

“You Said, We Did”

**How your views helped shape our
Developer Contributions Guide**

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Why do we need a Developer Contributions Guide?

Kent is preparing for continued growth in its population in the years ahead, which could perhaps be as much as 20% by 2040, compared to 2020 figures. This growth requires additional housing, of all types, to be developed, with an additional 190,400 homes forecast to be built by that same year 2040.

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

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

Designed for local planning authorities, landowners and developers, this Guide sets out precisely what infrastructure will be required by the County Council to support new housing in the county, how that requirement has been calculated and when it should be delivered.

Consultation

The draft Developer Contributions Guide (the “Guide”) was open to public consultation from 8 December 2022 to 2 February 2023 and was accompanied by a questionnaire to capture feedback on the Guide and Technical Appendices. The full Consultation Report can be found at www.kent.gov.uk/developercontributionsguide.

How have you made a difference?

We asked for your views on the draft Developer Contributions Guide. The feedback we received through the online questionnaire, direct emails and “face to face” meetings was invaluable, and much of the commentary was positive and constructive.

Your feedback has been used to finalise the Guide. The Table below summarises the points you made, the key changes and our responses.

Please note:

- the order of comments and responses does not reflect priority ordering.
- where consultee comments are in “ ”, quotes are verbatim.

You Said	We Did
Viability	
<p><u>Competing Demands for s106/CIL</u></p> <p>Several responses asked for the Guide to further highlight that it deals with KCC infrastructure only, and that there are contributions sought by the Local Planning Authorities (LPAs) and other organisations (such as the NHS) which will place competing demands on the finite s106/CIL pot.</p>	<p>Drafting amendment:</p> <p>To main Guide, paragraphs 1.2.5 and 3.8.3 Table 1 Notes</p> <p>To Technical Appendix 3 -</p> <p>to further highlight that this Guide deals with KCC infrastructure provision only and that it is for the LPAs to weigh up competing demands.</p>
<p><u>Prioritisation of Contribution Requests</u></p> <p>Further questions were raised as to how KCC would prioritise its infrastructure requirements where viability is an issue and the s106/CIL pot cannot fund all requirements.</p>	<p>Response:</p> <p>We will work with the LPAs through the delivery of their Local Plans to identify expected infrastructure requirements so that these are fully costed. Where applications have proven viability issues, the County Council will work with the LPA to assess the priority of infrastructure on a case-by-case basis and based on technical analysis.</p> <p>Drafting amendment: None</p>
<p><u>Viability – Local Plans/Infrastructure Delivery Plans (IDPs)</u></p> <p>Concerns were raised where Local Plans are in place and KCC has included new contribution areas/raised some contribution rates above inflation.</p> <p>Raising costs may impact previous local plan viability studies.</p> <p>How should new contributions areas/increased contribution rates be dealt</p>	<p>Response:</p> <p>It is acknowledged that some Local Plans will have been assessed taking into account the expected levels of mitigation required at that time. Local Plan adoption times for the 12 Local Planning Authorities vary across the county and, as such, it would not be possible to match perfectly with all authorities. Through its commitment to regularly update the Guide in accordance with fluctuations of service demands and costs, and to ensure that the CIL Reg 122 tests are met, KCC will reduce the likelihood of divergence between the expected mitigation</p>

with by LPAs where Local Plans are in place and not due for review?

requirements at the time of Local Plan adoption and any subsequent planning application.

The LPAs all have Local Plan policies that seek to mitigate development in terms of infrastructure – the cost of which will potentially change over time. KCC provides evidence of need and the cost of mitigation at application stage, which will address development plan policy, NPPF and meet the CIL Reg 122 tests.

Local Plans should, from now, be using the standards and multipliers set out in the Guide. If the Guide adversely impacts the viability of a development to the point where it cannot be delivered, this could constitute the basis of a viability review (allowed for within the Planning Practice Guidance (PPG) - Viability).

The publication of the Guide will inform developers, ensuring that they know the likely infrastructure costs (and certainly the maximum-contribution scenario) when they are bidding for land or securing options.

Drafting amendment:

Addition of paragraph 1.1.2 to main Guide to reflect this response.

To main Guide, section 5.8 to reflect this response.

<p><u>New Contribution Areas</u></p> <p>The widening of the infrastructure areas, and other changes in the scope of CIL and s106 payments which KCC propose, will increase the costs levied against land and may itself directly impact on viability, with land being purchased under one regime and s106 payments being agreed under another.</p>	<p>Response:</p> <p>There are many reasons why the viability circumstances related to a development may change (some of these are indicated in PPG Paragraph:007 Reference ID: 10-007-20190509. Increasing costs may be one such circumstance.</p> <p>The publication of a Guide with revised costs will potentially result in a need to accept a viability review (based on the standard methodology in the PPG).</p> <p>The publication of the Guide will inform developers as to the likely infrastructure costs (and certainly maximum-contribution scenario) when they are bidding for land or securing options.</p> <p>Drafting amendment: None</p>
<p><u>Viability Reviews</u></p> <p>“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..... The Developer Guide should therefore be amended to reflect advise contained in the PPG.”</p>	<p>Drafting amendment:</p> <p>To main Guide, paragraph 5.8.7 to reflect this comment.</p>
<p><u>Viability Reviews</u></p> <p>“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.”</p>	<p>Response:</p> <p>From Planning Practice Guidance (PPG) – Viability Paragraph:009 Reference ID: 10-009-20190509 https://www.gov.uk/guidance/viability</p> <p>“Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up-to-date</p>

	<p>plan policies. A decision maker can give appropriate weight to emerging policies”.</p> <p>And continues:</p> <p>‘Where contributions are reduced below the requirements set out in Local Plan policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.”</p> <p>KCC encourages all LPAs to develop and publicise a review mechanism and include a policy in their plans as per the PPG.</p> <p>Drafting amendment: None</p>
<p><u>Comparison of previous rates versus new rates</u></p> <p>“No comparison has been provided to explain the variance between the latest proposed contributions and those previously required. By my estimates the total contribution requirements are increasing by approximately £1,750 per house / £650 per flat.”</p>	<p>Response:</p> <p>On the basis that KCC does not know the reference point for this comment, a specific response cannot be made. Looking at KCC’s previous April 2020 rates and rebasing these to Q1 2022, the ‘basket’ of KCC rates (where costs can be quoted) is within +/- 2.63% of the Guide rates.</p> <p>Drafting amendment: None</p>

New Contributions Areas

Respondents requested further explanation as to:

- why new contribution areas have been introduced
- how they were previously funded

Response:

New contribution areas have been introduced in this updated guide because:

Special Educational Needs and Disabilities

(SEND) –were included in the Department for Education’s (DfE) ‘Securing developer contributions for education (2019)’ guide, stating in paragraph 10 “We advise you to seek developer contributions for expansion required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development.” The DfE guide is referenced in the Planning Practice Guidance – Planning Obligations. Prior to inclusion within the Developer Contributions Guide, KCC has funded SEND provision from small, intermittent government grants and out of its own capital budget. With new housing creating increasing demand on SEND provision, and with KCC unable to continue to support this through its own budget, new development should therefore, pay its proportionate contributions towards increasing places.

