree with KCC’s approach to Pre-Application Advice?**

Base: all answering (8)

	Number of consultees of total answering 8
Strongly agree	4
Tend to agree	2
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	0
Don’t know	0

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 2 consultees provided a comment to this question and their feedback is detailed below:

**“Affordable housing providers should be given free access to the advice. The costs associated with this pre application advice will only add to the existing financial constraints on delivery of affordable housing.”** (Housing developer)

**“In section 5.1.2 the Guide states that KCC offers pre-app advice for education, community services and waste free of charge. As we object in principle to the addition of waste facilities to the list of developer contributions, this should not form the basis of pre-app discussions.”** (Parish/Town/District/Borough Council)

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## PERCEPTIONS OF APPROACH TO PLANNING PERFORMANCE AGREEMENTS

7 consultees provided a response to whether they agreed or disagreed with KCC's approach to Planning Performance Agreements. 5 consultees indicated they agree with KCC's approach, 2 disagree.

### To what extent do you agree or disagree with KCC's approach to Planning Performance Agreements?

Base: all answering (7)

	Number of consultees of total answering 7
Strongly agree	1
Tend to agree	4
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	0
Don't know	0

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 2 consultees provided a comment to this question and their feedback is detailed below:

**“Planning Performance Agreement are only effective when an adequate amount of resources are actually provided to ensure that the planning application can progress as it should. Too often PPAs are essentially required by an LPA, only to find that insufficient resources / plans are provided to satisfactorily progress the application.”** (Housing developer)

**“My experience is that PPAs are better served being agreed with the LPA and they can decide how to involve the county council if/where appropriate. I have never sought to agree a PPA with the county council separately as there is limited gain and there is no clarification on what potential costs could be.”** (Planning professional)

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## PERCEPTIONS OF LEGAL AGREEMENTS

7 consultees provided a response to whether they agreed or disagreed that unilateral undertakings should only be used for small, non-complex developments. 3 consultees indicated they agree with the approach, 2 disagree. 2 consultees neither agree nor disagree or were unsure.

### **To what extent do you agree or disagree that unilateral undertakings should only be used for small, non-complex developments?**

Base: all answering (7)

	Number of consultees of total answering 7
Strongly agree	2
Tend to agree	1
Neither agree nor disagree	1
Tend to disagree	2
Strongly disagree	0
Don't know	1

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 2 consultees provided a comment to this question via the questionnaire and 1 consultee provided feedback on this topic by email. Their feedback is detailed below:

**“If “non-complex” might relate to any implications for Rural benefit from contributions we want our say and an understanding?” (Parish/Town/District/Borough/County Councillor)**

**“With the county council requests this is more related to financial contributions and therefore relatively clear cut. This can be dealt effectively through the UU process, especially given that KCC have outsourced the legal role to an external firm which has (in my experience) added delays to being able to agree s106s and added costs with input quite often on matters beyond the scope of the county council (the last example being comments raised on affordable housing when that was an LPA matter).” (Planning professional)**

**“Reference in paragraph 5.3.2 of the Developer Contributions Guide to planning obligations requiring “the return of unused contributions after ten years (unless a longer period is otherwise agreed)” should be reconsidered. It is important for public trust and accountability that infrastructure is delivered in parallel with, or as soon as possible after, the development that creates the need for it. If contributions are held for a decade or more without progress on delivering the associated infrastructure, this will only undermine trust in the process and generate more resistance to development.” (Parish/Town/District/Borough Council)**

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7 consultees provided a response to whether KCC should always be a signatory to a legal agreement for county infrastructure. 4 consultees indicated they agree, 1 disagrees. 2 consultees were unsure.

### Should KCC always be a signatory to a legal agreement for county infrastructure?

Base: all answering (7)

	Number of consultees of total answering 7
Yes	4
No	1
Don't know	2

4 consultees provided a response to whether they would prefer to sign developer contribution legal agreements with or without the county council as a party. 1 consultee indicated they would prefer to sign with the county council as a party and 2 consultees indicated they would prefer to sign without the county council. 1 consultee was unsure.

### Do you prefer to sign developer contribution legal agreements with or without the county council as a party?

Base: all answering (4)

	Number of consultees of total answering 4
With the county council as a party	1
Without the county council as a party	2
Don't know	1

Consultees were also given the opportunity to provide their reasons for their answer in their own words. 3 consultees provided a comment to this question and their feedback is detailed below:

**“The local authority have recently discussed with KCC its intention to proceed with signing of developer contributions without the county council in many cases.”** (Planning professional)

**“If the County Council have clear policy and frameworks for the LPA's to work within then I do not believe it's necessary for another party signature to be included within the legal agreements.”** (Housing developer)

**“Not fully understanding of the implications.”** (Parish/Town/District/Borough/County Councillor)

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## PERCEPTIONS OF PHASED PAYMENT AND TRIGGERS FOR PAYMENTS

8 consultees provided a response to whether they generally think the payment triggers are fair and reasonable (understanding that in some cases triggers may differ). 3 consultees indicated they agree, 3 disagree. 2 consultees were unsure.

