



## AGENDA

## CABINET

**Thursday, 29th June, 2023, at 10.00 am**  
**Council Chamber, County Hall, Maidstone**  
**Kent, ME14 1XQ**

Ask for:  
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### **UNRESTRICTED ITEMS**

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

1. Apologies
2. Declarations of Interest
3. Minutes of the Meeting held on 30 March 2023 (Pages 1 - 8)
4. Quarterly Performance Report (Q4 - 2022-2023) (Pages 9 - 78)
5. Revenue and Capital Budget Outturn 2022-23 (Pages 79 - 140)
6. Care Leavers' Covenant (Pages 141 - 158)
7. Adoption of the KCC Developer Contributions Guide (Pages 159 - 388)
8. New Nuclear at Dungeness (Pages 389 - 392)
9. Devolution Position Statement (Pages 393 - 408)
10. Family Hubs

### **EXEMPT ITEMS**

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

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 21 June 2023**

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**KENT COUNTY COUNCIL**

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**CABINET**

MINUTES of a meeting of the Cabinet held in the Council Chamber on Thursday, 30 March 2023.

PRESENT: Mr R W Gough (Chairman), Mrs C Bell, Mr D L Brazier, Miss S J Carey, Mrs S Chandler, Mr R C Love, OBE, Mr D Murphy and Mr P J Oakford

**UNRESTRICTED ITEMS****1. Apologies**

*(Item 1)*

Apologies were received from Mrs Prendergast. Mr Hill was in attendance virtually.

**2. Minutes of the meetings held on 26 January and 7 March 2023**

*(Item 3)*

RESOLVED that the minutes of the meetings on 26 January 2023 and 7 March 2023 were a correct record and that they be signed by the Chair.

**3. Cabinet Member Updates**

*(Item 4)*

1) Mrs Bell said that Kent residents who keep pigeons or chickens on their property were amongst those being encouraged to register them with the Animal and Plant Health Agency to better protect them from avian influenza. It was noted that while there had been no confirmed cases of bird flu amongst commercial flocks in Kent during the outbreak, there had been cases found in wild birds. Public Health was advising hobby keepers, those with fewer than 50 birds, to voluntarily register as it would allow them to be contacted quicker if there was a local outbreak, helping to protect birds and the national poultry flock.

Mrs Bell said the Government had announced £421 million for local authorities across England over the next 3 years to boost drug and alcohol treatment. The funding would mean that the total local authority funds for treatment would have increased by 40% between 2020/21-2024/25. For Kent, this meant an extra £3 million during the next financial year and then £5 million for each of the following two years. Together with the core grant for drug and alcohol treatment, this would be a total of £13.7 million for 2023/24 for Kent County Council. The additional funding would be used to enable the Council to focus support on homeless individuals into treatment services, maintain the treatment and recovery for those moving into new accommodation and help individuals into employment as part of their treatment.

Mrs Bell said that Kent Adult Social Care had won awards at the Public Sector Transformation Awards on 8 March 2023. Kent Adult Social Care won Bronze for the Best Use of Digital and Technology Award for their Technology Enabled Care Services. Silver for the Transformation of Health and Social Care Award for community micro-enterprises and Gold for the Communications Award for the Kent

Adult Social Care strategy. It was also noted that the Kent Public Health and Strategy Team was successful in the Health Watch Recognition Awards on 29 March 2023 which Mrs Bell had attended. Mrs Bell congratulated and thanked all the staff involved.

2) Mrs Chandler said Dame Rachel de Souza the Children's Commissioner, made a visit to KCC's Reception and Safe Care Service for unaccompanied asylum seeking young people waiting for transfer to other local authority care. The young people spoke about the help, support and care they had received from the team at Millbank and Appledore and how safe they felt. They also had communicated that the delays with the National Transfer Scheme were difficult for the young people and the Children's Commissioner agreed to take this issue up with other local authorities. Thanks were given to the whole team and service who worked with UASC on a daily basis.

On 22 February, Mrs Chandler visited the Front Door Team at Kroner House in Ashford. Mrs Chandler was encouraged by the positive attitudes and level of knowledge shown by staff and how dedicated and determined they were to ensure the safety of Kent's children and young people. It was noted that there was a strong working relationship with colleagues from Kent Police. Improvements in the use of virtual technology since the start of the pandemic had improved participation with other agencies and changed working practices.

Thanks were given to the Front Door team for their continued hard work.

Members were reminded that all had a role to play in ensuring the safeguarding of children in Kent, so should anyone have any concerns about the welfare of a child, they were advised to call 03000 41 11 11 or email [social.services@kent.gov.uk](mailto:social.services@kent.gov.uk) and the Front Door team would be on hand to investigate. Where a child was in immediate danger, Members were advised to call 999 in the first instance.

3) Mr Love said that secondary school offer day for children across Kent was on 1 March. A record number of applications were received, totalling 22,620, an increase of over 700 on the previous year.

The number of Kent pupils offered a place at their first-preference school went up by 291 to 14,865 although the percentage had fallen slightly from 79.59% to 78.21%.

However, the number and percentages of those being offered their second, third or fourth choices went up, so the percentage of those allocated a place at a school for which they did not make a preference at all fell to under 5% - the lowest since 2018.

The deadlines for parents to join waiting lists or lodge an appeal had passed and KCC was to hold a second round of offers on Tuesday, 25 April for any spaces that had become available.

Thanks and congratulations were given to the KCC staff in the admissions team who, every year, worked tirelessly to try to meet the secondary school choices of so many pupils and parents. The team were hard at work preparing for primary school offer day which was on Monday, 17 April.

Mr Love and Sarah Hammond, Corporate Director, opened the 'Investing in Inclusion- Securing Future Pathways' conference on Thursday, 23 March, which was aimed at Special Educational Needs Coordinators and Leaders of Inclusion from across the county.

The day featured both plenary and workshop sessions. It was the first time the conference had been organised and there was a fantastic turnout with around 400 SENCOs in attendance.

Three meetings of the Kent SEND Strategic Improvement and Assurance Board had taken place, and the first SEND Scrutiny Sub-Committee had also taken place. Thanks were given to all participants of both the Assurance Board and Scrutiny Sub-Committee for their input.

The next steps included the imminent launch of the SEND Enquiry Hub which aimed to improve the communication pathways for parents and carers.

Christine McInnes had taken up her post as Director of Education and SEND on 24 March following the agreement of the County Council to the senior top tier restructure. Mr Love said that he was looking forward to continuing to work closely with her to tackle the many challenges that Kent was facing.

Mr Love said The Royal Harbour Academy at Ramsgate was set to academise from 1 April. It had been a foundation school and associate member of The Coastal Academies Trust. Thanks were given to officers for their work on this and Mr Love wished the school success with its new governance arrangements.

4) Mr Brazier said that following the announcement made by the Chancellor in the recent budget, KCC had been allocated a share of £200 million for highways repairs. The £6 million received was to be used to accelerate the repairs that were being carried out on winter damage to Kent highways.

The Buses in Kent Working Group had its first meeting under the Chairmanship of Mr Chard and Mr Brazier was in attendance as an observer. A range of topics had been decided which would be discussed by the group over the forthcoming weeks.

Mr Brazier said he had taken a Semi-Urgent decision that enabled the Council to receive £19 million first instalment of the Bus Service Improvement Plan (BSIP) from the Department for Transport. It was noted that at an 'All Member Briefing', officers had outlined how the first tranche of the BSIP funding would need to be spent. Following the expiry of contracts for supported buses, £425,000 was made available for community bus initiatives. It was noted that the usual amount was £100,000. 13 providers had been selected for awards from bids totalling £826,000 for the £425,000 available grant funding.

The Kent Cycling and Walking Infrastructure Group continued to meet. It had received news that seven of the submitted schemes to Active Travel England (ATE) were to receive funds during tranche 4. Further details were to be made available in May 2023. Mr Brazier said he had met with Mr Danny Williams, Chief Executive Officer of ATE, and the Commissioner, Chris Boardman to discuss tranche 4 and why certain bids were unsuccessful. Mr Brazier noted that there had been a change in strategy towards the support of smaller-scale walking projects.

6) Miss Carey said that KCC had been shortlisted in LGC awards in the Digital Impact category for the Household Waste Recycling Centre booking system. Miss Carey was to be able to report the result in June 2023.

Miss Carey said that the regulations from The Environment Act 2021 were to lead to numerous changes, including the frequency of waste collection. The requirement to have a separate food waste collection was welcomed. A recent audit had found that a very high proportion of waste was food, with one district as high as 42% and half of which was in original packaging. A separate food waste collection was expected to reduce this and lessen the impact of contamination to allow for more recycling opportunities.

New duties were to be placed on the Council from The Environment Act concerning biodiversity and KCC's leadership role in the Local Nature Recovery Strategy.

7) Mr Murphy said that he had been contacted by the Welsh government. Mike Pollard, who had been involved in the Ireland-Wales Territorial Co-operation programme was keen to learn from the Council's work and experience with the Straits Committee and cross-border cooperation, both domestic and international. Meetings were ongoing sharing experiences and insights. Mr Murphy said his team were interested in the Holyhead-Dover freight route land bridge. It was also hoped that they would discuss small nuclear reactors.

Mr Murphy said he had met with Doug Bannister, CEO of the Port of Dover and they had discussed the need for more power, to increase the capacity to host cruise ships. The exit and entry system was also discussed, which had been delayed until early 2024 due to regulatory and technological issues. The Dover-Ireland-Holyhead freight route was discussed and plans for how traffic could flow more smoothly through the port.

Work was ongoing with officers regarding a potential waste facility involving Gravesham, Dartford and the Ebbsfleet Development Corporation and talks were ongoing regarding funding.

Mr Murphy was to have a meeting with the Environment Agency about how to improve enforcement facilities, speed up prosecutions and create closer joint working across Kent.

8) Mr Hill said that Kent libraries had been successfully shortlisted for the National libraries Connected awards for 2 submissions:

Kent Playground had been shortlisted in the children and young people award category. This ground-breaking new programme had recently been recognised by the Arts Council as a national portfolio organisation and the powerful evaluation film of the progress to date was launched on 24th February 2023 at JVHome in Ashford which Mr Hill attended.

The work of the prison library team delivering new approaches to the service during the pandemic has also been shortlisted in the reading award.

Judging panels were being assembled from across the country which include leaders from across the sector. Results were to be announced later in the year.

The new County Register office, which was part of the Oakwood House development, had been completed and was open for business. Mr Hill had visited the site and he said the space was a stunning addition to the county register offices and a great venue to host couples' most special of days and citizenship ceremonies. The team had worked very hard moving over from Archbishop's Palace. Services to the public began on 1 March with the first notice of marriage appointments, the first register office wedding was booked on 31 March and the first large Kent Approved Premise ceremony is 6 April. The first citizenship ceremony took place on 13 March.

Active Kent and Medway had a new Chair – Graham Razey OBE – CEO of the East Kent Colleges Group. Mr Razey and the Partnership Director had been working on the development of the new countywide strategy for Sport and Physical Activity, 'Move Together' which was to launch in April. A number of key sporting organisations like Kent FA had pledged their support to its delivery and to encouraging Kent's residents to be more active, more often.

Lord Parkinson, Parliamentary Under Secretary of State for Arts and Heritage and Department for Culture, Media and Sport Lords Minister visited the Sonia Boyce exhibition and the Children's Art Library at Turner Contemporary on 10 March. He was particularly interested in the cultural regeneration of Margate.

9) Mr Oakford said that in the new financial year, KCC needed to deliver what had been agreed in the budget. There had been reports that directorates had questioned how achievable the budget and associated savings were. He said that this was not acceptable. There were to be regular financial performance reviews and directorates working with Cabinet Members had to be prepared to develop in-year plans to mitigate any overspend. This was to require more accurate forecasting throughout the year and an understanding of the source of the financial pressures that KCC was facing. The only choice was to do, however painful, what was required to deliver the budget that was agreed.