Waste Disposal and Recycling – KCC began seeking contributions for this in 2019. KCC undertook consultation with District officers to present the ‘Case for Waste’ in 2020. The county council has been seeking Waste contributions since then. This Guide formally sets out the information relating to this service area. KCC Waste has an existing network of Waster Transfer Stations and Household Recycling Centres across the county. However, waste output from housing growth has placed added pressure on existing infrastructure, with some areas now at capacity. With insufficient funding available to invest in significant capital infrastructure to meet the needs of housing growth, KCC is unable to secure the expansion of provision through its own means. To increase capacity in the system,

	<p>proportionate contributions will be sought from new development.</p> <p><u>Heritage & Archaeology and Flood Risk Management & Sustainable Drainage</u> – these infrastructure areas will only be applicable to a small number of developments, where it may be deemed more appropriate (by the LPA/KCC or developer) to deliver the required service via a s106 obligation rather than planning condition.</p> <p><u>Integrated Children’s Services</u> – previously this area was referred to as Youth Services (13-19 years (24 years where an Education Health Care Plan is in place)) and contributions were sought accordingly. In line with KCC service strategy, this service has been expanded to provide integrated services which now also includes the 0–12-year age group.</p> <p>Drafting amendment: None</p>
<p>Policy</p>	
<p><u>Weight of the Guide</u></p> <p>“It would be beneficial if an additional paragraph were to be added, setting out the weight to be given to the document.”</p>	<p>Response:</p> <p>The Guide is a material consideration in assessing planning applications. KCC therefore, requests that all City, District and Borough authorities give it weight in plan making and planning application decision making.</p> <p>It is for the LPA as decision maker to determine the weight of the document.</p> <p>KCC will be using the Guide as a basis for its comments in relation to plan making and planning applications.</p> <p>Drafting amendment:</p> <p>To main Guide, paragraph 1.3.1 to reflect this comment.</p>

<p><u>CIL Regulation 122</u></p> <p>“KCC should set out how the contributions meet the Community Infrastructure Levy (CIL) tests.”</p>	<p>Response:</p> <p>In addition to information contained within the Technical Appendices, KCC will continue to set out in its response to each planning application how the requests are CIL Reg 122 compliant.</p> <p>Drafting amendment:</p> <p>To main Guide paragraph 1.4.1.3 to reflect this response.</p>
<p>Monitoring Arrangements</p>	
<p><u>Monitoring Fee</u></p> <p>A monitoring fee of £500 per trigger was questioned regarding its legitimacy, proportionality and clarity concerning how it would be charged.</p>	<p>Response:</p> <p>Whilst it is accepted that the LPAs carry out their own monitoring, as the statutory authority for the service contributions requested, KCC also carries out its own monitoring of development progress, housing completions/dwelling occupations and obligation triggers etc. In addition, KCC has a statutory responsibility to produce an annual Infrastructure Funding Statement (IFS), which requires significant work.</p> <p>Further analysis of the time and KCC resources required to monitor developments has been carried out.</p> <p>As a result, the monitoring fee has been amended to £300 per trigger for any agreement that includes contributions towards KCC infrastructure. This has been benchmarked against other council monitoring fees, concluding that there is no, one single accepted method for setting fees. S106 agreements that limit the number of triggers will reduce the total monitoring fee required.</p> <p>Drafting amendments:</p> <p>To main Guide, paragraph 3.8.3 Table 1 To main Guide, paragraph 5.12.3.2 and 5.12.3.3.</p> <p>Paragraph 5.12.3.2 has also been amended to allow for developments that do not proceed. The</p>

	<p>payment trigger has been amended from “completion of the agreement” to “commencement of the development”.</p> <p>Paragraph 5.12.3.2 has been amended to advise the monitoring fee is payable where KCC is to receive contributions.</p> <p>Paragraph 5.12.3.3 has been amended to reflect the new monitoring fee of £300 per payment trigger; where contributions are paid on two trigger points, the total fee would be £600.</p>
<p><u>Monitoring Arrangements</u></p> <p>“Regarding monitoring arrangements, the district 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 district 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.”</p>	<p>Response:</p> <p>KCC welcomes this and will continue to work collaboratively with LPAs to develop an efficient monitoring process.</p> <p>Drafting amendment: None</p>

<p>Influencing s106/CIL Spend</p>	
<p>Organisations including Parish Councils expressed a wish to influence where developer contributions are spent.</p>	<p>Response:</p> <p>When requesting developer contributions KCC must ensure that it meets the tests within CIL Regulation 122. However, by meeting the tests, it does not necessarily mean that delivery of infrastructure will be directly within the development's Parish. For example, Secondary School provision or highways improvements can all be delivered outside of the Parish but still be directly related to the development.</p> <p>The requirements set out in the Guide are determined by the relevant KCC service providers in accordance with their individual service delivery strategies, as agreed by the relevant KCC Committees and Members. These strategies inform KCC consultation responses to the LPAs in the development and formation of planning policies within their individual Local Plans - and consequently the determination of individual planning applications. Officers prepare planning responses and negotiate on s106 agreements basing their response on the Development Plan policies, relevant KCC delivery strategy/policies and meeting the CIL Reg 122 tests to mitigate the impact of development.</p> <p>Parish Councils are consulted upon area Local Plans and their respective policies via the LPA. It is at this consultation stage that influence is of the greatest magnitude because responses can inform Local Plan preparation and it is the policies within those Plans which planning applications are determined against.</p> <p>Drafting amendment: None</p>

<p>Other Funding Sources</p>	
<p>Clarification of other funding sources available to fund necessary infrastructure and their relationship to developer contributions was requested.</p>	<p>Response:</p> <p>Due to funding streams changing, listing possible sources within the Guide may well render the information out of date relatively quickly. The county council will continue to work collaboratively with the LPAs and developers to identify other funding sources that may be available at the appropriate time, with the joint ambition to maximise funding opportunities for Kent through a co-ordinated strategic approach.</p> <p>Drafting amendments:</p> <p>To main Guide, paragraph 2.1.3 to reflect this response.</p>
<p>What else should be included in the Guide?</p>	
<p>Responses included:</p> <ul style="list-style-type: none"> • health care facilities • places of worship • green infrastructure • children’s play areas • not building on flood plains • specific technical appendix for cycleways • more information on how contributions will contribute to the county’s net zero challenges • specific attention to ‘footway’ requirements • contributions for rural areas • infrastructure should be more detailed, what specific types of infrastructure are be considered? 	<p>Response:</p> <p>During the drafting of the Guide, KCC considered including other infrastructure areas for which it has responsibility to deliver services/infrastructure. It is accepted that developer contributions funding (via CIL/s106) is finite, and therefore, the new addition was limited at this time to the inclusion of SEND facilities.</p> <p>Most of the ‘other’ areas suggested for inclusion by respondents are out of scope this Guide, e.g., children’s play areas, public open space, places of worship, health care etc. These are District/Borough/City Council or third-party functions and where necessary, will be sought by LPAs.</p> <p>Other areas including, sustainable transport, cycleways and footways will be picked up within the Technical Appendices of the Guide.</p>