**In some cases, these trigger points may differ, but generally do you think these triggers are fair and reasonable?**

Base: all answering (8)

	Number of consultees of total answering 8
Yes	3
No	3
Don't know	2

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 3 consultees provided a comment to this question via the questionnaire and 1 consultee provided feedback on this topic by email. Their feedback is detailed below:

**“There should be some portion of the total contribution payable after or upon 100% occupation which would help with the cashflow and viability of projects.”** (Housing developer)

**“Viability will generally be an important consideration when considering phasing of s106 contributions and staged payments. Requiring a significant proportion of KCC contributions on commencement is likely to plan an unreasonably cost burden on development will prejudice delivery - especially given that the proposed contributions appear to be increasing in comparison with previous KCC s106 requirements. By my estimates, the KCC s106 contributions appear to be increasing by at least £1,750 per house / £650 per flat - and the impact of these increases has not been tested (from a viability perspective) by the respective local planning authorities, in conjunction with all other planning gain requirements. Paragraph 4.2.4 states that contribution will generally be required on commencement, but this may be adjusted for larger strategic sites. The 50% on 25% and 50% occupations is provided as an example, and yet above it states that this is KCC’s general triggers for payment of developer contributions - which does not appear to be correct.”** (Housing developer)

**“No houses should be built until the social infrastructure investment (cycle paths, schools shops etc) has been done. Look at Saxon fields in Canterbury. Developers run rings around you.”** (Kent or Medway resident)

**“Regarding the payment of monitoring fees, it would be helpful to provide clarity about the arrangement when more than one trigger falls due at the same time, whether multiple fees will be payable or whether one monitoring fee will cover all triggers.”**  
(Parish/Town/District/Borough Council)

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## PERCEPTIONS OF INDEXATION

3 consultees provided a response to whether they think KCC's approach to indexation is effective and reasonable. 2 consultees indicated they agree, 1 disagrees.

### Do you think KCC's approach is effective and reasonable?

Base: all answering (3)

	Number of consultees of total answering 3
Yes	2
No	1
Don't know	0

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 1 consultee provided a comment to this question and their feedback is detailed below:

**“My previous experience of KCC s106 indexation provisions is that they end-up generating total contributions which grossly exceed what can be considered reasonable. Whilst a requirement to apply indexation is necessary, it will be important to ensure that the respective base contributions are revisited relatively soon, to ensure that the applied indexation does not result in unreasonable total contribution amounts.”** (Housing developer)

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## PERCEPTIONS OF APPORTIONMENT AND CONTRIBUTIONS

7 consultees provided a response to whether they agree or disagree with the principles underpinning apportionment. 5 consultees indicated they agree, 2 disagree.

### To what extent do you agree or disagree with the principles underpinning apportionment?

Base: all answering (7)

	Number of consultees of total answering 7
Strongly agree	0
Tend to agree	5
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	1
Don't know	0

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 2 consultees provided a comment to this question and their feedback is detailed below:

**“It is generally acceptable except that the valuations and transactions for the s106 contributions are opaque.”** (Housing developer)

**“... we object to the inclusion of waste facilities in section 5.6.3.”**

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6 consultees provided a response to whether they agree or disagree with KCC’s approach to proportionate land contributions. 4 consultees indicated they agree, 2 neither agree nor disagree.

**To what extent do you agree or disagree with KCC’s approach to proportionate land contributions?**

Base: all answering (6)

	Number of consultees of total answering 6
Strongly agree	0
Tend to agree	4
Neither agree nor disagree	2
Tend to disagree	0
Strongly disagree	0
Don’t know	0

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**PERCEPTIONS OF BONDS AND GUARANTORS**

All 3 consultees responding think KCC’s policy on seeking bonds is reasonable.

**Do you think KCC’s policy on seeking bonds is reasonable?**

Base: all answering (3)

	Number of consultees of total answering 3
Yes	3
No	0
Don’t know	0

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## PERCEPTIONS OF VIABILITY REVIEWS

10 consultees provided a response to whether they agree or disagree with KCC's approach to viability reviews set out in the Guide. 5 consultees indicated they agree with KCC's approach, 2 disagree. 3 consultees neither agree nor disagree.