Mr Oakford said that he wished to recognise the outstanding performance of the Property Team, having completed their target on the Asset Disposal Programme delivering capital receipts of over £12 million and the completion of the Oakwood House redevelopment within budget.

#### **4. KCC Share of Retained Business Rates and Final Local Government Finance Settlement 2023-24** *(Item 5)*

*Dave Shipton, Head of Financial Strategy, was in attendance for this item.*

- 1) Mr Oakford introduced and gave an overview of the report.
- 2) Mr Shipton gave further details. It was noted that the business rate retention calculation was complicated due to the revaluation of all the rateable values. The adjustment had not been fully completed yet and there could be further adjustments in 2024/25 and 2025/26. The revaluation was undertaken on a 3-year cycle. The final settlement was welcomed due to the extra funding from the

services grant, there was no guarantee that this funding would be available in future years. Some figures were still estimates but major adjustments were not anticipated.

3) RESOLVED to agree the recommendations as outlined in the report.

## **5. Update on Supporting Kent Residents with Financial Hardship**

*(Item 6)*

*Lucy Alesbrook, Financial Hardship Programme Manager, was in attendance for this item.*

1) Lucy Alesbrook introduced the update.

2) Further to comments and questions, it was noted:

- There were strict requirements about what support could be provided by the Household Support Fund but there was some flexibility to target where funding went. There needed to be a publicly available scheme that members of the public could put themselves forward for, rather than KCC identifying individuals for support.
- Since the announcement of the Household Support Fund, work had been undertaken and the eligibility criteria were being scoped out. The plan was to use a tranche version of the voucher scheme for a set amount of time to help manage demand and capacity. Residents were to be notified prior to the launch through press releases and the website.
- The Helping Hands monies and the Household Support Fund monies were non-recurring. The programme team had been clear and careful not to create an assumption that the funding would continue.

3) The Leader said that services such as those offering money advice were important. If work being done in this area demonstrated the impact of people avoiding crisis, that it had beneficial effect on their lives and the benefits were lasting, this would inform potential future schemes.

4) RESOLVED to agree to the recommendations as outlined in the report.

## **6. Financial Monitoring Report**

*(Item 7)*

1) Mr Oakford outlined the report. There had been a reduction in the forecast overspend since the previously reported position. The overspend was still a cause for concern and work was ongoing to ensure that it was minimised. The Council's savings target for 2022/23 of £51.6 million had not been met, with £36.8 million forecast to be delivered by year-end. The savings targeted needed to be achieved in the next financial year as KCC could not keep bringing savings forward and rely on reserves. The High Needs deficit continued to be the Council's single biggest financial risk at £142 million by the end of the financial year. The Safety Valve Agreement with the Department for Education was expected to help in the medium term and put the budget on a sustainable footing. Difficult decisions were required to address the financial situation in the medium term.



2) Further to comments and questions from Members, it was noted that:

- The forecast pressure for Adult Social Care was £25.6 million, a reduction of £2 million since quarter 2. The pressures were identified as £13.3 from the non-delivery of savings, and £12.2 million was moved back to 2023/24. There was also £2.3 million for the required increase in bad debt provision and £9.9 million of activity-related pressures. There was ongoing targeted action on the use of short-term beds, which contributed to a reduction in spending. It was noted that joint work across health and social care on hospital discharge was ongoing. Efforts were being made to use innovative technology and community care options to reduce the reliance on nursing and residential care. Work was ongoing to recover funds owed to the authority, in line with ethical best practice while supporting those in financial hardship.
- There was a long-term contract with the waste plant at Allington and the contract increased at an agreed rate linked to the Retail Price Index, causing a hit to the budget in April. The Waste Management Team had managed to absorb the cost pressure by improving recycling and recycling rates.
- The challenge that the High Needs Block deficit placed on the Council was acknowledged. There had been an uptick in the number of children identified as having SEND needs or requiring an Education, Health and Care Plan (EHCP), and there had been some evidence that the criteria for SEND in the SEND code of practice had been loosely applied. The intention was to ensure that the criteria were applied appropriately and this would relieve the pressure on the budget.
- There had been a small increase in the number of Looked After Children, but the placement costs were high and a significant cost pressure. There was an issue with children with more complex needs as their placement costs were very high due to availability and staffing ratios. Work was ongoing to work in partnership with health colleagues to alleviate some of the pressures and recruit in-house foster carers. It was also noted the high costs of legal services.
- There were two areas of overspend identified as the delay in savings from the Supported Bus Services decision and the Kent Travel Saver as further capacity payments had to be made to providers after a delay of receiving payments from parents meant that the income would not be reported in the current year's accounts. Highway costs had been impacted by the rise in the rate of inflation and the cost incurred from the impact of Storm Eunice.

3) RESOLVED to agree the recommendations as outlined in the report.

## **7. Quarterly Performance Report**

*(Item 8)*

*Rachel Kennard, Chief Analyst; Ben Watts, General Counsel and Richard Smith, Corporate Director for Adult Social Care were in attendance for this item.*

1) Ms Kennard outlined the report for Quarter 3 (Q3), 2022-2023 and said that out of 37 Key Performance Indicators (KPIs) contained within the Quarterly Performance Report (QPR), 15 achieved target (rated green), 16 achieved and exceeded the floor standard but did not meet the target (rated amber), and 6 did not meet floor standard

(rated red). It was noted that the number of red ratings had fallen as the financial year progressed, but there had been a growth in amber ratings, largely at the expense of green. The direction of travel analysis continued to be less positive.

2) Further to comments and questions from Members, it was noted:

- The latest round of the Solar Together Scheme was open to households to use the collective buying scheme for solar panels and battery storage.
- KCC had statutory duties on Freedom of Information (FOI) requests. There had been improvements and there were plans in place across the services to improve KCC's compliance. Improvements were necessary or the Council was at risk of being issued with an enforcement notice by the Information Commissioner.
- A new KPI was suggested for inclusion in future QPRs concerning response times to Highways and Transport enquiries.
- There had been targeted work on Care Needs Assessments. There had been improvements in the number of assessments and the number of annual reviews of individual care and support plans completed. Work was ongoing to meet the 28-day target.

3) RESOLVED to note the report.

From: Roger Gough – Leader of the Council  
David Cockburn – Chief Executive Officer

To: Cabinet - 29 June 2023

Decision No: n/a

Subject: **Quarterly Performance Report, Quarter 4, 2022/23**

Classification: Unrestricted

**Summary:** The purpose of the Quarterly Performance Report (QPR) is to inform Cabinet about key areas of performance for the authority. This report presents performance to the end of March 2023 (Quarter 4, 2022/23).

Of the 37 Key Performance Indicators (KPIs) contained within the QPR, 15 achieved target (Green), 10 achieved and exceeded the floor standard but did not meet target (Amber). 12 KPIs did not meet the floor standard (Red).

**Recommendation(s):** Cabinet is asked to NOTE the Quarter 4 Performance Report and proposed indicators for 2023/24.

## 1. Introduction

- 1.1. The Quarterly Performance Report (QPR) is a key mechanism within the Performance Management Framework for the Council. The report summary for Quarter 4, 2022/23 is attached at Appendix 1, and includes data up to the end of March 2023.
- 1.2. The QPR includes 37 Key Performance Indicators (KPIs) where results are assessed against Targets set at the start of the financial year.

## 2. Quarter 4 Performance Report

- 2.1. Results for KPIs compared to Target are assessed using a Red/Amber/Green (RAG) status.
- 2.2. Of the 37 KPIs included in the report, the latest RAG status are as follows:
  - 15 are rated Green (same as the previous Quarter) - the target was achieved or exceeded.
  - 10 are rated Amber (six fewer than the previous Quarter) – performance achieved or exceeded the expected floor standard but did not meet target.
  - 12 are rated Red (six more than the previous Quarter) – performance did not meet the expected floor standard.

2.3. The 12 indicators where the RAG rating is Red, are in:

- Customer Services
  - Percentage of phone calls to Contact Point which were answered
  - Percentage of complaints responded to within timescale
- Governance and Law
  - Percentage of Freedom of Information Act (Fol) requests completed within 20 working days
  - Percentage of Data Protection Act (DPA) Subject Access requests completed within statutory timescales
- Growth, Economic Development & Communities
  - Developer contributions secured as a percentage of amount sought
- Environment and Transport
  - Percentage of routine pothole repairs completed within 28 days
  - Percentage of Emergency highway incidents attended within 2 hours of notification.
- Children, Young People and Education
  - Percentage of Education, Health Care Plans (EHCPs) issued within 20 weeks
  - Percentage of pupils (with EHCP's) being placed in independent or out of county special schools
  - Percentage of foster care placements which are in-house or with relatives and friends (excluding UASC)
- Adult Social Care
  - Percentage of new Care Needs Assessments delivered within 28 days
  - Long Term support needs of older people (65 and over) met by admission to residential and nursing care homes, per 100,000.

2.4. With regards to Direction of Travel, two indicators show a positive trend (one fewer than the previous Quarter), 24 are stable or with no clear trend, and 11 are showing a negative trend (three more than the previous Quarter).

### **3. Proposed KPIs and targets for 2023/24**

3.1. Proposed KPIs and targets for 2023/24 are detailed in Appendix 2.

#### **4. Recommendation(s)**

Cabinet is asked to NOTE the Quarter 4 Performance Report and proposed indicators for 2023/24

#### **5. Contact details**

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**Kent County Council**

**Quarterly Performance Report**

**Quarter 4**

**2022/23**

Produced by: Kent Analytics  
E-mail: [performance@kent.gov.uk](mailto:performance@kent.gov.uk)  
Phone: 03000 416205



## Key to KPI Ratings used

This report includes 37 Key Performance Indicators (KPIs), where progress is assessed against Targets which are set at the start of the financial year. Progress against Target is assessed by RAG (Red/Amber/Green) ratings. Progress is also assessed in terms of Direction of Travel (DoT) using arrows. Direction of Travel is based on regression analysis across the whole timeframe shown in the graphs.

<b>GREEN</b>	Target has been achieved or exceeded
<b>AMBER</b>	Floor Standard* achieved but Target has not been met
<b>RED</b>	Floor Standard* has not been achieved
↑	Performance is improving (positive trend)
↓	Performance is worsening (negative trend)
⇒	Performance has remained stable or shows no clear trend

\*Floor Standards are the minimum performance expected and if not achieved must result in management action.

## Key to Activity Indicator Graphs

Alongside the Key Performance Indicators, this report includes a number of Activity Indicators which present demand levels for services or other contextual information.

Graphs for activity indicators are shown either with national benchmarks or in many cases with Upper and Lower Thresholds which represent the range activity is expected to fall within. Thresholds are based on past trends and other benchmark information.

If activity falls outside of the Thresholds, this is an indication that demand has risen above or below expectations and this may have consequences for the council in terms of additional or reduced costs.

Activity is closely monitored as part of the overall management information to ensure the council reacts appropriately to changing levels of demand.



## Executive Summary

15 of the 37 indicators are rated as Green, on or ahead of target (the same as last Quarter). 10 indicators reached or exceeded the floor standard (Amber) with 12 indicators not achieving the floor standard and so RAG rated Red (six more than last Quarter). Two indicators were showing an improving trend (one fewer than last Quarter), with 11 showing a worsening trend (three more than last Quarter).