	<p>The 'level of development to take place' and 'not building on flood plains' is out of scope for this Guide and will be dealt with through the Local Plans and LPAs consulting with relevant agencies, such as the Environment Agency.</p> <p>Contributions for rural areas – Developer Contributions must directly relate to the demand created by the development. Where there are proposed rural developments, the impacts of these will be considered in accordance with this Guide.</p> <p>Net Zero – Any response made to planning applications will be in accordance with KCC Policy, including Framing Kent's Future 2022-2026, which sets out in Priority 3: Environmental Step Change</p> <p>The assessment of each infrastructure type and project areas are detailed in the Technical Appendices.</p> <p>Drafting amendment: None</p>
<p>Timing of Guide Consultation</p>	
<p>The appropriateness of the timing of the Guide consultation was queried in relation to the Levelling Up and Regeneration Bill (LURB) and the proposed consultation on the Infrastructure Levy.</p>	<p>Response:</p> <p>With regard to the production of the Local Plans, LPAs have been advised to continue and not stop work due to changes that may be introduced through LURB. There is no certainty concerning the timing of an Infrastructure Levy (IL) and therefore, KCC took the decision to update the Guide at this time to provide greater certainty for LPAs and developers regarding costs. Current indications from the Department for Levelling Up, Housing and Communities (DLUHC) are that the introduction and subsequent roll-out of the Infrastructure Levy are some years away.</p> <p>Drafting amendment: None</p>

Contributions	
<p><u>Timing of Infrastructure Delivery</u> was raised, including comments that development should not take place until necessary infrastructure is in place.</p>	<p>Response:</p> <p>Within the limitations of the current system (planning and funding) KCC works with LPAs and developers to ensure that infrastructure is provided at the appropriate time.</p> <p>The County Council and LPA's Infrastructure Delivery Plans should set out the main identified requirements. KCC will continue to support infrastructure delivery at the earliest opportunity whilst also lobbying central government to facilitate forward funding where appropriate. This is referenced within KCC' wider strategic statement, 'Framing Kent's Future 2022-2026'.</p> <p>Drafting amendment: None</p>
<p>It was commented that too many types of contributions have been left as 'to be advised' within Table 3 of the main Guide.</p>	<p>Response:</p> <p>Where contribution rates have been left as 'to be advised' this is because the specifics of the planning application are required to determine the mitigation necessary. For example, the location of a development and whether its scale would warrant the requirement for a road crossing scheme.</p> <p>KCC will work with the LPAs at Local Plan preparation stage to assess the infrastructure requirements for allocated sites and overall housing numbers identified within the plan.</p> <p>Drafting amendment: None</p>
<p><u>Appropriate Level of Contributions</u> – it was queried why 'Technical Appendix 3 – Contributions Calculator' had been set at the 'maximum'.</p>	<p>Response:</p> <p>Without knowing the specifics of a development and therefore, any potential surplus capacities within relevant infrastructure provision, Technical Appendix 3 was designed to establish the 'maximum-contribution scenario' for a</p>

	<p>development regarding contribution rates. Once KCC knows the specifics, it can advise, for example whether new school build rates and land contributions are required, or an existing school can be expanded or that there is capacity and therefore, no education contributions are required.</p> <p>Drafting amendments:</p> <p>Technical Appendix 3 has been amended to show that this is calculating a maximum-contribution scenario.</p>
<p><u>Level of Contributions</u> – Technical Appendix 3 – Land Contributions</p> <p>“the footnote should be amended to reflect that land values should be considered on a case-by-case basis, depending on the identification of land made for schools and location of sites.”</p>	<p>Drafting amendment:</p> <p>To Technical Appendix 3 to reflect this comment.</p>
<p><u>Contributions</u> – paragraph 3.2.1 of the main Guide states:</p> <p>"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."</p> <p>It was questioned whether "considered on its own merit" could mean 'making it up as we go along'.</p>	<p>Response:</p> <p>While KCC seeks to take a consistent approach to assessing the need for and rate of contributions, the specifics of the development site must be taken into account to ensure all contributions sought meet legislative requirements. For example, this will include assessing the current capacity of KCC infrastructure/services relevant to the development in question, such as school capacities. Contributions will be sought where it is deemed that there is insufficient existing capacity to meet the demand from the new development.</p> <p>Drafting amendment:</p> <p>To main Guide, paragraph 3.2.1 to reflect this response.</p>

<p>Thresholds for Seeking Contributions / Discounts Applied</p>	
<p><u>Thresholds/Discounts for C2 Dwellings –</u></p> <p>Consultees advised that it was not clear where discounts would be applied for different types of dwellings e.g., residential care homes or retirement living.</p>	<p>Drafting amendments:</p> <p>To main Guide paragraph 3.8.2 and Technical Appendices to make it clearer where discounts will be applied.</p>
<p><u>Threshold for seeking contributions –</u></p> <p>A consultee asked why KCC was not seeking contributions for developments under 10 units/site area of 0.5+Ha.</p>	<p>Response:</p> <p>The decision on thresholds was taken to ensure that a proportionate level of KCC resource is used to secure developer contributions and the necessary associated monitoring. The impact of this section of the Guide will be monitored and where there is agreement and policy support between the County Council and an LPA, there may be opportunities for thresholds to be lowered.</p> <p>It is acknowledged that there is likely to be greater cumulative pressures within districts with constraints that result in greater levels of housing need being provided by small scale development and KCC would welcome discussion with districts on proportionate approaches to lower the threshold in those areas.</p> <p>Paragraph 3.8.1 of the main Guide allows for instances where LPAs have local plan policy which sets a different threshold.</p> <p>Drafting amendment:</p> <p>To main Guide, paragraph 3.8.1 to clarify that LPA Local Plan policy may include thresholds that are lower than in this Guide.</p>
<p><u>Discounts - Affordable Housing</u></p> <p>It was proposed that KCC should not seek developer contributions for Affordable</p>	<p>Response:</p> <p>It is not obvious that new AH does not increase pressure on local infrastructure. Some</p>

<p>Housing (AH) Units, on the basis that those moving into new AH units are already living in the district and using services.</p>	<p>infrastructure is very specific to the immediate location, and in all cases, there is the potential for existing accommodation in the district to be backfilled. Therefore, AH housing increases, directly or indirectly, pressure on infrastructure. Often, AH has a greater impact on infrastructure due to the higher density of occupation (required by full occupancy rates for bedrooms).</p> <p>Assessment of district criteria required to access to AH varies across the county (e.g., requiring a three-year out of five-year local connection or six out of twelve-months local connection) and may include an employment link rather than existing residency within the district. Tenants may not therefore, be living within the district when they access AH and are therefore, additional to the district's population.</p> <p>In addition, research undertaken across other county councils shows that the overwhelming majority do not offer discounts on AH. The Guide is, therefore, consistent with their approach.</p> <p>Drafting amendment: None</p>
<p><u>Discounts – Affordable Housing</u></p> <p>A consultee proposed that Affordable Housing providers should be given free access to pre-application advice.</p>	<p>Response:</p> <p>KCC does not currently charge for pre-application advice regarding developer contributions required for Education, Communities, Adult Social Care and Waste,</p> <p>Pre-application fees charged by KCC for Highways & Transportation cover the advice provided by the authority for planning applications, including advice on highway schemes proposed.</p> <p>Drafting amendment: None</p>