### To what extent do you agree or disagree with KCC's approach to viability reviews set out in the Guide?

Base: all answering (10)

	Number of consultees of total answering 10
Strongly agree	0
Tend to agree	5
Neither agree nor disagree	3
Tend to disagree	1
Strongly disagree	1
Don't know	0

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 2 consultees provided a comment to this question via the questionnaire and 2 consultees provided feedback by email. Their feedback is detailed below:

**“It would be helpful if KCC could provide some specific and consistent advice on this process, in particular for local planning authorities who do not have an up-to-date local plan with a viability review mechanism. This should include guidance on timing, triggers and apportionment of viability gains.”** (Planning professional)

**“The Contributions Guide correctly identifies at paragraph 5.8.1 that LPA are required to consider viability at plan making stage, but crucially these plans will already be in place and will not have reflected the higher contributions that KCC are now seeking. As above, my analysis suggests that the KCC contributions are increasing by approximately £1,750 per house / £650 per flat. All developments will therefore be burdened by increased planning gain requirements than was tested at local plan stage - which will have implications in terms of viability/ deliverability. On this basis I do not believe that Paragraph 5.8.2 can be assumed to be correct, because the required KCC contributions are increasing since the local plans were tested. It would only be possible to be assured on this point if the local plan viability evidence was updated to reflect these increased KCC contribution requirements. KCC's comments at paragraph 5.8.4 (in respect of 'blanket' review mechanisms for schemes that cannot viably support policy) are not accepted. Viability review mechanisms place a considerable barrier on delivery and PPG guidance only supports the use of viability reviews in certain circumstances, including where the LPA has a specific policy to support their use.”** (Housing developer)

**“Paragraph 5.8.5 - Beyond ‘public benefits’, it is also highlighted that the viability of developments can be implicated by significant abnormal costs (i.e. remediation, listed**

buildings, phased/complex sites 1) which are not apparent at the plan-making stage and therefore justify the need for a Financial Viability Assessment to be submitted at the application stage. Other external factors such as the current market uncertainty, rising costs and a recession combined with high inflation, is also playing its role in effecting the viability of developments. Subject to the review of a Financial Viability Assessment (produced in line with Planning Practice Guidance), these factors should be taken into account when considering whether a scheme is able to meet the relevant planning obligations.” (Planning professional)

“Paragraph 5.8.4 – “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”. We have experience of this following a recent planning application, presented to the Council’s Planning Committee. It is noted that the Planning Practice Guidance (PPG) identifies that review mechanisms can only be included if the Local Plan includes reference to such mechanisms. Neither our current Development Plan or the Submission Plan, currently at Examination refers to review mechanisms and as such, to require them within legal agreements would be against the PPG advice. The Developer Guide should therefore be amended to reflect advise contained in the PPG.”

(Parish/Town/District/Borough Council)

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## PERCEPTIONS OF FEES, CHARGES AND MONITORING

7 consultees provided a response to whether they think the Guide makes it clear why fees, charges and monitoring costs are necessary. 5 consultees indicated they agree, 1 disagrees. 1 consultee was unsure.

### Does the Guide make it clear why these costs are necessary?

Base: all answering (7)

	Number of consultees of total answering 7
Yes	5
No	1
Don't know	1

Consultees were also given the opportunity to provide their reasons for their disagreement in their own words. 1 consultee provided a comment to this question and their feedback is detailed below:

“The flat rate fee is given as £500 for every monitoring event but there is no explanation on how this figure is reached and is never clarified during the process. The requirement to pay the monitoring fee on the signing of the agreement not on the implementation is also inappropriate unless a mechanism is added to allow the developer to reclaim the monitoring costs plus interest if the consent is not implemented given that there would be no monitoring undertaken.” (Planning professional)

## OTHER COMMENTS ON DEVELOPER CONTRIBUTIONS GUIDE

Consultees were also given the opportunity to provide any other comments on the Developer Contributions Guide in their own words. For the purpose of reporting, we have reviewed respondents' comments and have incorporated examples of the comments received below. 11 consultees provided a comment to this question via the consultation questionnaire and additional feedback was submitted by consultees via email.

Examples of feedback can be found below. Feedback includes concern for provision of affordable housing, a desire for liaison with local authorities in relation to s106 agreements, confliction with local plan arrangements and transparency of information provision.

**“It is recognised that there is a need for contributions to enable the forecast growth across Kent up to 2050 and we acknowledge the approach of infrastructure first, this is considered to be the correct approach and its benefits cannot be denied. However we would like to also make the point that any increases in contributions placed onto affordable housing providers does impact on the ability of those providers to provide additional truly affordable homes. Indeed, by definition, affordable housing is only let to existing local people who meet local authority residential requirements and do not represent an increase in new educational need or care etc. Therefore some consideration around how affordable housing is treated with regards to contributions via a S106 or CIL should be looked at.”**  
(Housing developer)

**“Given the expansion of the infrastructure asks included within this guide, we are concerned about the cumulative impact of this enhanced ask on the ability to provide affordable housing, in particular from schemes with marginal viability. Therefore as a council we will be considering these, potentially conflicting priorities in relation to each application. To assist us in this it would be useful to understand other potential funding sources which are available to meet demands.”** (Planning professional)

**“The County Council should make "reasonable endeavours" to work with parish councils where they exist to discuss the development of s106 agreements withing the parish council's boundaries at an early stage, and to take the view of the parish council into account wherever practicable. Parish councils have a wealth of local knowledge about the areas they represent which would be of great value in shaping developer contributions.”**  
(Kent or Medway resident)