	G	A	R	↑	⇒	↓
Customer Services	1		2		3	
Governance and Law			2		2	
Growth, Economic Development & Communities	1		1		2	
Environment and Transport	2	2	2		4	2
Children, Young People and Education	5	5	3	1	7	5
Adult Social Care	1	3	2		4	2
Public Health	5			1	2	2
<b>TOTAL</b>	<b>15</b>	<b>10</b>	<b>12</b>	<b>2</b>	<b>24</b>	<b>11</b>

**Customer Services** – Satisfaction with Contact Point advisors reduced slightly but met target in Quarter 4. The percentage of phone calls answered decreased, moving below floor standard and so is RAG rated Red. The percentage of complaints responded to within timescale decreased further and remains RAG rated Red.

<b>Customer Services KPIs</b>	<b>RAG rating</b>	<b>DoT</b>
% of callers to Contact Point who rated the advisor who dealt with their call as good	GREEN	⇒
% of phone calls to Contact Point which were answered	RED	⇒
% of complaints responded to within timescale	RED	⇒

**Governance and Law** - Freedom of Information (FOI) / Environmental Information Regulation (EIR) requests responded to in timescale, and Data Protection Act Subject Access requests completed within timescale, remain below floor standards.

<b>Governance and Law KPIs</b>	<b>RAG rating</b>	<b>DoT</b>
% of Freedom of Information Act (FoI) requests completed within 20 working days	RED	⇒
% of Data Protection Act (DPA) Subject Access requests completed within statutory timescales	RED	⇒

**Growth, Economic Development & Communities** – The No Use Empty programme, which returns long term empty domestic properties into active use, maintained above target performance. The amount of Developer Contributions secured as a percentage of amount sought was 81% for the Quarter, this is below floor standard and therefore RAG rated Red. The total number of issues from libraries continues to increase compared to the same Quarter the previous year.

<b><u>Growth, Economic Development &amp; Communities KPIs</u></b>	<b>RAG rating</b>	<b>DoT</b>
Number of homes brought back to market through No Use Empty (NUE)	GREEN	⇒
Developer contributions secured as a percentage of amount sought	RED	⇒

**Environment & Transport** – For Quarter 4, two of the Highways KPIs are RAG rated Red and two Amber, with high demand impacting on achievement of targets. The percentage of potholes repaired within 28 days dropped below floor standard, and Emergency Incidents attended within 2 hours, remained below floor standard. Routine highway repairs completed within 28 days and the Callback satisfaction survey, remain Amber rated. Municipal Waste recycled or converted to energy, continues to be above target, and reduction in Greenhouse Gas emissions also remains ahead of target.

<b><u>Environment &amp; Transport KPIs</u></b>	<b>RAG rating</b>	<b>DoT</b>
% of routine pothole repairs completed within 28 days	RED	⇒
% of routine highway repairs reported by residents completed within 28 days	AMBER	⇒
% of emergency highway incidents attended within 2 hours of notification	RED	⇩
% of satisfied callers for Kent Highways & Transportation, 100 call back survey	AMBER	⇩
% of municipal waste recycled or converted to energy and not taken to landfill – rolling 12 months	GREEN	⇒
Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes – rolling 12 months	GREEN	⇒

**Education & Wider Early Help** – Schools continue to exceed the inspection target, but Early Years settings remain below, although 96% are still rated good or outstanding. Completion of Education, Health and Care Plans (EHCPs) in timescale decreased and remains below the floor standard. Pupils with EHCPs placed in independent or out of county special schools, increased, did not meet its floor standard and is now RAG rated Red. Permanent pupil exclusions remains on target. The number of first-time entrants to the youth justice system saw little change and remains Amber rated.

<b><u>Education &amp; Wider Early Help KPIs</u></b>	<b>RAG rating</b>	<b>DoT</b>
% of all schools with Good or Outstanding Ofsted inspection judgements	GREEN	⇒
% of Early Years settings with Good or Outstanding Ofsted inspection judgements (childcare on non-domestic premises)	AMBER	⇩
% of Education, Health Care Plans (EHCPs) issued within 20 weeks – rolling 12 months	RED	⇒
Percentage of pupils (with EHCP's) being placed in independent or out of county special schools	RED	⇒
% of pupils permanently excluded from school – rolling 12 months	GREEN	⇒
Number of first-time entrants to youth justice system – rolling 12 months	AMBER	⇩

**Children's Social Care & Early Help** – Three of the seven indicators met target, the same as last Quarter. Percentage of case holding posts filled by permanent qualified social workers decreased, remaining below target and moving close to floor standard. The percentage of Child Protection Plans that were repeat plans, increased and remains Amber rated. The Percentage of foster care placements which are in-house or with relatives, decreased, moving below floor standard. Percentage of Care Leavers in education, employment or training, improved for the fourth consecutive Quarter but remains below target.

<b><u>Children's Social Care &amp; Early Help KPIs</u></b>	<b>RAG rating</b>	<b>DoT</b>
Percentage of Early Help cases closed with outcomes achieved that come back to Early Help / Social Work teams within 3 months	GREEN	⇒
% of case holding posts filled by permanent qualified social workers	AMBER	⇩
% of children social care referrals that were repeat referrals within 12 months	GREEN	⇒
% of child protection plans that were repeat plans	AMBER	⇩
Average no. of days between becoming a child in care and moving in with an adoptive family – rolling 12 months	GREEN	⇒
% of foster care placements which are in-house or with relatives and friends (excluding UASC)	RED	⇩
% of care leavers in education, employment or training (of those KCC is in touch with)	AMBER	⇩

**Adult Social Care** – One KPI met target and was RAG rated Green. The proportion of new Care Needs Assessments delivered within 28 days, is unchanged and remains below floor standard. The proportion of clients receiving Direct Payments is also unchanged and remains rated Amber. Despite a long-term downward trend, the proportion of older people still at home 91 days after discharge is unchanged compared to the previous Quarter and remains rated Amber. Long Term support needs of older people met by admission to residential and nursing care homes, increased and did not meet floor standard so is now RAG rated Red. Percentage of KCC supported people in residential or nursing care where the CQC rating is Good or Outstanding, remains on a declining trend and is below target, rated Amber. The number of people accessing ASCH services who have a mental health need, continues to increase.

<b>Adult Social Care KPIs</b>	<b>RAG rating</b>	<b>DoT</b>
% of people who have their contact resolved by ASCH but then make contact again within 3 months	GREEN	⇒
% of new Care Needs Assessments delivered within 28 days	RED	⇒
% of people receiving a long-term community service who receive Direct Payments	AMBER	⇒
Proportion of older people (65+) who were still at home 91 days after discharge from hospital into reablement / rehabilitation services	AMBER	⇩
Long Term support needs of older people (65 and over) met by admission to residential and nursing care homes, per 100,000	RED	⇒
% of KCC supported people in residential or nursing care where the CQC rating is Good or Outstanding	AMBER	⇩

**Public Health** – All five KPIs are meeting or exceeding target. The one change from last Quarter, is that the number of eligible people receiving an NHS Health Check increased and achieved target for the first time this year. The number of mandated checks delivered by the health visiting service remains above target but is on a declining trend.

<b>Public Health KPIs</b>	<b>RAG rating</b>	<b>DoT</b>
Number of eligible people receiving an NHS Health Check – rolling 12 months	GREEN	⇧
Number of mandated universal checks delivered by the health visiting service – rolling 12 months	GREEN	⇩
% of first-time patients (at any sexual health clinics or telephone triage) who are offered a full sexual health screen	GREEN	⇒
Successful completion of drug and alcohol treatment	GREEN	⇩
% of Live Well clients who would recommend the service to family, friends or someone in a similar situation	GREEN	⇒

<b>Customer Services</b>	
<b>Cabinet Member</b>	Shellina Prendergast
<b>Corporate Director</b>	Amanda Beer

KPI Summary	<b>GREEN</b>	<b>AMBER</b>	<b>RED</b>	↑	⇒	↓
	1		2		3	

Customer contact through Contact Point (KCC's call centre) is provided via a strategic partnership, whilst Digital services are provided by KCC. The percentage of callers who rated their advisor as good, met the target of 97%.

Increased call volumes compared to the previous Quarter, coupled with staff sickness, led to a fall in the call answer rate to 88% which is below the floor standard. Services receiving increased call volumes included Highways, particularly regarding potholes and insurance claims, including people chasing claims; clearer timescales have since been communicated to customers. A large number of Concessionary Bus Passes were due for renewal by the end of March 2023, which also generated many calls; to help mitigate this demand, messages were sent to customers regarding who needed to take action and who would receive their pass automatically. Adult Social Care calls increased due to the imminent changes within the Service. Blue Badge calls also remain high due to the backlogs in the service, however, better communication and the setting of realistic expectations for customers awaiting a response, have lowered these.

Contact Point received 15% more calls compared to the previous Quarter but 4% fewer calls than Quarter 4 last year. The 12 months to March 2023 saw a 3% increase in calls compared to the 12 months to March 2022.