<p><u>Discounts – Affordable Housing</u></p> <p>“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.”</p>	<p>Response:</p> <p>Exemption from CIL contributions for 100% affordable schemes is dependent on the wording contained within each charging authority’s CIL Schedule and is out of scope for this Guide.</p> <p>Drafting amendment: None</p>
<p><u>Discounts –</u></p> <p>It was suggested that KCC should adopt the Nationally Described Space Standards (NDSS) for 1 bed, 2 person dwellings to apply as non-applicable dwellings regarding education contributions etc.</p> <p>It was also suggested that KCC should use NIA instead of GIA for space standards.</p>	<p>Response:</p> <p>KCC’s current definition of a non-applicable dwelling is: 1 bed dwelling of less than 56 m² Gross Internal Area (GIA).</p> <p>The NDSS for a 1 bed 2-person dwelling is 50 + 1.5 (storage) m² GIA for a single storey dwelling and 58 + 1.5 (storage) m² GIA for a two-storey dwelling.</p> <p>Applying the NDSS would mean that more units would be required to pay contributions. This was not consulted on.</p> <p>The NDSS sets spaces standards in GIA. Floor plans for planning applications use GIA.</p> <p>KCC will continue to use its definition, which is above the minimum space standard for a 1 bed, single storey dwelling.</p> <p>Drafting amendment:</p> <p>Technical Appendix 15 – Integrated Children’s Services paragraph 2.1.2 amended to include a discount on ‘non-applicable’ dwellings.</p>

<p>It was suggested that the Guide should include <u>exemptions for 'zones'</u> where growth is most needed in deprived areas.</p>	<p>Response:</p> <p>The implementation of zones where discounts may be applied regarding development contributions will be dealt with by the LPA at plan making stage.</p> <p>Drafting amendment: None</p>
<p>Methodologies</p>	
<p>Clarification and transparency on how contributions calculated was requested.</p>	<p>KCC has sought to set out clear methodologies to support the requests being made. KCC's Development Investment Team would welcome direct engagement in its continuing partnership working with the LPAs.</p> <p>Contributions have been calculated on a proportionate basis and will only be sought where there is a deficit in service capacity.</p> <p>Drafting amendment: None</p>
<p>Clarification was requested relating to current, planned and future needs of infrastructure.</p> <p>"The Guide is very high level and county-wide".</p>	<p>Response:</p> <p>With 12 districts, it has not been possible within the Guide to represent the individual needs of all districts. KCC will work with the LPAs, especially during the development of Local Plans, to establish the detailed infrastructure requirements and proposed locations, particularly where there is a land requirement. This work will be continuous through the drafting of Infrastructure Delivery Plans, which are 'living documents' and should be reviewed regularly.</p> <p>Assessment of service capacity will take place at the point of planning application, demonstrating where there is deficit of provision/need.</p> <p>The technical appendices have been amended to include a web link, providing the current locations of these services.</p>

	<p>Drafting amendments:</p> <p>Technical Appendix 2 - Community Learning & Skills, paragraph 2.2.1 providing web link to service locations.</p> <p>Technical Appendix 4 – Education Service Overview, para 1.4 providing web link to schools by district maps.</p> <p>Technical Appendix 6 – Primary and Secondary Education – paragraph 2.7 providing a link to school locations.</p> <p>Technical Appendix 7 – Special Educational Needs and Disabilities (SEND) – paragraph 3.2.2 providing a link to Special School locations.</p> <p>Technical Appendix 15 - Integrated Children’s Services, paragraph 2.2.2 providing web link to service locations.</p> <p>Technical Appendix 16 - Libraries Registrations and Archives (LRA), paragraph 1.3 providing web link to LRA locations.</p> <p>To main Guide, paragraph 3.8.5 to advise that assessment of service capacity will take place at planning application stage.</p>
<p><u>Persons per dwelling</u></p> <p>“The draft appears to assume all development is housing units and allocates an average occupancy of 2.4 people. Flatted developments or developments where average occupancy rates are different are not catered for in the methodology.”</p>	<p>Response:</p> <p>Methodologies within the Guide which use an average household size to calculate client numbers are using an average of 2.4 persons per household. This is in accordance with the Census 2021 data, which remains unchanged from 2011 results. The Census states an average <u>household</u> size. It does not differentiate between houses and flats.</p> <p>2021 Census data remains unavailable at small area geographies but 2011 census research at ward level shows that occupancy rates can vary</p>

	<p>greatly, even within the same district; a standard rate of 2.4 people is applied to even this out.</p> <p>Drafting amendment: None</p>
<p>“In a few areas, the draft outlines the potential request for s106 payments to support revenue, rather than capital infrastructure projects.”</p>	<p>Response:</p> <p>All contributions requested (except a small element of Integrated Children’s Services – as advised in Technical Appendix 15, Table 2) are for the provision of accommodation and/or capital equipment. For Integrated Children’s Service, capacity increases cannot be delivered without investment in staffing. With KCC’s revenue budget under pressure, increases in Council Tax cannot accommodate this and therefore, development is asked to contribute proportionately towards the cost.</p> <p>Drafting amendment: None</p>
<p>Land Apportionment and Recompense</p>	
<p>“Paragraph 4.2 of Technical Appendix 4 (Education Service Overview), states ‘KCC will work with LPAs and developers to identify and allocate sites to ensure additional education places are planned for, including land required for school expansions and new schools’. This should be explicitly referenced at section 4.1 of the main document.”</p>	<p>Drafting amendment:</p> <p>To main Guide, paragraph 4.1.1 to reflect this comment.</p>
<p>“Para 4.1.3 of the main Guide states “Developers will have to work together to agree a proportionate approach.”</p> <p>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.”</p>	<p>Drafting amendments</p> <p>To paragraph 4.1.3 of main Guide to reflect this comment.</p>

<p>“KCC should work with the LPA to establish land requirements within the Local Plan.”</p>	<p>Drafting amendment:</p> <p>To paragraph 4.1.1 of the main Guide to reflect this comment.</p>
<p>Planning Performance Agreements (PPA)</p>	
<p>Comments from consultees:</p> <p>PPAs are only effective when adequately resourced.</p> <p>PPAs are better served when agreed with the LPA and they can decide who to involve.</p>	<p>Response:</p> <p>KCC will only sign up to a PPA where it has the expertise and resources to provide the services required.</p> <p>Entering into a PPA is <u>optional</u> for a developer. If the developer/LPA does not wish to involve KCC, this is their choice. However, there is nothing in legislation that prevents KCC being party to a PPA if the developer wishes it.</p> <p>Drafting amendment: None</p>
<p>Legal Agreements</p> <p>“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.”</p>	<p>Response:</p> <p>The justification for including KCC as signatory to s106 agreements is explained in paragraphs 5.3.2 and 5.3.3 of the Guide. Indirect payment of contributions directly to the County Council can delay the implementation of infrastructure and involves greater levels of bureaucracy required for transferring contributions at a later date. The County Council notes that a recent appeal decision cites very clearly that mitigation required by the Statutory Education Authority should go directly to the County Council and not the Borough Council. Whilst it remains the County Council's stance that it will encourage applicants to include KCC as a party to s106s, it is acknowledged that there are various approaches taken by the LPAs. KCC will seek to enter into collaborative s106 protocol arrangements with the LPAs to reduce levels of bureaucracy and ensure the efficient delivery of mitigation.</p>