**“Regarding monitoring arrangements, the council would support close working with the county council where the Section 106 agreement sits with district and the county council is the delivery body. We would welcome the opportunity to explore the potential for improvements to joint monitoring and reporting, such as a shared database. The discipline of preparing the Infrastructure Funding Statement has improved the sharing of data between the authorities and the council would welcome opportunities to develop this further and earlier in the annual cycle of reporting. This is important to increase transparency, so that local people can have confidence that the impacts of new development are being addressed through the timely provision of infrastructure.”**  
(Parish/Town/District/Borough Council)

**“We have some major concerns with the draft Guide as follows: 1. The assumption that the contributions sought in the Guide can be updated or amended unilaterally and potentially at**

**frequent intervals puts at risk the viability assessments that underpin District Local Plans in Kent; 2. The significant proposed increases for County infrastructure, particularly in relation to Education, have not been fully justified; 3. New areas of contributions have been inserted into the Guide without proper consultation with the Districts, for example, in relation to waste facilities; 4. Some types of infrastructure do not have figures against them. Instead they are 'to be advised' the Guide is therefore incomplete. Districts cannot assess the full impact of the Guide without this information; 5. The Guide provides assurances that there will be transparency in respect of where developer contributions are spent and on what, but this information has not been forthcoming to date."**

**(Parish/Town/District/Borough Council)**

**"We consider Infrastructure Delivery Plan proposals infers that the IDP needs to use the costings and methodologies set out in the Technical Appendix 3 on page 40 of the document. We have concerns about such an approach - In terms of the costings in the IDP, which supports our emerging Local Plan, they have been taken from direct discussions with service providers including officers at KCC, as well as developers in relation to specific sites. We would not wish to be held to accord with a standard approach as appears to be set out in the Draft Developer Guide. It should also be noted that the Planning Practice Guidance (PPG) identifies that review mechanisms can only be included if the Local Plan includes reference to such mechanisms. Neither our current Development Plan or Submission Plan, refers to review mechanisms and as such, to require them within legal agreements would be against the PPG advice. The Developer Guide should therefore be amended to reflect advice contained in the PPG."** (Parish/Town/District/Borough Council)

**"We are finding that overall we are not seeing infrastructure first delivery of walking, wheeling and cycling infrastructure in our area. Over the last 2 or 3 years during a substantial building programme no new LTN1/20 compliant active travel infrastructure had been planned or delivered in the borough. We need a much stronger, clearer and effective mechanism to make sure infrastructure first is delivered in reality. For example for the massive expansion of schools in the area we have no effective integrated active travel provision for the students to travel safely to school and no traffic management around the schools. This is incredibly disappointing."** (Forum representative)

**"We need to ensure that our Rural contribution to climate change is recognised and infrastructure development given equal priority for any funding."**

**(Parish/Town/District/Borough/County Councillor)**

**"It would be beneficial to all social housing providers if the county had a unilateral agreement/view on the Stonewater vs Wealden case, being clear about whether Social Housing Landlords would be exempt from CIL contributions or not if they deliver a 100% affordable development scheme."** (Landowner)

## TECHNICAL APPENDIX – ADULT SOCIAL CARE

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Adult Social Care?** Base: all answering (6)

	Number of consultees of total answering 6
Strongly agree	0
Tend to agree	2
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	2
Don’t know	1

**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per dwelling’ rate it produces?** Base: all answering (5)

	Number of consultees of total answering 5
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	2
Don’t know	0

Free text comments made by those who disagree:

**“While understanding the challenges of funding social care within the context of an ageing population, the proposed Social Care per dwelling represents an increase of 284% from the current rate of £47.06 to £180.88 and uplift of £133.82, which is something of a concern.”**  
(Parish/Town/District/Borough Council)

**“Section 2.2.2 KCC should not seek contributions from houses for social or affordable rent that are identified in the s106 requirements of the project. Nominations for affordable or social rent homes are provided solely by the Local Authority. Prospective tenants of these homes will already be resident in the LA. To be in housing need the prospective tenants will either be in temporary (B&B, nightly paid etc), shared or unsuitable accommodation through overcrowding (i.e. smaller), so the argument that they will be vacating homes of similar size does not follow. Tenants nominated from housing registers will also have a ‘proven local connection’ in order to be registered with the LA. Removing affordable housing as ‘applicable housing’ would thereby ensure that rented s106 affordable is protected and less likely to be lost by viability challenge. In addition, M4(3) accessible where provided should not incur adult and social care contributions given they are likely to**

**minimise care costs. This will promote developers to continue to provide M4(3) housing.”**  
(Housing developer)

**“KCC have not got a clue about adult social care, until the clowns in charge have the mental capacity to recognise that dementia/ Alzheimer’s requires 24 care nothing else is worth discussing. There is no money in KCC for this and it is an utter disgrace to show that you do care when we clearly know you don’t.”** (Kent or Medway resident)

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**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified? Base: all answering (6)**

	Number of consultees of total answering 6
Yes	2
No	2
Don’t know	2

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Free text comment made on Adult Social Care appendix:

**“The pricing has increased by 23% which is above inflation metrics and the previous BCIS adjustment. Adult social care new rate £180.88, old rate £146.88, difference £34.00, increase 23.1%. The increase has not been justified.”** (Housing developer)

**“We wish to identify that the Appendix table on social care will be different for each authority across Kent.”** (Parish/Town/District/Borough Council)

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## TECHNICAL APPENDIX – COMMUNITY LEARNING AND SKILLS

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Community Learning and Skills?** Base: all answering (3)

	Number of consultees of total answering 3
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	0
Don’t know	0

**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per dwelling’ rate it produces?** Base: all answering (3)

	Number of consultees of total answering 3
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	0
Don’t know	0

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (3)

	Number of consultees of total answering 3
Yes	1
No	1
Don’t know	1

## TECHNICAL APPENDIX – EDUCATION

### Early Years Education and Childcare Provision

To what extent do you agree or disagree with KCC’s approach to securing contributions for early years and childcare provision? Base: all answering (2)

	Number of consultees of total answering 2
Strongly agree	1
Tend to agree	0
Neither agree nor disagree	1
Tend to disagree	0
Strongly disagree	0
Don’t know	0

### Primary Education

To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for primary education? Base: all answering (5)

	Number of consultees of total answering 5
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	1
Don’t know	1

To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per house/flat’ rates it produces? Base: all answering (5)

	Number of consultees of total answering 5
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	1
Don’t know	1

**Free text comment made by those who disagree:**

**“The proposed increase in contribution for primary schools (new build and extension) is between 56-63%.”** (Parish/Town/District/Borough Council)

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**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (5)

	Number of consultees of total answering 5
Yes	2
No	1
Don't know	2

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Free text comments made on Primary Education appendix:

**“The lack of information on where funding has been spent is a concern. Contributions for new build are higher than extension of existing, but we have no way of confirming where these funds have been spent. We do not have a Community Infrastructure Levy (CIL) and relies on S106 agreements for collecting and delivering infrastructure, the wording of which can be specific to projects and locations, which is why we need this clarification.”**  
(Parish/Town/District/Borough Council)

**“The technical appendices include information on school size requirements. There may be circumstances where a different approach is adopted to take account of mixed use sites.”**  
(Planning professional)

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**Secondary Education**

**To what extent do you agree or disagree with KCC's proposed policy regarding developer contributions for secondary education?** Base: all answering (5)

	Number of consultees of total answering 5
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	0
Don't know	1

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**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per house/flat’ rates it produces? Base: all answering (5)**

	Number of consultees of total answering 5
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	0
Don't know	1

Free text comment made by those who disagree:

**“Further clarification of the proposed increase in contributions for secondary education of between 20-30% is needed.”** (Parish/Town/District/Borough Council)

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**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified? Base: all answering (5)**

	Number of consultees of total answering 5
Yes	2
No	1
Don't know	2

Free text comment made on Secondary Education appendix:

**“The technical appendices include information on school size requirements. There may be circumstances where a different approach is adopted to take account of mixed use sites.”**  
(Planning professional)

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## **Special Educational Needs and Disabilities (SEND) Education**

**To what extent do you agree or disagree with KCC's proposed policy regarding developer contributions for Special Educational Needs and Disabilities Education? Base: all answering (3)**

	Number of consultees of total answering 3
Strongly agree	1
Tend to agree	0
Neither agree nor disagree	1
Tend to disagree	1
Strongly disagree	0
Don't know	0

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**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the 'per house/flat' rates it produces? Base: all answering (3)**

	Number of consultees of total answering 3
Strongly agree	1
Tend to agree	0
Neither agree nor disagree	1
Tend to disagree	1
Strongly disagree	0
Don't know	0

---

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified? Base: all answering (3)**

	Number of consultees of total answering 3
Yes	1
No	1
Don't know	1

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## **School sites - KCC General Transfer Terms**

**To what extent do you agree or disagree with KCC’s general land transfer terms for school sites? Base: all answering (4)**

	Number of consultees of total answering 4
Strongly agree	0
Tend to agree	2
Neither agree nor disagree	1
Tend to disagree	0
Strongly disagree	0
Don’t know	1

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Free text comments made on general land transfer terms for school sites:

**“In relation to Technical Appendix 8 which deals with the terms and conditions for land transfers; paragraph 8 should read:**

**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.**

**Paragraph 16 - Following the Digital Economy Act of 2017 and the introduction of Code Agreements KCC cannot seek to impose such terms. KCC is also expected by central government to assist the roll out of improved telecom networks including 5g. This paragraph should be deleted.”** (anonymous)

**“We have suggested the following amendment to Technical Appendix 8; Paragraph 8 should read – “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.” We would also suggest deleting paragraph 16 entirely. Following the enactment of the Digital Economy Act of 2017 and with it the introduction of Code Agreements KCC cannot seek to impose such terms. KCC is expected by central government to assist the roll out of improved telecom networks including 5g. This paragraph should therefore be deleted.”** (Local Authority representative)