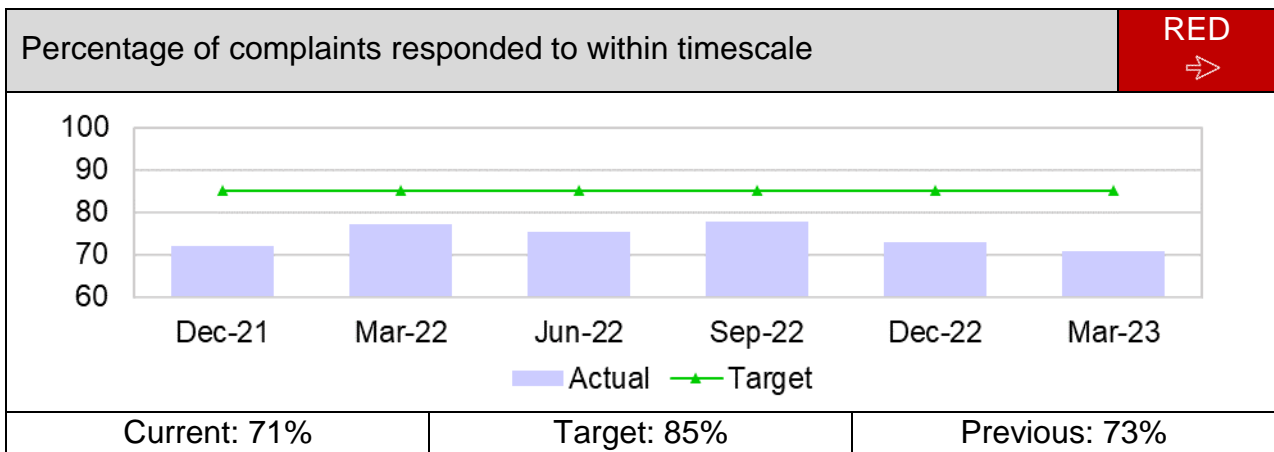
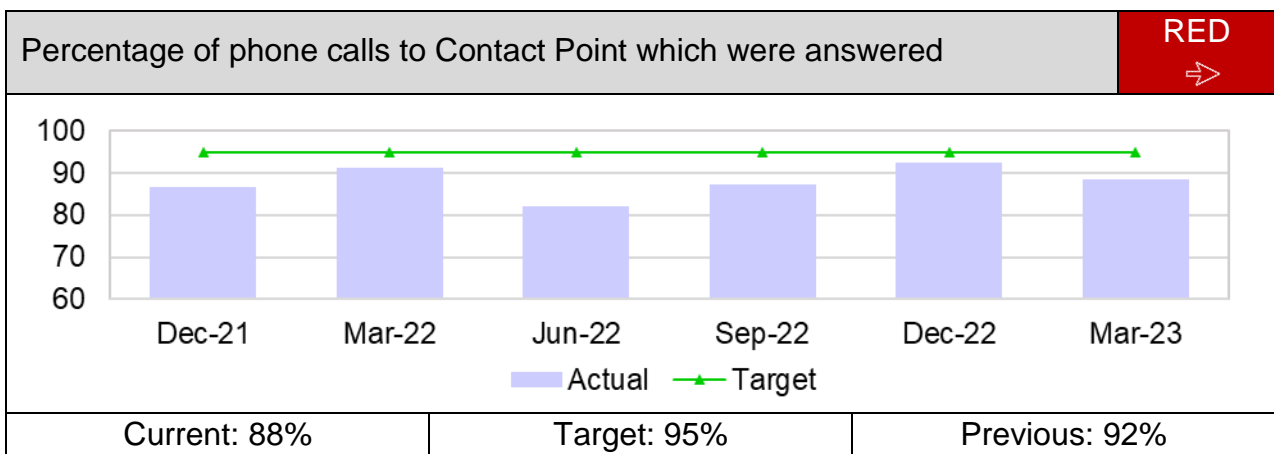
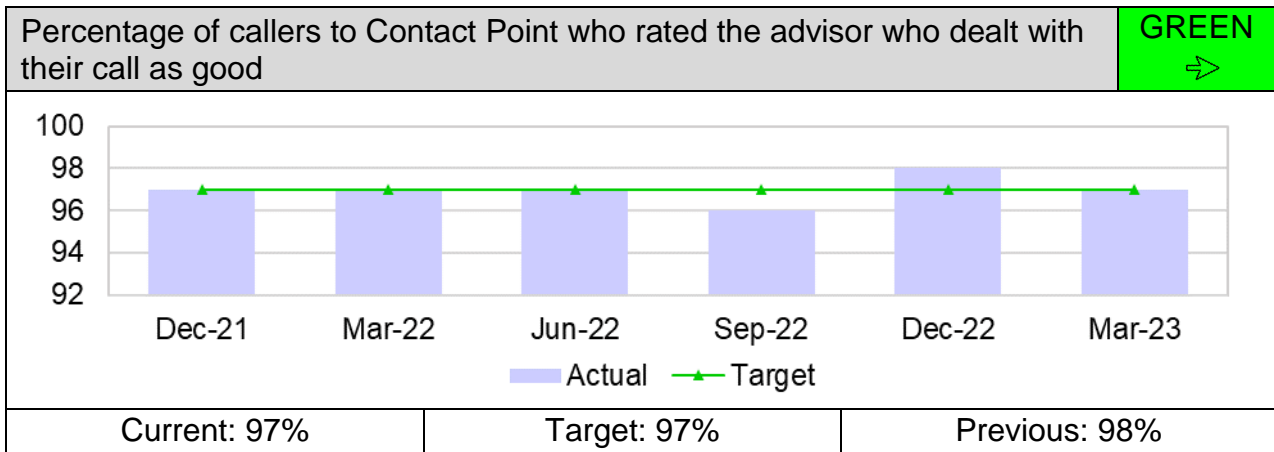
Average call time reduced from the previous Quarter to 6 minutes 17 seconds, but remains above the target of 5 minutes 45 seconds. This is likely due to simple and quicker transactions being processed online, with those calling often having more complex queries.

There were close to 2 million visits to the kent.gov website in Quarter 4 which was within expectations. Pages relating to Household Waste Recycling Centres continue to be the most visited, with pages regarding school places, term dates, and bus travel also popular.

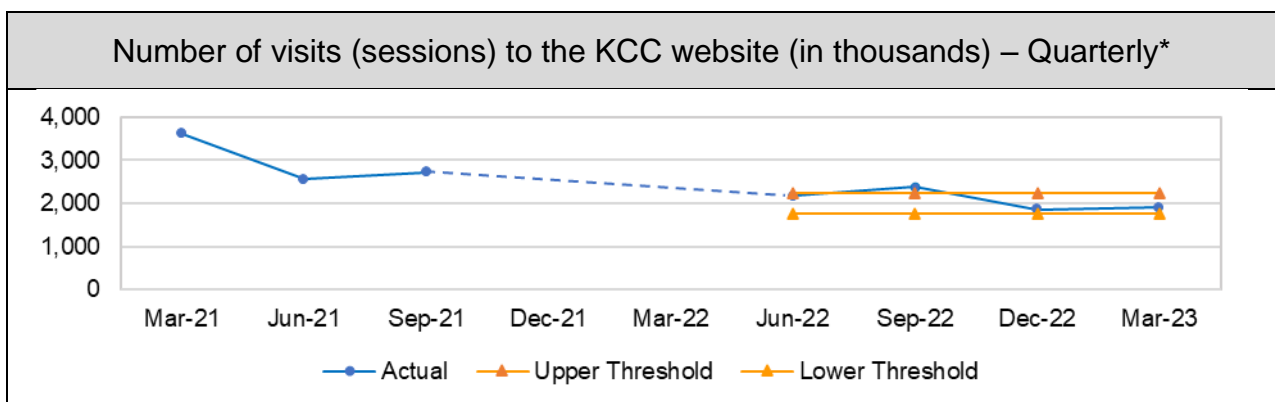
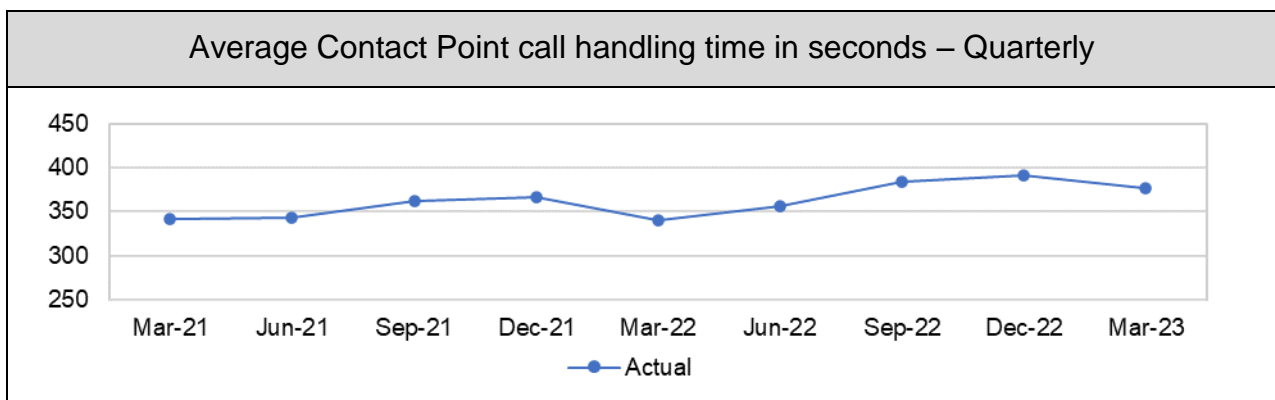
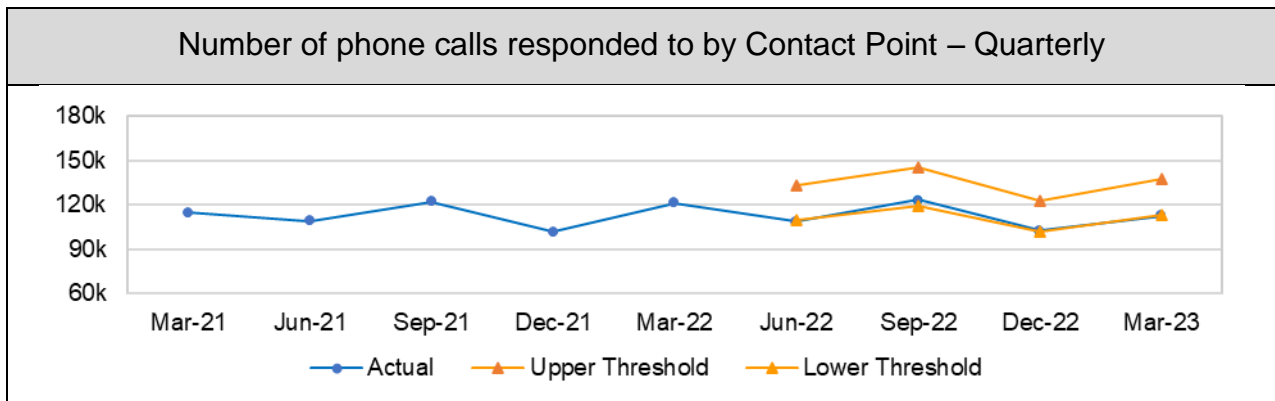
Quarter 4 saw an increase in the number of complaints received compared with the previous Quarter and an increase on the same Quarter last year. Between January and March, 71% of complaints were responded to within timescales which moves the KPI further below the floor standard. Performance for the year overall was 75%.

There was an increase in complaints received for Libraries Registrations and Archives, this is due to the closure of Folkestone Library due to safety concerns, we are currently investigating the extent of works required to bring the building back into use and exploring ways to fund the necessary repairs. The Children, Young People and Education Directorate, are still below target, particularly within the Special Educational Needs service, where there is a concerted effort to work towards responding to a significant backlog of complaints. Whilst this work continues it is expected that performance will remain low, as current open cases are likely to exceed the 20 working days target.

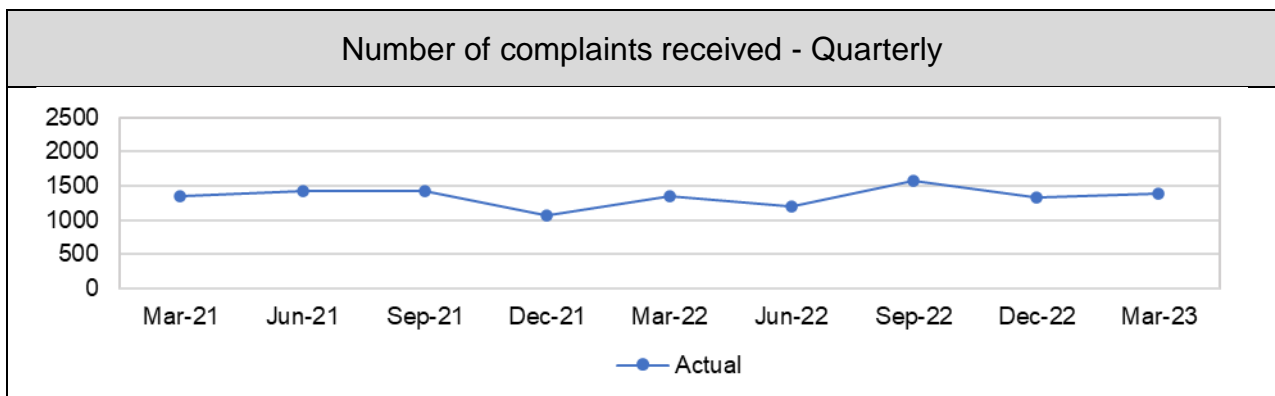
**Key Performance Indicators**



Activity indicators



\* Due to a review of KCC’s use of cookies on kent.gov.uk no visitor data was available from October 2021 until February 2022. Reporting of this data recommenced from the June 2022 Quarter.



## Customer Services – Call and Website Activity

### Number of phone calls to Contact Point (thousands)

Contact Point received 15% more calls compared to the previous Quarter but 4% fewer calls than Quarter 4 last year. The 12 months to March 2023 saw a 1% decrease in calls compared to the 12 months to March 2022.