<p>Planning Appeals</p> <p>Paragraph 5.10.1 states “Applicants should contact KCC early in the appeals process regarding s106 drafts so agreement can be reached where possible”.</p> <p>“XX has experience at appeals where KCC and the appellant enter into their own negotiations in parallel with the LPA/appellant Section 106 negotiations. Often, this duplicates work. It is recommended that the document be amended to encourage/direct applicants to contact both KCC and the LPA early in the appeals process, to ensure efficient production of legal agreements and reduce any duplication of work there might otherwise be.”</p>	<p>Drafting amendment:</p> <p>To main Guide, paragraph 5.10.1 to reflect this comment.</p>
<p>Transparency of Spend/Infrastructure Funding Statements (IFS)</p>	
<p>Greater clarity and transparency was requested regarding the spending of contributions.</p>	<p>Response:</p> <p>KCC is required to produce an annual Infrastructure Funding Statement (IFS), setting out monies secured and spent within the reporting period. The discipline of preparing the IFS has improved the sharing of data between KCC and the LPAs. However, it is recognised that improvements are required to improve transparency, so that local people can have confidence that the impacts of new development are being addressed through the timely provision of infrastructure. Working in conjunction with the LPAs, KCC will plan to incorporate greater clarity regarding provision and spending of s106, setting this out in a more detailed, district by district basis.</p> <p>Drafting amendment: None</p>

<p>Paragraph 5.3.2 of the main Guide, “the return of unused contributions after ten years (unless a longer period is otherwise agreed)” should be reconsidered.</p>	<p>Response:</p> <p>KCC has set out ‘10 years (unless a longer period is otherwise agreed)’ from the date of last payment (if paid in instalments) due to:</p> <p>1) the complexity of planning and delivering certain types of infrastructure (e.g., new schools) 2) the frequency of several developments contributing to a piece of infrastructure, requiring sufficiency of funds to be collected before infrastructure can be provided.</p> <p>In the case of some complex developments (such as new secondary schools), the infrastructure delivery period may exceed the 10-year period. In such circumstances, KCC will discuss this with the LPA.</p> <p>Drafting amendment: None</p>
<p>Triggers for Payments</p>	
<p>Paragraph 5.4.2 states that</p> <p>“Triggers for payment must, therefore, be met during the development’s early stages to avoid additional costs.”</p> <p>We suggest that paragraph 5.4.2 is reworded as follows:</p> <p>“Triggers for payment must <u>usually</u>, therefore, be met during the development’s early stages to avoid additional costs, unless there are other exceptional reasons why contributions should be payable later in the development.”</p>	<p>Drafting amendment:</p> <p>To main Guide, para 5.4.1 to reflect this comment.</p>
<p>Para 5.2.4 of the main Guide contains drafting inconsistencies concerning expected payment triggers for smaller sites.</p>	<p>Drafting amendment:</p> <p>To main Guide, paragraph 5.4.1 to reflect this comment.</p>

<p>“There should be some portion of contribution payable after or upon 100% occupation to aid cashflow and viability.”</p>	<p>Response:</p> <p>Agreeing triggers for payments after or upon 100% occupation of a development presents a significant risk to KCC. With all dwellings built, there is then little, or no value left in the development, meaning that non-occupation clauses cannot be enacted, resulting in few consequences to a developer if they choose not to pay the contribution; leading to difficulties in securing the infrastructure required to mitigate the impacts of the development.</p> <p>Drafting amendment: None</p>
<p>Technical Appendix 1 - Adult Social Care (ASC)</p>	
<p>“As previously noted, the guide points out that large scale development often results in a greater proportion of children than smaller developments. As a corollary this may also imply that there are fewer elderly people in larger developments. Further primary research is called for.</p> <p>Adult occupancy rate of 1.85 – larger developments may produce more children and therefore, less older persons. Is 1.85 correct?”</p>	<p>Response:</p> <p>Working with the LPA, in specific circumstances (such as a new garden settlement), KCC <u>may</u> undertake bespoke research to predict the demographic make-up of large, strategic developments. This may (depending on dwelling type/mix) result in more school aged children or older persons. For the majority of planning applications, standard formulae will be used, including the average dwelling size of 2.4 persons, with an average adult occupancy rate of 1.85 persons.</p> <p>Whilst bespoke research may predict more older persons within for example a development with significant numbers of age restricted dwellings, Adult Social Care’s remit is much wider than persons over 65 years. Care is also provided from 18+ years for those with a physical or learning disability, or physical or mental illness.</p> <p>Drafting amendment: None</p>
<p><u>List of facilities</u></p>	<p>Response:</p>

<p>A breakdown or baseline position of current services by district was requested for inclusion.</p>	<p>ASC is moving away from the former model of provision via static day care facilities which only accommodate older persons or persons with learning disabilities for example, to a model where more individuals are integrated rather than segregated from their communities. The emphasis is now more about facilities that can be utilised within the community rather than creating ASC specific facilities.</p> <p>A baseline position of current services within a district will be provided with KCC's consultation response to a planning application. The potential development of a countywide Infrastructure Mapping Platform may also provide opportunities to provide further detail on the facilities available.</p> <p>Drafting amendment: None</p>
<p>It is noted that the ASC client numbers and costs of infrastructure provision per dwelling are derived from total annual clients for each service/infrastructure area, and the average cost per client per week, taken from KCC Social Care data. It is requested that the KCC social care data referred to here is published as part of this technical appendix, in order that the costs can be analysed.</p>	<p>Response:</p> <p>KCC has provided a proportionate response in the Technical Appendix. The county council will engage further with the LPAs as required.</p> <p>Drafting amendment: None</p>
<p>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.</p>	<p>Response:</p> <p>As well as taking inflation into account within the contribution rate, client numbers have risen, resulting in a higher client figure per dwelling. This is particularly the case in the 18–64-year age cohort for people with physical disabilities and/or mental health disorders. Consequently, the cost per dwelling has increased accordingly.</p> <p>Drafting amendment: None</p>
<p>The provision of M4(3) accessible dwellings should not incur adult and social</p>	<p>Response:</p>