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### **School sites – New site sizes**

**To what extent do you agree or disagree with KCC’s proposed policy regarding the land requirements for the delivery of new school sites? Base: all answering (5)**

	Number of consultees of total answering 5
Strongly agree	1
Tend to agree	3
Neither agree nor disagree	0
Tend to disagree	0
Strongly disagree	0
Don't know	1

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## TECHNICAL APPENDIX – FLOOD RISK MANAGEMENT AND SUSTAINABLE DRAINAGE

**To what extent do you agree or disagree with KCC’s proposed policy regarding contributions for flood risk management and sustainable drainage?** Base: all answering (6)

	Number of consultees of total answering 6
Strongly agree	2
Tend to agree	3
Neither agree nor disagree	0
Tend to disagree	0
Strongly disagree	1
Don’t know	0

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (6)

	Number of consultees of total answering 6
Yes	3
No	2
Don’t know	1

Free text comment made by those who disagree:

**“Details are ‘to be advised’. Need to be far more robust to prevent building on flood plains. The drainage/ sewage isn’t working now!”** (Kent or Medway resident)

Free text comments made on Flood Risk Management and Sustainable Drainage appendix:

**“Particularly interested in transport infrastructure flooding mitigation and pollution control.”** (Parish/Town/District/Borough/County Councillor)

**“Agreements specify only provision for minimum operational standards and does not allow for future flood provision modelling.”** (Local Authority Officer)

## TECHNICAL APPENDIX – COMMUNITY ARCHAEOLOGY

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for community archaeology provision?** Base: all answering (4)

	Number of consultees of total answering 4
Strongly agree	1
Tend to agree	2
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	0
Don’t know	0

**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per house/flat’ rates it produces?** Base: all answering (4)

	Number of consultees of total answering 4
Strongly agree	1
Tend to agree	2
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	0
Don’t know	0

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (4)

	Number of consultees of total answering 4
Yes	3
No	0
Don’t know	1

Free text comments made on Community Archaeology Provision appendix:

**“Much archaeology resides in Rural areas and the protection of such therefore is a community contribution!”** (Parish/Town/District/Borough/County Councillor)

**“This appears to be a new standard requirement and will seek contributions from strategic sites/garden communities towards Heritage & Archaeology projects. Examples given are that of a Community Archaeology activities (a part-time Heritage & Archaeology Officer) or Interpretation and education activities. It is noted that assessment of these potential contributions towards heritage will be made on a case-by-case basis and that these are example projects, however further information should be provided in relation to the example costs provided and needs from large scale developments in Table 1. For example, it states they are ‘based on previous experience and costs of delivering these activities’, but no evidence has been provided for analysis/information. There is also no baseline position or details of when such S106 contributions will be sought (other than scale of development). If the requirement is to be considered on a case-by-case basis, all relevant links to Heritage Strategy / Action Plans which sets out future projects on a district-wide basis should be included within the appendix. At present, we have concerns that these requirements are not justified.”** (Parish/Town/District/Borough Council)

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## TECHNICAL APPENDIX – HIGHWAYS AND TRANSPORTATION

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Highways and Transportation? Base: all answering (11)**

	Number of consultees of total answering 11
Strongly agree	1
Tend to agree	3
Neither agree nor disagree	2
Tend to disagree	3
Strongly disagree	1
Don’t know	1

Free text comments made on Highway and Transportation appendix:

**“The appendix refers to mitigation to existing transport network but not environmental mitigation for increased highway infrastructure and increased traffic volumes.”** (Local Authority officer)

**“Canterbury needs a complete restructuring of the Road systems. Piecemeal additional roads will not cope with the increased traffic which has already been compromised by recent developments. A good example is the system serving York, which had an effective ring road in 1978 and is now being made into a dual carriageway. York has similar characteristics as Canterbury being situate between population centres and coastal resorts.”** (Kent or Medway resident)

**“With regard to the section on Sustainable Travel Plans, we consider that as part of the aim to improve sustainable travel and reducing motorised traffic on the transport network, there should be specific reference to the role the regions waterways, including the Tidal Thames could play in helping to take vehicle movements off roads and onto more sustainable modes of transport. This would be in line with our vision plan which encourages greater use of the Tidal Thames, particularly as part of the construction and demolition stages of new development.”** (Authority)

**“Paragraph 3.1 of Technical Appendix 14 - We would like to raise that there are many minor applications where transport impacts do not need to be assessed and/or are not relevant to the proposal. Paragraph 3.2 of the Technical Appendix 14 - following on from our response to paragraph 3.1, it is not the case that all planning applications will require a supporting Transport Statement to be submitted; therefore, this paragraph needs to be made more nuanced. Paragraph 3.6 of the Technical Appendix 14 – we hope this change in approach can be adopted swiftly by KCC. At present, we feel that a ‘predict and provide’ mentality dominates. Finally, with regard to Technical Appendix 14, we are surprised that more is not made of KCC’s Highways pre-application advice service and the importance of engaging early, particularly on larger and more complex proposals.”** (Planning professional)