Service area	Apr – Jun 22	Jul – Sep 22	Oct – Dec 22	Jan – Mar 23	Yr to Mar 23	Yr to Mar 22
Adult Social Care	28	28	24	27	106	109
Integrated Children's Services	19	20	16	18	72	73
Highways	13	13	15	17	57	60
Transport Services	9	18	8	15	51	42
Blue Badges	15	14	10	10	48	42
Registrations	8	9	7	7	31	21
Waste and Recycling	11	8	6	6	32	47
Libraries and Archives	7	7	6	6	26	33
Schools and Early Years	6	5	5	6	21	20
Adult Education	5	6	4	5	21	16
Main line	3	4	3	4	15	12
Other Services	3	2	1	4	10	10
Driver improvement	3	4	3	3	14	15
KSAS*	3	3	3	2	11	23
<b>Total Calls (thousands)</b>	<b>133</b>	<b>142</b>	<b>112</b>	<b>128</b>	<b>516</b>	<b>521</b>

Figures may not add up to totals due to rounding.

\* Kent Support and Assistance Service



## Customer Services – Complaints Monitoring

Quarter 4 saw the number of complaints received increase from the previous Quarter by 5% and by 3% on the same Quarter last year. Over the 12 months to March 2023 there has been a 1% decrease in complaints received compared to the 12 months to March 2022.

In Quarter 4, frequently raised issues included SEN provision, potholes, and the closure of Folkestone Library.

Service	12 mths to Mar 22	12 mths to Mar 23	Quarter to Dec 22	Quarter to Mar 23
Highways, Transportation and Waste Management	2,793	2,409	712	714
Adult Social Services	746	959	224	237
Integrated Children's Services	828	927	241	227
Education & Young People's Services	176	241	44	38
Libraries, Registrations and Archives	269	258	37	85
Chief Executive's Department and Deputy Chief Executive's Department	179	150	32	40
Environment, Planning and Enforcement & Economic Development	176	150	26	29
Adult Education	46	78	7	13
<b>Total Complaints</b>	<b>5,213</b>	<b>5,172</b>	<b>1,323</b>	<b>1,383</b>

## Customer Services – Digital Take-up

The table below shows the digital/online or automated transaction completions for key service areas where there are ways to complete other than online.

Transaction type	Online Apr 22 - Jun 22	Online Jul 22 - Sep 22	Online Oct 22 - Dec 22	Online Jan 23 - Mar 23	Total Transactions Last 12 Months
Renew a library book*	82%	81%	83%	83%	1,046,126
Report a Highways Fault	57%	57%	65%	73%	112,373
Book a Driver Improvement Course	87%	85%	84%	89%	33,744
Apply for or renew a Blue Badge	74%	79%	85%	79%	19,275
Book a Birth Registration appointment	87%	87%	90%	89%	19,237
Report a Public Right of Way Fault	93%	93%	94%	89%	16,388
Apply for a Concessionary Bus Pass	72%	74%	76%	77%	16,143
Apply for a HWRC recycling voucher	99%	99%	100%	99%	5,311

\* Library issue renewals transaction data is based on individual loan items and not count of borrowers.

Some transactions formerly reported, such as the Kent Travel Saver and Highways Licence applications, have been removed from the table as these transactions have moved to be solely online.

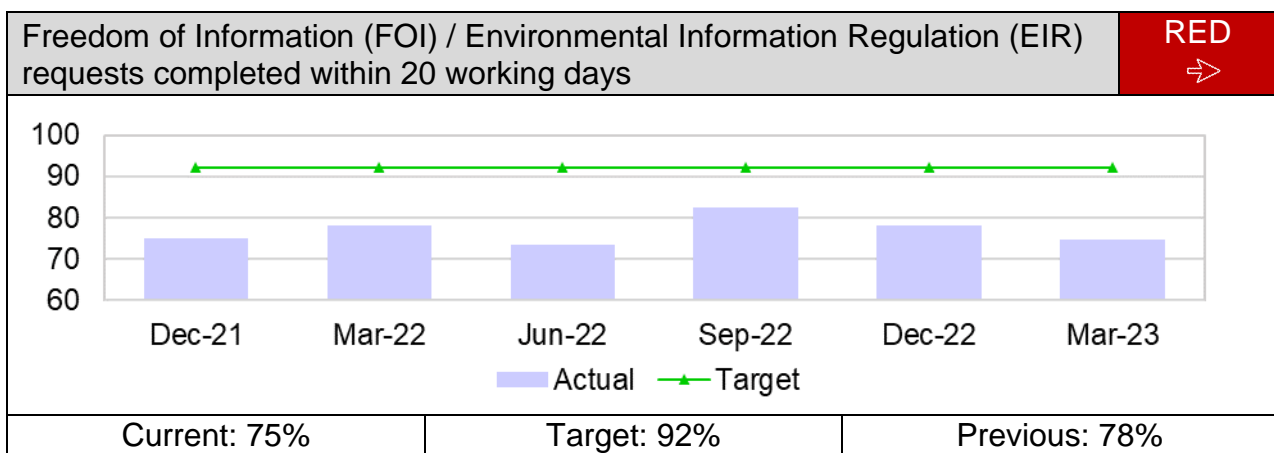
Governance, Law & Democracy						
<b>Cabinet Member</b>	Shellina Prendergast					
<b>Corporate Director</b>	David Cockburn					
KPI Summary	GREEN	AMBER	RED	↑	⇒	↓
			2		2	

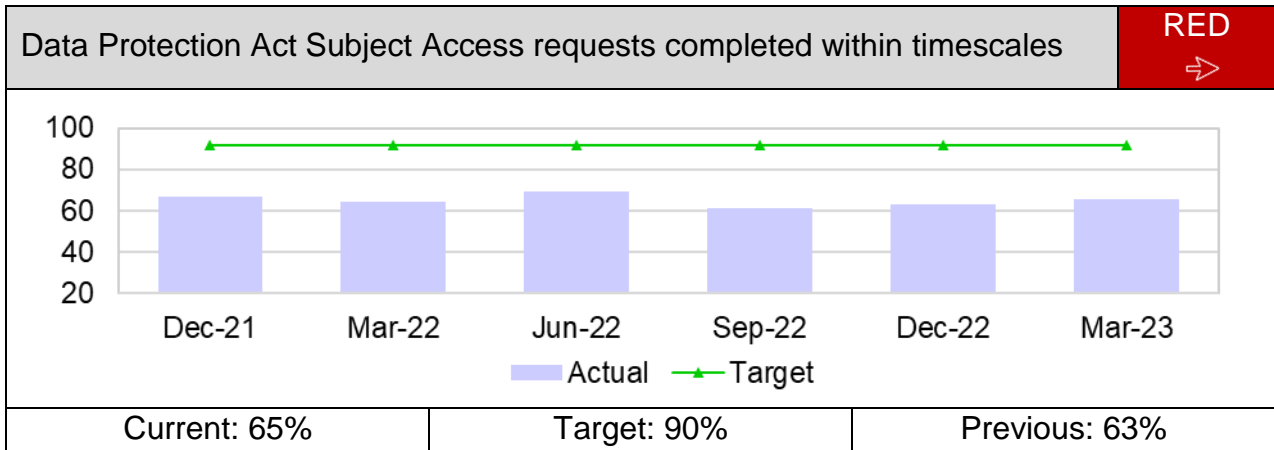
Both Freedom of Information (FOI) / Environmental Information Regulation (EIR) requests, and Data Protection Act Subject Access requests completed within timescales are still failing to achieve their floor standard.

The percentage of FOI / EIR requests completed has averaged 77% in 2022/23 against a target of 92%. With regard to Directorate performance over the year, the largest number of requests were received by Growth, Environment and Transportation (75% completed in timescale), followed by Children, Young People and Education (75% completed in timescale), Chief Executive's Department (79% completed in timescale), Deputy Chief Executive's Department (83% completed in timescale), and finally Adult Social Care and Health, who had the fewest requests, (75% completed in timescale). Reasons for delays in dealing with requests include prioritisation of other work, and time taken to produce a thorough response.

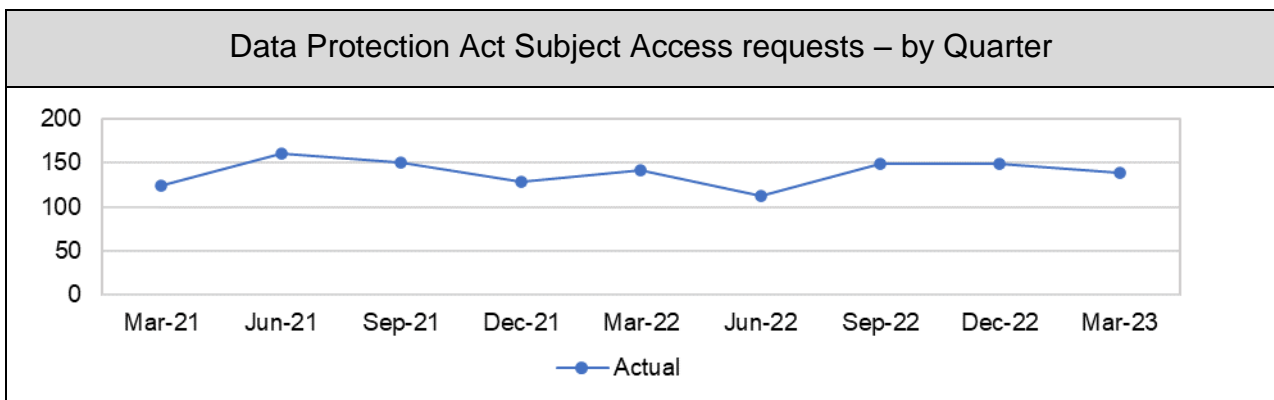
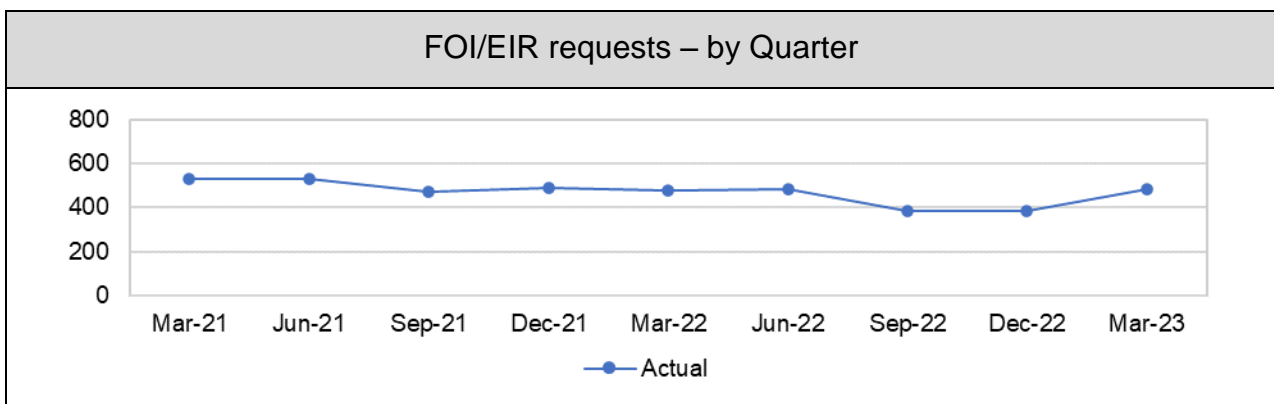
For Subject Access Requests (SARs), over two-thirds of these come under the Children, Young People and Education Directorate. Reasons for delays in responding to requests include complexity of some requests, prioritising of other work, and the need for the acquisition and use of redacting tools for electronic records which can add significant time when responding.

### Key Performance Indicators





**Activity indicators**



Growth, Economic Development & Communities	
<b>Cabinet Members</b>	Derek Murphy, Mike Hill
<b>Corporate Director</b>	Simon Jones

KPI Summary	GREEN	AMBER	RED	↑	⇒	↓
	1		1		2	

### Support for business

KCC has continued to use funds from the Government's Regional Growth Fund (RGF) to create and sustain employment opportunities in Kent during Quarter 4.