<p>care contributions given they are likely to minimise care costs.</p>	<p>KCC welcomes the provision of M4(3) dwellings, which are wheelchair user dwellings (The Building Regulations 2010).</p> <p>A key priority of Adult Social Care is enabling residents to live safely and independently within their own communities for as long as possible. Contributions are not sought for personal-care costs.</p> <p>Whilst provision of M4(3) dwellings may assist wheelchair users to remain in their own homes, there continues to be a need for contributions that enable occupants to access further ASC services and facilities in their local community.</p> <p>Drafting amendment: None</p>
<p>Technical Appendix 2 - Community Learning & Skills (CLS)</p>	
<p>Further clarification was requested on the centres operating per district and services provided.</p>	<p>Response:</p> <p>The Guide sets out KCC's approach to requesting contributions across the county and does not break this down to a district level. District level information will be provided during the development of local plans, reporting through the IFS and at planning application stage.</p> <p>Drafting amendment:</p> <p>To Technical Appendix 2, paragraph 2.2.1, providing a hyperlink to the Kent Adult Education web page, listing the main centres and courses offered.</p>
<p>Further evidence of the contribution rate was requested.</p>	<p>KCC has provided a proportionate response in the Technical Appendix. The county council will engage further with the Local Planning Authorities as required.</p> <p>Drafting amendment: None</p>

Technical Appendix 6 - Primary and Secondary Education	
<p>Pupil Yields - Pupil Product Ratios (PPR) –</p> <p>Recent advice suggests KCC is awaiting updated guidance from the Department for Education (DfE) for a new national methodology on the calculation of PPR and occupancy rates. Is it appropriate to issue new calculations and contributions policy without this key assessment criteria?</p>	<p>Response:</p> <p>Whilst the growth in housing numbers continues, timescales for the release of this data by the DfE remain unknown. This is currently the best data available to the county council.</p> <p>KCC’s Pupil Forecasting, which takes account of indigenous populations and new housing growth is accurate. Forecasting accuracy is checked each year against the October Schools Census roll data for both current and retrospective sets of forecasts. For the last three years Kent level pupil forecasts for both primary and secondary schools have achieved a one percent (positive or negative) variance against actual roll data for all forecast years between one and three years ahead (and for the last five years within a two percent variance between one and five years ahead). This is reported in the DfE’s ‘Local authority school places scorecards: academic year 2020/21’.</p> <p>Drafting amendment: None</p>
<p><u>Build Costs</u></p> <p>There are apparent disparities in the comparison between primary and secondary new build and extension build costs. With Primary Extension costing 76% of Primary new build, but Secondary Extension costing 95% of Secondary New Build. Further clarification of how these figures are calculated and why there is an apparent discrepancy would be useful.</p>	<p>Response:</p> <p>Providing additional pupil places through the expansion of existing schools is often disproportionately more expensive than providing places via new schools. Unfortunately, it may not simply be a case of providing an additional classroom. Reconfiguration (and sometimes, demolition) of existing space is frequently required. The expansion of secondary schools may require multiple facilities to be provided, including standard/specialist classrooms, additional sports/hard play facilities, catering and halls etc.</p> <p>Analysis of the Department for Education (DfE) ‘Local authority school places scorecards:</p>

	<p>academic year 2020/21' costs and the Educational Building and Development Officers Group (EBDOG) National Benchmarking Study 2021/22 (both based Q1 2022) show similar percentage proportions between new build and expansion costs for primary and secondary education – see Table 1 (below).</p> <p>Drafting amendment: None</p>
<p><u>Build Costs</u></p> <p>Further information was requested on the build costs for primary and secondary education.</p>	<p>Response:</p> <p>Table 1 (below) provides a benchmark of costs, comparing KCC's education build rates with the DfE's 'Local authority school places scorecards: academic year 2020/21' costs, providing local authority (England) data from the Capital Spend Survey and the EBDOG National Benchmark Study which used a project sample of 1,111 school build projects from across England, consisting of Local Authority and DfE projects.</p> <p>Table 1 demonstrates that contributions requested by KCC are within the parameters of nationally benchmarked evidence.</p> <p>Drafting amendment: None</p>

Table 1	Build Rates per Pupil Place		
	KCC Q1 2022 Guide Rates rebased to Q1 2023	DfE Local Authority School Places Scorecards England Average rebased to Q1 2023 (adjusted for South-East)	EBD OG UK Average rebased to Q1 2023 (adjusted for South-East)
Location Factor for South-East = 113 as published by BCIS (updated 10 March 2023)			
Primary New Build	£27,464.00	£26,455.80	£30,094.25
Primary Extension	£20,992.90	£22,097.01	£23,109.40
Secondary New Build	£30,337.33	£32,034.35	Insufficient Data
Secondary Extension	£28,936.88	£30,682.05	£22,855.38
SEND	£55,268.14	Insufficient Data	Insufficient Data
Secondary Education Expansion as a % of Secondary Education New Build cost	95.38	95.78	-
Primary Education Expansion as a % of Primary Education New Build Cost	76.44	83.52	76.79

Technical Appendix 7 - SEND	
<p><u>Build Costs</u></p> <p>“The details and links to the 2019 Aecom study of Kent SEND build projects commissioned by KCC and benchmarked against national projects is not included for analysis/information. The ‘blended rate’ incorporating the cost of new build specialist schools, extensions, and SRP provision - is used as the baseline, covering provision of a broad range of SEND school places and is also not included for analysis/information.”</p>	<p>Response:</p> <p>Paragraph 17 of the Department for Education’s (DfE) ‘Securing developer contributions for education’ (November 2019) states “We recommend that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.” This would equate to approximately £100,000 per pupil place. KCC has set a rate of £50,893.35 per pupil place based on its analysis.</p> <p>Whilst the sample size for SEND New Development & Refurbishment builds is insufficient to draw any conclusions, the Education Building and Development Officers</p>

	<p>Group (EBDOG) National School Delivery Cost Benchmarking Report July 2022 advises an average cost of £74,920.00 per pupil (Q1 2022 Base – normalised to a common UK average price level) for Re-Build & Extension projects.</p> <p>KCC’s contribution rate is within the levels set by the DfE and EBDOG.</p> <p>Drafting amendment: None</p>
<p><u>Assessing Capacity</u></p> <p>“The methodology is unclear about how current capacity will be assessed for SEND provision, particularly in mainstream education establishments.”</p>	<p>Response:</p> <p>Paragraph 3.2.1 states “Both nationally and within Kent, the number of children and young people with an Educational Health Care Plan (EHCP) is increasing every year. SEND infrastructure in Kent is currently at capacity, so KCC will seek contributions from all housing proposals that meet the threshold to mitigate this new demand.”</p> <p>This is the case for all SEND provision - within mainstream education establishments, off-site units and special schools.</p> <p>Drafting amendment: None</p>
<p><u>Pupil Yields</u></p> <p>“Recent advice suggests KCC is awaiting updated guidance from the Department for Education (DfE) for a new national methodology on the calculation of PPR and occupancy rates. Is it appropriate to issue new calculations and contributions policy without this key assessment criteria?”</p>	<p>See response above (page 28) under Technical Appendix 6.</p> <p>Drafting amendment: None</p>
<p>Technical Appendix 8 - General Land Transfer Terms – School Sites</p>	
<p>“Para 8 should read The land shall be transferred as freehold, unencumbered, and conveyed to KCC with full title guarantee and vacant possession.</p>	<p>Drafting amendments: To paragraph 8 to reflect this comment.</p>