**“We note that no information is provided within the Guide, or within this appendix, in relation to Sustainable Travel requirements and potential needs for S106 contributions towards new bus/cycle services and or related infrastructure. This is often requested by KCC Highways in relation to new developments at planning application stages and a section has been included within our Draft IDP 2022. We consider that this guide should include reference to this potential obligation requirement, as it does for other sustainable modes of travel/services such as PRow which have been included in the guide.”**

(Parish/Town/District/Borough Council)

**“Given our location ongoing concern for particulate and emissions pollution and air quality mitigation.”** (Parish/Town/District/Borough/County Councillor)

**“More effort/ investment in buses especially for schools.”** (Kent or Medway resident)

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## TECHNICAL APPENDIX – INTEGRATED CHILDREN’S SERVICES

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Youth/Early Help Services?** Base: all answering (2)

	Number of consultees of total answering 2
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	0
Strongly disagree	0
Don’t know	0

**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per dwelling’ rate it produces?** Base: all answering (2)

	Number of consultees of total answering 2
Strongly agree	1
Tend to agree	1
Neither agree nor disagree	0
Tend to disagree	0
Strongly disagree	0
Don’t know	0

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (2)

	Number of consultees of total answering 2
Yes	0
No	1
Don’t know	1

Free text comments made on Integrated Children's Services – Youth/Early Help Services appendix:

**“No information is provided within this appendix which provides a baseline list of facilities / services by district, or any of the planned projects or needs. The appendix states that district provision is to be assessed in the future. It should be made clearer when this will be undertaken. In addition, no data is published in relation to build costs listed in Table 3 and how they are derived, or what items/equipment each facility would be expected to include and their costs.”** (Parish/Town/District/Borough Council)

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## TECHNICAL APPENDIX – LIBRARIES, REGISTRATION AND ARCHIVES

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Libraries, Registration and Archives?** Base: all answering (3)

	Number of consultees of total answering 3
Strongly agree	1
Tend to agree	0
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	0
Don’t know	1

**To what extent do you agree or disagree with the methodology used to assess the need for this contribution and the ‘per dwelling’ rate it produces?** Base: all answering (3)

	Number of consultees of total answering 3
Strongly agree	1
Tend to agree	0
Neither agree nor disagree	1
Tend to disagree	0
Strongly disagree	0
Don’t know	1

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (3)

	Number of consultees of total answering 3
Yes	0
No	1
Don’t know	2

Free text comments made on Libraries, Registration and Archives appendix:

**“The information provided states that ‘The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought’. However, no current information of library services and their current / already planned for stock is provided in order that an assessment can be made to determine if contributions from new development needs to be sought. It is made clear in this appendix that although KCC does not meet the requirement of MLA with regards to sqm by population, there are no plans for new library facilities and instead improvements/refits and intensification will be sought to existing services. However the cost data in table 2 does not include any baseline evidence to support the costs per dwelling. Build costs for new facilities are also quoted in the case of new strategic site/garden communities needs but no evidence is provided to support these cost assumptions.”** (Parish/Town/District/Borough Council)

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## TECHNICAL APPENDIX – PUBLIC RIGHTS OF WAY

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Public Rights of Way?** Base: all answering (8)

	Number of consultees of total answering 8
Strongly agree	2
Tend to agree	0
Neither agree nor disagree	2
Tend to disagree	1
Strongly disagree	2
Don’t know	1

**Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified?** Base: all answering (8)

	Number of consultees of total answering 8
Yes	0
No	4
Don’t know	4

Free text comment made by those who disagree:

**“Suggest that there should be some wording to encourage developers and the PRoW team to look at Neighbourhood Development Plans and seek advice from local parish councils or town forums to understand local need for improvement and not just mitigation. With developments particularly in rural areas but not limited to, it’s a good opportunity to improve access to the countryside and make improvements to routes such as gates not stiles and surface improvements away from the development. It’s in the developer’s best interest and KCC PRoW to use section 106 money to facilitate improvement rather than the general taxpayer and for the developer, new homeowners may be attracted to developments that have good countryside access for all the reasons stated, including dog walking. There should be reference to active travel plans and cycle strategies for the borough and if available parishes as well.”** (Forum representative)

Free text comments made on Public Rights of Way appendix:

**“More focus on getting proW done up front in development.”** (Kent or Medway resident)

**“Most/ many PROW are in Rural areas and their importance to countryside needs recognition.”** (Parish/Town/District/Borough/County Councillor)

**“KCC should reduce the budget allocated to PROW and ensure public services are more effectively funded, while providing open spaces within developments rather than PROW.”**  
(Kent or Medway resident)

**“Wherever section 106 or CIL is applicable there should be contributions for PROW to mitigate and improve countryside access including adoption of new PROW regardless of and in particular where no rights of way exist on site. It's not just about what is needed for the new residents in the development but those existing within the community.”** (Forum representative)