Since 2017 the latest figures (to the end of Quarter 4, 2022/23), show the Kent and Medway Business Fund (KMBF) has provided finance of £18.5m to 131 Kent and Medway businesses, creating 491 new jobs and safeguarding a further 136 jobs in the Kent and Medway area.

The current economic climate has had an adverse impact on those Kent's businesses which had previously received loans, with a continued increase in the number of requests to revise loan repayment terms. From the feedback provided by the companies, we believe that this is due to increases in costs, particularly energy bills, and the ending of Government business support schemes set-up during the pandemic.

This is seen in the fluctuations in net FTE job outputs created by the KMBF funded companies as in Q3, there was a decrease of 11.0 FTE which follows an increase of 26.0 FTE in Q2 and a small contraction of 4.0 FTE in Q1, which amounts to a modest increase of 11.0 FTE so far across 2022/23. Q4 has reported a more solid increase since Q3 with a net increase of 57.0 FTE, which has been boosted by new investments completed in late 2022/23 entering the quarterly monitoring cycle.

Early in Quarter 3 2021/22 the KMBF launched a new secured loan scheme for Kent & Medway Businesses seeking loans between £100,000 and £500,000 with 50% match funding from private sources. To date, 124 pre-applications to the value of £26.7m have been received; of these, 36 businesses have submitted full applications to the value of £8.24m, of which eleven have received approval for loans to the value of £2.31m.

A new scheme called "KMBF Small Business Boost" (KMBF SBB) opened to pre-applications on 29<sup>th</sup> July 2022, with a launch event taking place on 8<sup>th</sup> September 2022. The scheme offers unsecured loans with a zero-interest rate for borrowing between £26,000-£99,000; loans are expected to have 20-30% match funding from private sources. To date, 144 pre-applications to the value of £9.24m have been received; of these, 34 companies have submitted full applications for loans totalling £2.51m, fifteen have been approved up to January 2023 to the value of £1.23m

Following advice from KCC's RGF Contract Managers, the Department for Levelling Up, Housing & Communities (DLUHC), KCC had to close both the KMBF & KMBF Small Business Boost schemes to new applications in February 2023. This was due to the expiry of KCC's existing RGF contract on 31 March 2023 and confirmation by DLUHC that a new contract could not be agreed by this date.

KCC's business case to continue the use of the RGF funds has now been approved by both HM Treasury and DLUHC's FISC Committee and the Council received written confirmation on 12<sup>th</sup> June 2023 that the Council can continue to utilise the RGF funds for at least another 10 years, such "funds are to be used to provide loans for local businesses".

The Kent & Medway Investment Advisory Board, supported by the Business Investment Team are now reviewing the terms of the new agreement with BEIS, to support the re-launch of the Kent & Medway Business Fund in Q3 2023-24.

The South-East Local Enterprise Partnership (SELEP) has, in addition, provided funding for the Innovation Investment Loan scheme which the KMBF team manages for applications from companies in Kent and Medway. Since 2017, £6 million of loans have been made to 18 businesses creating 200 Full-time Equivalent (FTE) jobs and safeguarding 63.43 FTE jobs.

KCC has agreed with the South East Local Enterprise Partnership (SELEP) in March 2023 to use the Innovation Investment Loan (i3) recycled loan repayments to progress and award new loans to the existing pipeline of KMBF & KMBF SBB applications, and this is now progressing with pace with new guidance and rules agreed. To date, 9 loans have been approved from this pipeline to a value of £1.09 million and are now progressing through legal completion before payment to the successful applicants.

### **Converting derelict buildings for new housing and commercial space**

In Quarter 4, a further 94 long-term empty properties were made fit for occupation through the No Use Empty Programme (NUE), bringing the total to 7,770 since the programme began in 2005. NUE processed 42 loan applications during the financial year 2022/23, exceeding the previous year total (40). The total NUE investment in converting derelict properties has increased to £98.5m (£55.7m from KCC recycled loans and £42.8m from private sector leverage). On average there are 60 live projects at any given time and there is a healthy pipeline of new projects for 2023/24.

NUE were awarded £2.5m under the SELEP Growing Places Fund (GPF) to convert additional derelict properties from 2022/23. As at the end of Quarter 4, loans to the value of £1.042m have been approved which will fund 42 new homes.

GPF awarded a separate £2m for NUE Commercial Phase II. The target is to return 18 empty commercial units back into use and create 36 new homes. Full repayment of the GPF funds is due no later than March 2027. Under this programme, a total of sixteen projects have been approved as at the end of Quarter 4, covering Canterbury (3), Dover (3), Faversham (1), Folkestone (2), Herne Bay (1), Hythe (1), Margate (2), Ramsgate (2), Sheerness (1) and Sittingbourne (1). These will return 20 empty commercial units back into use and create 51 homes. NUE are discussing further commercial projects (Dover, Lyminge and Sheerness) which if approved would utilise all remaining GPF funds available (£200k) and help to further exceed both commercial and residential targets.

KCC Treasury have made available £24m for NUE to bring forward empty/derelict sites with planning permission for new builds. At the end of Quarter 4, loans to the value of £27m have been approved. This has been achieved by recycling £8.6m of loan repayments following the completion of 18 projects, which has resulted in 81 new homes. The total number of new homes funded at the end of Quarter 4 is 199 across 8

Kent districts. There remains a strong pipeline of new build projects, with six applications having been received by the end of Quarter 4, ready for appraisal in the new financial year.

NUE are supporting a further project which will create 22 new business units at Whitfield, Dover. The first phase completed early in Quarter 4 (7 business units) and a final completion is due in late 2023.

### **Infrastructure projects**

The SELEP Accountability board held an exceptional meeting on 27 January to consider the reallocation of £2.5m of Getting Building Fund (GBF) funding in the South East.

A number of existing projects came forward to request additional GBF funding to support their ongoing delivery and to ensure the delivery of agreed outputs, as well as some additional activity in certain cases. Among these were two Kent projects which were awarded additional funding to contribute towards unforeseen cost increases (due to Brexit, Covid-19 and an increase in materials' costs):

- Dover Techfort (Dover Citadel Ltd) was allocated an additional £850k GBF for the refurbishment of two further Casemates to bring them back into economic use, hosting a workspace and a retail/hospitality venue. Work on the project is now largely complete.
- Discovery Park (Sandwich) was awarded a further £250k to tackle increasing external costs which had arisen since the project started. The additional funding will ensure that the following activity is completed: the refurbishment of two floors within the East Block of Building 500 to provide 30,000sqft of net lettable incubator space. The new facility includes self-contained laboratory units, informal breakout and café space, and shared lab support facilities. Several companies are already in advanced discussions about taking space.

Some £2m GBF remains unallocated and SELEP is currently working on plans to allocate this funding in a future application round. An additional £9.6m of GPF (Growing Places Fund) Loan Funding has been repaid to SELEP and these two amounts will be combined into a single call for new projects. The SELEP Strategic Board will consider initial proposals in July for how the funding might be targeted.

### **Broadband**

In Quarter 4, the broadband team are continuing to support Building Digital UK (BDUK) on the Kent phase of the Government's Project Gigabit Programme. The aim of this programme is to deliver gigabit-capable connections to areas that are not expected to benefit from connectivity upgrades by telecoms operators.

BDUK launched the procurement at the end of December 2022 and they are currently forecasting that they will complete this procurement work by the end of November 2023.

### **Funding Kent's Infrastructure**

KCC has a statutory right to seek financial contributions for capital investment from developers of new housing sites. In Quarter 4, sixteen Section 106 (S106) agreements were completed and a total of £4.24m was secured, which was 100% of the S106 contributions. However, two of the agreements were part Community Infrastructure Levy (CIL) funded and it is not yet confirmed that we will receive these funds, meaning the total secured for Quarter 4 was only 81% of the amount sought.



<b>s.106 contributions secured £000s</b>	<b>Apr to Jun 2022</b>	<b>Jul to Sep 2022</b>	<b>Oct to Dec 2022</b>	<b>Jan to Mar 2023</b>
Primary Education	575	3,714	518	931
Secondary Education	3,385	3,486	738	2,737
Adult Social Care	116	107	42	64
Libraries	70	160	16	166
Community Learning	13	35	5	7
Youth & Community	55	40	18	30
Waste	61	146	12	88
Highways	2,067	1,650	0	223
<b>Total</b>	<b>6,342</b>	<b>9,339</b>	<b>1,349</b>	<b>4,246</b>
Secured as % of Amount Sought	99%	100%	99.9%	81%

### **Kent Film Office**

In the 4th Quarter of 2022/23, the film office handled 117 filming requests and 105 related enquiries. We logged 222 filming days bringing an estimated £900k direct spend into Kent & Medway.

Highlights for the Quarter include Mary & George, and The Gentlemen, for TV, and feature films, Blitz, and My Sister's Bones.

### **Libraries, Registration and Archives (LRA)**

A constant theme throughout 2022/23 has been the excellent recovery made by all three services following the Covid-19 pandemic.

Library visitor figures, as a proportion of pre-Covid figures, have continually exceeded national comparators and in February 2023 have recovered to 73% of pre-Covid levels. This is 3% above the average for the national comparator group supplied by Libraries Connected. Visits to Kent Libraries in Quarter 4 have increased by 45% on the previous year. Total issues in this Quarter have increased by 12% on last year, with physical issues increasing by 10% and e-issues by 15%.

Folkestone Library closed from 21 December 2022 due to structural health and safety concerns, and remains temporarily closed while funding options are sought for the repairs or a longer term home is found for the library. Recognising the impact this temporary closure is having, the service has extended library opening at Wood Avenue, Cheriton and Hythe.

The Archive service has seen significant growth during Quarter 4 with over 600 visitors to the Search Room, surpassing the high numbers in the summer period and representing an increase of 52% on the same period in 2021/22. The increased activity within the physical service has not adversely affected the numbers of remote enquiries, which are close to what they were in Quarter 4 last year. The service's lunchtime talks have been a real highlight during the year, with a total of 233 attendances and a further 411 viewers enjoying the recorded talks online.

There has been high demand on the Registrar teams during Quarter 4, with an increase of 24% in death registration appointments in comparison with Quarter 4 last year. Conversely, births have fallen slightly by 5% with 4,226 registrations carried out. Ceremony numbers are now more on a par with pre-pandemic levels, with 685 ceremonies delivered during Quarter 4, including the welcoming of 646 citizens to the UK.

The move of the Maidstone Register Office from Archbishop's Palace to Oakwood House has been completed, with the new venue now fully operational and delivering ceremonies from three beautiful, newly decorated, contemporary ceremony rooms. The building is shared with partners from KCC's Community Learning and Skills and the Coroner's Office.

Customer satisfaction with registration for Quarter 4 was 95%, and the annual target of 95% across the year was also met.

### **Active Kent and Medway**

We have been awarded close to £1m of funding via the Department for Education to support schools across Kent opening their sports facilities for community focused activities. The Opening Schools Facilities (OSF) programme will run until 2025 and aims to create more opportunities for people to be physically active outside the normal school day. 30 schools (a mixture of Primary and Secondary) have already been identified from across the county, and they will benefit from funding to purchase equipment, set up clubs and develop the necessary workforce to support activity delivery.

### **Community Safety**

The Kent Community Warden Service (KCWS) undertook approximately 3,900 tasks in support of its activities during this Quarter. Many referrals into KCWS are complex, including a number which are mental health related. Focus areas during Quarter 4 remain connected to the rise in cost of living, with wardens assisting the setting up of Warm Banks / Hubs across the districts and demand on food banks. With the rise in energy costs, advice continues to be given on energy usage and supporting residents to access grants and funds.