<p>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.”</p>	
<p>“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 para. should therefore be deleted.”</p>	<p>Drafting amendments: To paragraph 16 to reflect this comment.</p>
<p>Technical Appendix 13 - Heritage & Archaeology</p>	
<p>Concerns were raised that these requirements are not justified.</p>	<p>Response: This appendix provides the opportunity for the developer/LPA and KCC to agree that NPPF paragraph 205 will be met via a s106 obligation rather than by condition. It is an <u>option</u> to employ the services of the experienced KCC Heritage Conservation service to deliver growth related mitigation should the local planning authority and developer wish to do so.</p> <p>Drafting amendment: Paragraphs 1.5 and 2.1 have been amended to further clarify that s106 contributions are an optional approach to meeting the NPPF tests.</p>
<p>Technical Appendix 14 – Highways and Transportation</p>	
<p><u>Affordable Housing – Discounts</u></p> <p>It was suggested that KCC should not seek pre-application fees for Affordable Housing Schemes.</p>	<p>Response: Affordable housing can generate equitable impacts upon the highway to non-affordable housing and as such fees are necessary to cover KCC costs. KCC’s pre-application process remains a discretionary service.</p> <p>Drafting amendment: None</p>

<p><u>Sustainable Transport</u> – inclusion of drafting, linking new development to existing developments and the countryside was requested.</p>	<p>Response:</p> <p>This area is covered by sections 2, 3 and 5 of Appendix 14. There will remain some circumstances where a suggested highway improvement cannot be achieved due to environmental, physical or ownership constraints. Sustainable transport remains a priority when assessing planning applications and all avenues of opportunity are explored to ensure development is sustainably connected. The advice within Appendix 17 - Public Rights of Way further explains how KCC will seek to connect developments and the countryside.</p> <p>Drafting amendment:</p> <p>Section 5 has been re-drafted to highlight the importance of Sustainable Transport and connectivity to existing settlements.</p> <p>In addition, reference to KCC’s Active Travel Strategy has been added to paragraph 1.2 and in paragraph 6.3 reference to the possible requirement to provide travel vouchers has also been included. The additions have been made in recognition of the number of responses made on this topic.</p>
<p>“Paragraph 3.1 of Technical Appendix 14 states that:</p> <p>“Even where there are no other planning or environmental issues, KCC requires the transport impacts of all development proposals to be assessed at planning application stage.”</p>	<p>Drafting amendment:</p> <p>To paragraph 3.1 - “considered and if necessary, further” added to reflect the comment.</p>

<p>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.”</p>	
<p>“Para 3.2 “For smaller sites of up to 100 dwellings, and employment sites of under 2,500 m2 gross floor area (GFA) a Transport Statement (TS) will normally be sufficient. For smaller sites in traffic-sensitive areas and for larger sites (over 100 dwellings or employment sites of over 2,500 m2 GFA) a Transport Assessment (TA) will be required.”</p> <p>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.”</p>	<p>Drafting amendment:</p> <p>To paragraph 3.2 - “may be required” added to take account of scenarios in which a full Transport Statement is not required.</p>
<p><u>Decide and Provide</u></p> <p>“We support this adoption, but would like to see monitoring, to ensure that what we want to see is by adopting Decide and Provide is borne out.”</p>	<p>Response:</p> <p>Ongoing monitoring of the effects of the Decide and Provide approach will be assessed through reviews of completed Travel Plan data. Punitive measures will be secured within the Travel Plan or Section 106, should modal shift targets not be achieved. Use of KCC’s county wide strategic highway model will also be able to assess long term trends in modal shift.</p> <p>Drafting amendment: None</p>
<p>“When describing road requirements, attention should also be paid to footways as well.”</p>	<p>Drafting amendment:</p> <p>To paragraph 5.1 has been amended to demonstrate that when assessing applications, KCC has a hierarchy where it considers walking and cycling above private car use. KCC will work to ensure appropriate infrastructure is in place to accommodate sustainable modes wherever possible.</p>

<p>“The appendix refers to mitigation to existing transport network but not environmental mitigation for increased highway infrastructure and increased traffic volumes.”</p>	<p>Response:</p> <p>Wherever new infrastructure is proposed it seeks to facilitate sustainable travel to offer modal choice and reduce the dependency on private cars.</p> <p>Drafting amendment: None</p>
<p>Technical Appendix 15 – Integrated Children’s Services</p>	
<p>“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.”</p>	<p>Response:</p> <p>The Guide provides high level information, rather than district by district. When providing infrastructure evidence for Local Plan and IDP, and for planning applications, KCC will provide an assessment of the impact upon Children’s Integrated Service infrastructure serving the development. This evidence will address the tests in the CIL Reg 122.</p> <p>The potential development of a countywide Infrastructure Mapping Platform may also provide opportunities to provide further detail on the facilities available</p> <p>Drafting amendment:</p> <p>To paragraph 2.2.2 adding a web link to KCC’s proposed Family Hub locations.</p> <p>To paragraph 2.2.2 stating that assessment of capacity will take place at planning application stage.</p>
<p>“...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.”</p>	<p>Response:</p> <p>This is an <u>example</u> of per square metre cost of providing a new facility. Build cost data is not specific and was provided by a Quantity Surveyor/Construction Consultant on KCC’s Framework, using information from the Building Cost Information Service (BCIS). Specific costs</p>

	<p>will be dealt with on a case-by-case basis. This is set out in paragraph 3.2.1.</p> <p>Drafting amendment: None</p>
<p>Technical Appendix 16 – Libraries, Registrations & Archives (LRA)</p>	
<p>“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.”</p>	<p>Response:</p> <p>The Guide provides high level information, rather than district by district. Upon planning application, KCC will provide an assessment of the impact upon LRA infrastructure serving the development. This will include stock levels.</p> <p>Drafting amendment:</p> <p>To paragraph 1.3 adding a web link to KCC’s Libraries, providing an up-to-date list of library locations.</p> <p>To paragraph 1.3 providing a table setting out the ‘Library Tiers’.</p> <p>To paragraph 2.2.4 advising that assessment of capacity will take place at the point of planning application.</p>
<p>“...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.”</p>	<p>Response:</p> <p>This is an <u>example</u> of the per square metre costs of providing a new facility. Build cost data is not specific and was provided by a Quantity Surveyor/Construction Consultant on KCC’s Framework, using information from the Building Cost Information Service (BCIS). Specific costs will be dealt with on a case-by-case basis. This is set out in paragraph 3.3.1.</p> <p>Drafting amendment: None</p>