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## TECHNICAL APPENDIX – WASTE DISPOSAL AND RECYCLING

### Waste Transfer Stations

To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Waste Transfer Stations? Base: all answering (7)

	Number of consultees of total answering 7
Strongly agree	1
Tend to agree	2
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	1
Don’t know	1

To what extent do you agree or disagree with the methodology used to assess the need for Waste Transfer Station contributions and the ‘per dwelling’ rate it produces? Base: all answering (7)

	Number of consultees of total answering 7
Strongly agree	0
Tend to agree	3
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	1
Don’t know	1

Free text comments made by those who disagree:

**“Having recently responded to the Regulation 18 Consultation on KCCs Minerals and Waste Local Plan 2013 -2038, the Council are aware that that there is sufficient capacity for the management of waste in Kent to 2040 and understand that the need for delivering a new Waste Transfer Facility (WTF) is primarily associated with KCC’s aspiration to improve transportation logistics. The Council are also aware that despite identifying a need (from their perspective) KCC have not allocated a suitable site/area for the required facility through the Local Plan they are currently progressing. It is unclear why they haven’t sought to use their plan making powers. Notwithstanding the above, we have concerns about the principle of introducing requests for contributions towards waste and recycling infrastructure. This is primarily on the basis that there is no information about how the current infrastructure is funded, what role Council Tax plays, and why there is a now a need to require new housing development to start paying for such infrastructure.”** (Kent or Medway resident)

**“Needs to be a higher contribution from developers and perhaps an added fee to sort out consequential fly tipping from overdevelopment.”** (Parish/Town/District/Borough Council)

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### **Household Waste Recycling Centres**

**To what extent do you agree or disagree with KCC’s proposed policy regarding developer contributions for Household Waste Recycling Centres? Base: all answering (7)**

	Number of consultees of total answering 7
Strongly agree	1
Tend to agree	2
Neither agree nor disagree	0
Tend to disagree	2
Strongly disagree	1
Don’t know	1

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**To what extent do you agree or disagree with the methodology used to assess the need for Household Waste Recycling Centre contributions and the ‘per dwelling’ rate it produces? Base: all answering (6)**

	Number of consultees of total answering 6
Strongly agree	0
Tend to agree	3
Neither agree nor disagree	0
Tend to disagree	1
Strongly disagree	1
Don’t know	1

Free text comments made by those who disagree:

**“This should be more. If this funded more free/ cheap services for householders there would be less fly tipping.”** (Kent or Medway resident)

**“More detail is needed in order to justify the new requirement. Simply stating more homes equals more service pressures is straightforward and could be applied to a myriad of provision including the Police service, the Fire Service etc. More specifically, Technical Appendix 18 identifies a need for a new WTF in Folkestone and Hythe, one in Ebbsfleet and improvements to existing facilities elsewhere in the county. To date, KCC have not provided any evidence to suggest that development in our area would generate a need for additional capacity, despite officers asking this question. Neither have KCC presented any evidence to substantiate that occupiers of development in our area would rely on any future capacity in one of our neighbouring areas. In this context, it is difficult to see how this**

proposal is sound in planning terms and how officers would justify that these request meet the 122 test in that it is ‘necessary, directly related to the development; and fairly and reasonably related in scale and kind to the development’. We therefore object to the part of the Guide that relates to infrastructure for waste and will continue to resist KCC requests for funds towards new/improved waste facilities until such time that the Council has been presented with the evidence necessary to satisfied it that the requests are justified.”  
(Parish/Town/District/Borough Council)

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Do you think this appendix is sufficiently clear about where contributions for this service are spent and how projects are identified? Base: all answering (7)

	Number of consultees of total answering 7
Yes	2
No	1
Don't know	4

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Free text comments made on Waste Disposal and Recycling appendix:

**“Given our minerals extraction geology and subsequent use as landfill sites we need more priority on contributions to community infrastructure recognising the local disturbance!.”**  
(Parish/Town/District/Borough/County Councillor)

**“The costs have inflated by 256.4%. Old rate £54.47, New rate £194.13, Total inflation: 256.4%. Please justify.”** (Housing developer)

**“The inclusion of a project list for both WTS and HWRC improvements is supported and makes clear where the infrastructure is located now. The appendix states that ‘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’. No data/evidence has been provided for information/analysis of this statement. It is noted that where land transfer is referenced in this appendix it refers to education rather than waste, we believe this is an error.”** (Parish/Town/District/Borough Council)

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## NEXT STEPS

The feedback from the consultation has been used to help finalise the Developer Contribution Guide. The final Guide, alongside this consultation report and updated Equality Impact Assessment will be presented to Cabinet on 29 June 2023 with a recommendation for its adoption.

This report and details of the decision and how the consultation has helped shape the final Guide will also be made available on the consultation webpage. An email will be sent to stakeholders and people who have asked to be kept informed via Let's talk Kent.