The Kent Community Safety Team (KCST) on behalf of the Kent Community Safety Partnership, delivered a Community Safety Conference entitled 'Violence Against Women and Girls (VAWG) – Strengthening the System' on the 28<sup>th</sup> March 2023. The conference was a hybrid event and was attended by over 250 people (with just over 100 attending online and just under 150 in person) from a variety of statutory agencies as well as 3rd sector organisations. The feedback from the conference has been positive with 90% of respondents rating it as excellent or very good, rising to 98% when good is also included.

## **Explore Kent**

In Quarter 4, [Explore Kent](#) worked to promote the use of the public rights of way network, including newly opened sections of the King Charles III England Coast Path and creation of six new films to promote the Countryside Code.

We also continued to work with Natural England to engage people in areas with health inequality (Thanet, Swale, Folkestone and Hythe, Gravesham, and Dartford), with use of the King Charles III England Coast path as a health resource on their doorstep.

Explore Kent is working with the Active Travel Team and partners to promote walking and wheeling for short journeys, particularly in the areas of Sevenoaks, Canterbury, Herne Bay, Gravesham, Folkestone and Hythe, and Birchington (Thanet) using a range of promotional films.

In January, Explore Kent coordinated the Green Social Prescribing Group, to draw together partners from health, social prescribing and providers of green space, interested in green social prescribing initiatives across the county.

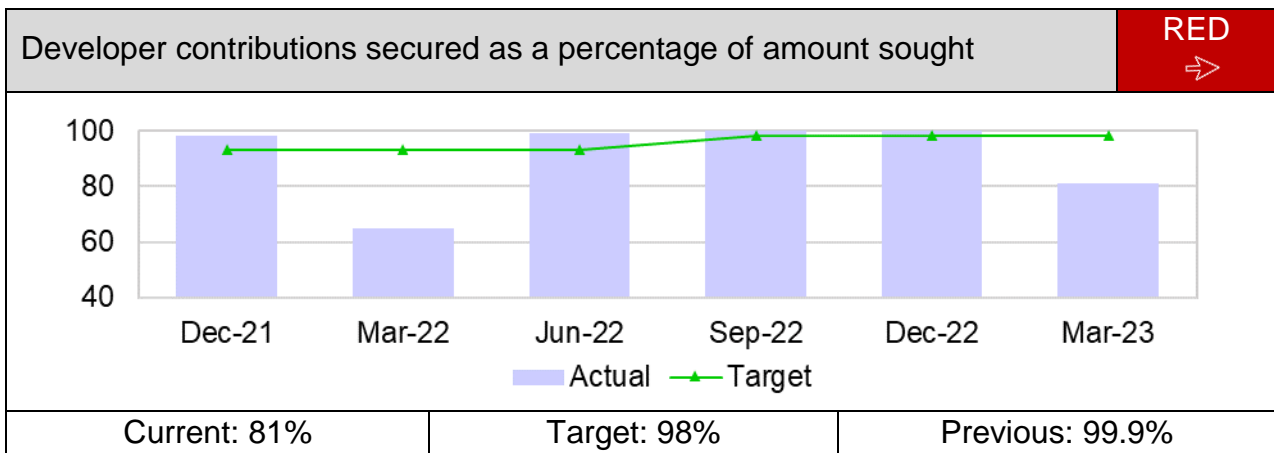
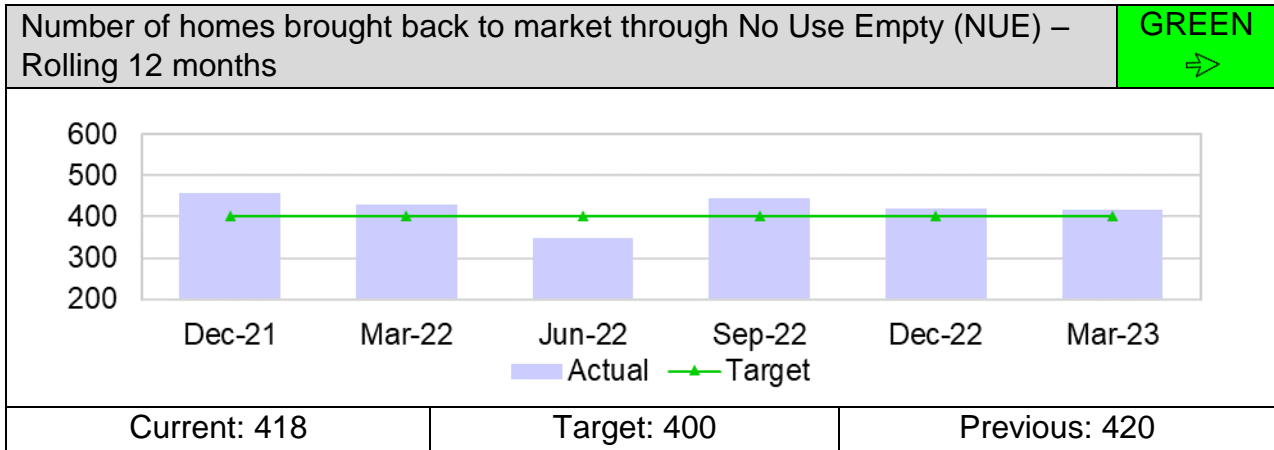
We worked to promote the mental and physical health benefits of being active outdoors, working with partners, including coordinating a Countryside Communications group (Country Parks, Kent Downs Area of Outstanding Natural Beauty, Active Kent and Medway), to collaborate on campaigns.

Explore Kent's digital channels continued to see engagement with over 22,000 followers on Twitter, including 125 new followers. Over 6,000 followers on Instagram (173 new followers), and over 10,000 followers on Facebook (162 new followers). Our website [ExploreKent.org](#) had a total of 319,331 page views and 26,782 of our route guides were downloaded.

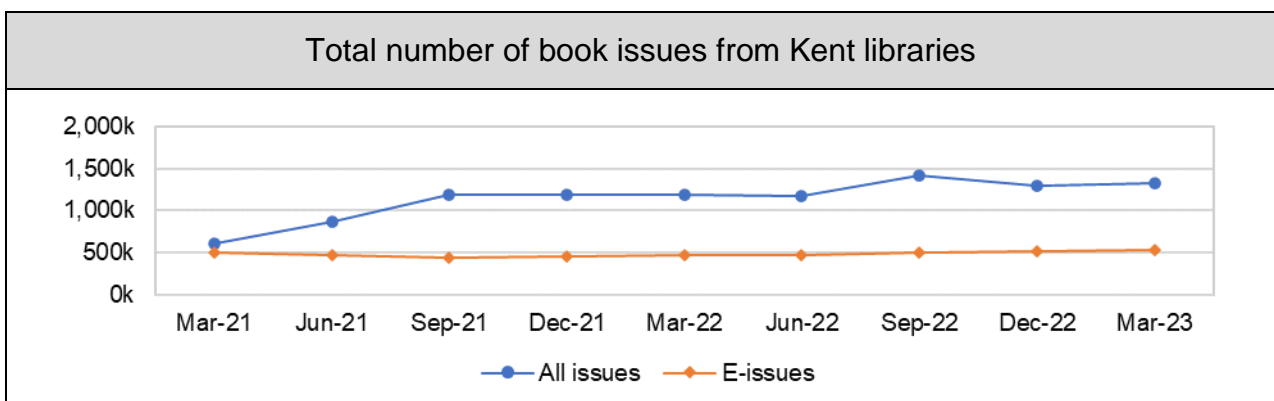
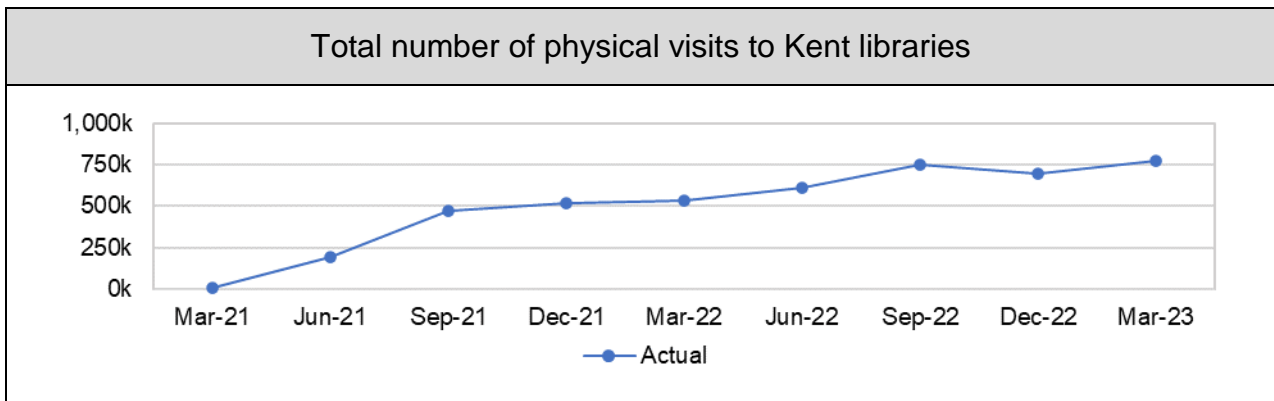
## **Kent Country Parks**

Shorne Woods Country Park roof works have been completed and the shop and visitor area has been revamped with new interactive interpretation material being added. Shorne also has a new café offer with the introduction of the 'waffle n shake' shack from Easter. Work was completed on the lake path at Brockhill Country Park, improving the surface for visitors.

### Key Performance Indicators



### Activity indicators



Environment and Transport	
<b>Cabinet Members</b>	David Brazier, Susan Carey
<b>Corporate Director</b>	Simon Jones

KPI Summary	GREEN	AMBER	RED	↑	→	↓
	2	2	2		5	1

### Highways

For Quarter 4, two of the Highways KPIs are RAG rated Green, two are Amber and two are Red.

Highways teams are experiencing unprecedented demand and the front-line operational teams have been working at capacity for many months. This is having a detrimental effect on normal service activities such as attending to correspondence and other less urgent matters.

The number of potholes requiring repairs rose steeply this Quarter, with over 5,000 repairs, an increase of over 3,000 repairs compared to the last Quarter, and more than twice the number of repairs in Quarter 4 last year. Performance has been RAG rated Amber for the previous three Quarters but has moved to a Red RAG rating for Quarter 4. The high demand has likely been caused by very wet weather in January and March, and a backlog of jobs from the snow and ice in December. Our contractor, Amey, continues to arrange additional resources to attend to the increase in repairs to get this service back to the target of 90%.

In Quarter 4, the very wet weather saw the number of faults reported increase to over 26,500, compared to 12,400 in Quarter 3; this resulted in exceptionally high demand on the service and caused a drop in performance, with 85% of routine faults responded to in 28 days, below the 90% target.

Attendance at Emergency Incidents within two hours of notification has fallen below floor standard this Quarter to 92% (Red RAG rating). The service attended 982 callouts with 80 failing the target attendance time. The service received a combined total of 1,931 callouts in Quarters 3 and 4, due to prolonged rain, snow and ice, compared to a total of 1,005 callouts in Quarters 1 and 2.

The monthly call back survey, where we call 100 highways customers whose enquiries have been closed in the last month, remains under the 95% target at 91%. The slight dip in performance seems to relate to the increase in volumes and subsequent delays to repairs after winter.

The total number of customer contacts regarding highway issues in Quarter 4, increased close to 68,000, with over 35,000 of these identified as faults requiring action by front line teams; this is an increase on usual demand, likely due to the cold and wet weather.

Use of the online reporting tool remains high with 72.4% of all enquiries in Quarter 4 coming directly from the public via the tool.

At the end of Quarter 4, there were 10,277 open enquiries (work in progress), which compares to 5,330 at the same time last year, reflecting the much busier period in some parts of the business.