<p>Paragraph 2.2.1 states that there are national standards, whereas central Government now states that there are no national guidelines anymore. Why is a moribund standard being used?</p>	<p>Response:</p> <p>Whilst this standard is obsolete, without a replacement standard, it provides a baseline for establishing space requirements of new facilities.</p> <p>Drafting amendment: None</p>
<p>Appendix 17 – Public Rights of Way (PROW)</p>	
<p>“The guide does not explain how developments will impact on the Public Rights of Way and doesn’t identify what form mitigations will take. Greater clarity would be useful?”</p>	<p>Response:</p> <p>Without knowing the details of the development, it is difficult to be precise on what forms of mitigation will be required. In addition, some development sites are free from and detached from the PROW network. In broadest terms development may:</p> <ul style="list-style-type: none"> • Directly impact PROW and therefore require their diversion / extinguishment in order for the development to progress. • Positively impact PROW in creating new links within and to the existing PROW/ Highway network • Impact on visual amenity • Fragment the existing network. • Increase use / demand and therefore pressure on existing routes. • Suppress use as a result of increased traffic / harm to visual amenity / noise / parking. <p>Drafting Amendment:</p> <p>To paragraph 3.2 to reflect this response.</p>
<p>“We are finding that overall we are not seeing infrastructure first delivery of walking, wheeling and cycling infrastructure in Maidstone....For example for the massive expansion of schools in the west of Maidstone we have no effective integrated active travel provision for the students to travel safely to school and no traffic management around the schools.”</p>	<p>Response:</p> <p>KCC will continue to work with the LPAs at plan making stage to assess proposed new developments, their infrastructure needs and promotion of sustainable developments, including sustainable transport links throughout the development, to existing developments and the countryside if appropriately located. Where new school sites are planned, KCC will seek site</p>

	<p>allocation policies which required early connectivity of walking and cycling routes, both within the development and linking to existing development.</p> <p>Drafting amendment:</p> <p>To paragraph 3.3 to reflect the comment.</p>
<p>“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.”</p>	<p>Response:</p> <p>This is dealt with through the Rights of Way Improvement Plan (RoWIP), referenced in para 1.1.</p> <p>Drafting amendments:</p> <p>To paragraph 3.2 to reflect this comment.</p>
<p>Technical Appendix 18 - Waste</p>	
<p>Clarification was requested regarding the capacity of new Waste Transfer Stations (WTS) and Household Waste Recycling Centres (HWRC), number of dwellings served by each site and corresponding average household waste output.</p>	<p>Response:</p> <p>KCC owned Waste Transfer Stations (WTS) generally come in one size, as there is a minimum infrastructure requirement to make them viable, i.e., all WTS require weighbridges, enclosed building with sufficient separate waste bays to segregate the different waste streams, fire water tank and sprinkler/deluge system etc. The current Environment Agency Standard Rules Environmental Permit that is required to operate a WTS permits up to 75kT of waste to be handled each year. For this reason, new KCC owned WTS have this as an official/legal maximum tonnage throughput. Guide calculations are therefore, based on this. The existing five WTS listed in Technical Appendix 18 process approximately 63,000 tonnes each per annum, with each serving on average 77,000 homes. This is the basis for the 0.82T per household figure used in the calculations.</p> <p>HWRC’s also have the same upper tonnage limit of 75kT (dictated by the current Environment</p>

	<p>Agency Standard Rules Environmental Permit that is required to operate them). However, infrastructure requirements for a HWRC are less than that for a WTS i.e., no requirement for a weighbridge, modular container system for waste storage, containment within a building etc. KCC, is therefore, able to build smaller HWRCs that cater for more local need. The 25kT new HWRC used for the calculations in the Guide is based upon the current capacity of existing HWRCs.</p> <p>Drafting amendment: None</p>
<p>“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.....</p> <p>....X therefore objects to the part of the Guide that relates to infrastructure for waste”</p>	<p>Response:</p> <p>A district specific response is required. Therefore, KCC will engage directly with the district council to provide further information and evidence of need.</p> <p>Drafting amendment: None</p>
<p>“This is not an area where X has sought to get Planning Contributions up until now.</p> <p>The guide outlines that s106 contributions for waste are proposed for inclusion in developer contributions, citing a direct link between increasing demand for waste services and housing growth. Evidence is provided to show the relationship between the location of development and the use of waste facilities. This provides an important evidential basis to support the suitability of the request with reference to the Reg 122 tests, helping meet parts 1 and 2.</p> <p>(1) necessary to make the development acceptable in planning terms. (2) directly related to the development.</p> <p>But in terms of (3) fairly and reasonably</p>	<p>Response:</p> <p>In assessing the impact of plan allocation and individual planning application proposals, KCC will seek on a per dwelling basis, proportionate to the average 0.8T sent per household to a Waste Transfer Station and 0.26T per household received at a Household Waste Recycling centre. It is acknowledged that some households will generate greater amounts of waste than others. However, in the absence of primary data, averages are used to assess the impact.</p> <p>Drafting amendment: None</p>

<p>related in scale and kind to the development further clarity is needed.”</p>	
<p><u>Emerging Environment Bill what’s is to be recycled in future</u> Given the uncertainty arising from the coming Environmental Bill, there is a degree of doubt about how and what will be needed to be recycled. How does the guide incorporate and overcome this to pass the CIL regulation 122 test and (123 abolished)?</p>	<p>Response:</p> <p>Developer contributions are requested to fund capacity demand from housing growth. Whilst pressures from the Environment Bill changes are being considered, these fall outside of the scope of this Guide. They are cited within the Guide purely to illustrate additional pressures that the Waste Disposal Authority (WDA) must consider, albeit not the driver for developer contribution requests.</p> <p>Drafting amendment:</p> <p>To paragraph 2.4 to reflect this response.</p>
<p>How is the current infrastructure being funded.</p>	<p>Response:</p> <p>KCC funds the operation of its waste service via its revenue budget. Maintenance and enhancements to existing sites are funded from a limited capital budget. With no government grants currently available, any expansion or new WTS/HWRC would have to be funded from KCC’s Capital Budget, resulting in further prudential borrowing. This is not acceptable to the county council. Therefore, new development is expected to make its proportionate contribution.</p> <p>Drafting amendment: None</p>
<p>“The costs have inflated by 256.4%. Old rate £54.47 New rate £194.13 Total inflation: 256.4% Please justify.”</p>	<p>Response:</p> <p>Rates have not been inflated by 256.4%. KCC’s</p> <p>KCC’s April 2020 rates comprised:</p> <ul style="list-style-type: none"> - £54.47 per dwelling for HWRC projects and - £129.20 per dwelling for WTS projects.

	<p>Requirements for HWRC and WTS contributions vary across the county and within district, according to need. Where both projects were needed, KCC requested a total of £183.67 per dwelling.</p> <p>This continues to be the case within this Guide, with development contributing according to need, to a total of £194.13. The Guide rates have updated 2020 rates by inflation.</p> <p>Drafting amendment: None</p>
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For more information

- To see the full consultation analysis report please visit kent.gov.uk/developercontributionsguide.
- The final Kent Developer Contributions Guide is planned to go to Cabinet for approval and adoption in Summer 2023.
- If you would like to share your views in the future, you can register with our engagement and consultation website. Tell us the issues you are interested in, and we will send you an e-mail notifying you when relevant consultations are launched. You can access Let's Talk Kent at www.kent.gov.uk/letstalk.