Permit requests to undertake works on Kent roads remain high and co-ordination of all works on highways continues to be pressured. The teams are now fully resourced following a recent recruitment drive and this should start to ease some of the pressures once initial training has been completed. The Compliance & Streetworks' managers have been working closely with South East Water following concerns on the company's management of their work sites, and some improvements are starting to be achieved.

### Asset Management

In July 2021, KCC published its new Highways Asset Management Plan (HAMP) covering 2021/22 to 2025/26. It explains how effective and efficient highways asset management, as a key enabling service, facilitates the delivery of Kent's strategic objectives. It also includes asset condition forecasts based on assumed levels of investment, what maintenance services KCC provides and what it does not, an assessment of associated risk and a five-year forward works programme. We have published a revised two-year programme covering 2022/23 to 2023/24 and will publish the revised programme for 2024/25 to 2026/27 shortly.

We are currently trialling a new strategic asset management tool that will enable members and officers to model the effect of different budgets and investment strategies more easily. It is also our intention to publish a mid-term HAMP update during 2023. Officers have developed a project plan and are currently implementing the various actions in the HAMP, focussing on increasing asset lifespans, reducing lifecycle costs and improving future maintainability. We are improving our knowledge of our highway assets and their condition and introducing new maintenance hierarchies.

### Road Safety

The casualty figures for Quarter 4, show a decrease of 27 casualties compared to the same Quarter last year, and a decrease of 24 compared with the same Quarter in 2019/20 (pre-pandemic). For people Killed or Seriously Injured (KSI), these are down by 4 when compared to last year, and by 7 compared to the same Quarter pre-pandemic.

Quarter 4											
2022/23				2021/22				2019/20			
Fatal	Serious	Slight	Total	Fatal	Serious	Slight	Total	Fatal	Serious	Slight	Total
8	151	885	1044	11	152	908	1071	2	164	902	1068

Kent & National Highways Roads

In support of the Safe Behaviour theme, the Kent Driver Education Team has continued to arrange and deliver courses to drivers that have offended and opted to take a rectification course as part of their penalty.

There was a marked increase in demand for course spaces in Quarter 4, with over 1,000 courses delivered to 9,700 clients compared to 790 courses in the same Quarter last year. Although the majority of courses are still delivered online, there has been an increase in venue-delivered courses, thereby offering greater choice to clients.

Arrangements for a new course for two-wheeled motor vehicles called National Rider Risk Awareness Course (NRRAC) were finalised during Quarter 4. This new course will be delivered in Kent from Quarter 2, 2023/24. It replaces the RIDE course which is no longer available. There will be 30 eligible referable offences relating to the new NRRAC course, a significant increase to the previous number of eligible offences for RIDE, and although we are not forecasting a significant increase in courses delivered, we will monitor demand and deploy additional resources if required.

The Safer Road User Team have engaged with and delivered education, training and publicity interventions to 7,980 Primary School Pupils across 61 different schools. 41 Primary schools attended Safety in Action with 1,475 pupils accessing the Road Safety lesson.

Fifteen schools have received Young Driver interventions reaching 1,682 potential young drivers and Passengers, with 6 schools working on Youth Travel Ambassador projects, benefiting 2,386 pupils.

Fourteen Mature driver conferences have been delivered across the county, reaching 535 older road users, and 4 Hazard Awareness, Space, Time, and Eco-driving (HASTE) courses have been delivered, reaching 80 drivers.

Two publicity campaigns have been launched in this period, 'Speak Out', aimed at young drivers and passengers, reached over 1 million people across relevant social media platforms. A mobile phone awareness campaign, targeting drivers aged 17-35, is estimated to have reached a minimum of 502,000 people.

In support of the Safer Vehicles Theme, officers undertook a pilot scheme with partners from Kent Fire and Rescue Service, focussing on fleet engagement. They visited an industrial estate in Ramsgate with approximately 25 businesses on site, of which 15 were targeted. They received a positive reaction in the main, with interest in the advice given on safer fleet operations. Information packs on best practice in Fleet Management and details of the Driving for Better Business National Highways scheme were left with each business visited.

Follow-up contact will be made with Fleet Managers to gauge their response and actions and if they have looked into or signed up for Driving for Better Business. Several businesses were unavailable to enter on the day, so had an information pack dropped through the letterbox, which will also be followed up.

Officers are planning a series of similar visits to sites across Kent.

Nearly 3,500 children were instructed in Bikeability in 2022/23. Money raised from the KCC bike ride in the autumn is being used to provide increased accessibility to training in Thanet, and we are in the process of buying 12 balance bikes to begin a learn-to-ride scheme in the area. We continue to struggle with recruitment to School Crossing Patrol roles but are looking at ways to improve applicant numbers. Our pedestrian training team are delivering our two practical pedestrian road safety packages in schools, Small Steps and School Steps.

### Crash Remedial Measures & Local Transport Plan (LTP)

The review of the Countywide crash cluster sites has been undertaken and development of the 2023/24 programme has now been completed. Schemes have been drafted for specific locations around the county where engineering solutions have been assessed to be able to reduce the risk of collisions occurring. The Highway Improvements Team have around 35 individual casualty reduction schemes alongside a series of roads for whole route treatments to reduce the risk to road users. There are also a series of Local Transport Plan (LTP) funded schemes programmed for delivery in 2023/24 including new pedestrian crossings, speedwatch equipment and school travel grants. The Community Engagement teams have a small works budget to support Parishes in their efforts to deliver some small-scale highway improvements.

The Active Travel team are continuing to work with the Member walking & cycling group to assist districts and boroughs with their walking and cycling plans, and in developing a Kent-wide Cycling and Walking Implementation Plan (KCWIP). Active Travel England have awarded KCC £1.569m on our Tranche 4 bid for Capital Funding. The funding is for delivery of one named scheme and to develop 5 other schemes in more detail, ready for future funding rounds.

### Traffic Management

Work continues with preparations for undertaking enforcement of moving traffic offences. A supplier is required to supply and deploy certified equipment and systems, as without this, we cannot carry out any enforcement. We have been working with our finance and procurement teams and have now commenced the procurement process, with a supplier expected to be in place by September and the commencement of enforcement at our first sites shortly thereafter.

We continue to work with National Highways for diversion routes for emergency use on the A20 between M20 Junction 13 and the entry to the Port of Dover. We have agreed actions and are now undertaking design work to refresh, upgrade or replace around 125 signs on Kent's network. Works are expected to commence in Autumn 2023, all of which will be fully funded by National Highways.

The Network Innovation team secured £128k Capability funding from the Local Electric Vehicle Infrastructure (LEVI) fund to resource the development of our future on-street charging strategy. The Department for Transport has just announced a further allocation of £12m Capital funding and £600k revenue funding, aimed at providing Electric Vehicle chargers for those residents without access to off-street parking and driveways. This allocation to KCC is the most of any Local Authority outside of London.

In support of the Safe Speeds theme, the Kent Safety Camera Partnership undertook speed enforcement using a combination of fixed and mobile cameras. The table below shows an increase in the number of detected offences compared to the same Quarter last year. It is thought this is largely due to an increase in the use of TruCam, a handheld device operated by Kent Police.

<b>Detected Offences</b>			
<b>Quarter 4, 2022/23</b>		<b>Quarter 4, 2021/22</b>	
Kent	9,188	Kent	6,659
Medway	3,529	Medway	2,736
<b>Total</b>	<b>12,717</b>	<b>Total</b>	<b>9,395</b>



### **Local Growth Fund (LGF) Transport Capital Projects**

Through SELEP, KCC is managing £128m of Government funding from rounds 1 to 3 of the LGF. There are currently two schemes causing concern, Sturry Link Road and the Maidstone Integrated Transport Package.

For Sturry Link Road project, approval was given at the SELEP Accountability Board meeting on 13 April 2023 to extend the deadline for completing the land acquisition from 31 August 2023 to 7 April 2024, and project completion from December 2025 to December 2026. This means the remaining £4.656m LGF allocated to the project is secure if the project continues to demonstrate progress. The next update to SELEP Accountability Board will be in June 2023. Approval to award the design and build contract has been given, and notification letters were issued in April 2023.

For the Maidstone Integrated Transport Package, the scheme has been downgraded to medium/high risk by SELEP. There is a risk that inflationary pressures will affect the remainder of the programme, which has been delayed to avoid conflict with the Bearsted Road (non-LGF) improvement scheme works. The scheme no longer needs to be reported separately to each Accountability Board meeting, however, progress on the programme delivery will continue to be closely monitored by SELEP.

### **Transport Strategy**

The National Highways' Development Consent Order (DCO) application for the new Lower Thames Crossing has continued to progress through the pre-examination stage. In February, KCC as a host authority, submitted a Relevant Representation to the Planning Inspectorate, which is a summary of the main issues it wants to be examined. In March, KCC submitted a Principal Areas of Disagreement Summary Statement Tracker, in response to a request from the Planning Inspectorate to summarise the main areas of disagreement that KCC has with the applicant (National Highways). These issues are also detailed in the Statement of Common Ground between National Highways and KCC. Work funded by National Highways on the desktop study to develop local road mitigations continued, and this will help inform KCC's Local Impact Report, which will be the first requirement of local authorities to submit once the examination commences. The examination is expected to start in the summer, despite the Ministerial statement in March that the construction of the Lower Thames Crossing (if the DCO is granted) will be re-phased by two years, and that further consultation will take place during the pre-examination and examination stages over the coming months.

Work with National Highways also continued with the business case development for Road Investment Strategy 3 (RIS 3 covering 2025 to 2030) pipeline schemes for Brenley Corner and A2 Lydden to Dover. A decision by the Department for Transport (DfT) is now awaited to see if these schemes move into the next stage of project development. Following the Ministerial statement in March, as with the Lower Thames Crossing, all RIS schemes delivery will be delayed, so these pipeline schemes, if given the go-ahead, would be delivered in RIS 4, post 2030.

Partnership working with Transport for the South East (TfSE) continued with the adoption of the final Strategic Investment Plan in March, following the Key Decision in January by the Leader of KCC to endorse the plan.

Work to develop a new Local Transport Plan 5 (LTP5) for Kent has continued, with work on the Strategic Environmental Assessment (SEA). However, delays to the government publishing new guidance for local transport plans has resulted in an elongation of the overall LTP5 development programme.

Delivery of Thanet Parkway railway station and car park are now practically complete. Network Rail are now progressing the Entry into Service process that will allow the station to open. The level crossing and signalling works (essential before the station can open) started on site in January and the station is expected to open for passengers at the end of July.

### **Public Transport**

At the end of March, KCC received £19.9m of DfT Bus Service Improvement Plan (BSIP) funding, to be spent in 2023/24. The funding is made up of £12.4m in capital and £6.5m in revenue. This will be used to deliver three bus priority schemes, a bus information portal, Real Time Passenger Information (RTPI) at stops, Mobility as a Service (MaaS) pilot in Ebbsfleet, fares/promotion initiatives, and enhancements and network sustainability.

In March, Fastrack carried its highest ever volume of Passengers since the service started in 2006, with 258,497 passengers. We are in the final stages of our tender for the new Fastrack Electric operator and an announcement is due to be made in June. The electric service will commence in Kent Thameside in Autumn 2024.

Public Transport continued to provide support to bus services across the county, delivering links to schools, and is now reviewing how a number of these services can be supported beyond July 2024.

Alongside its work in supporting local bus services, the department has managed a five-year renewal of over 140,000 English National Concessionary Travel Scheme (ENCTS) passes. This was a continuation of the smart renewal process as used in previous years.

### **Waste Management**

The KPI target on diversion from landfill continues to be met, with 99.8% of waste over the last 12 months being recycled, composted, or used for energy generation. The 0.8% going to landfill includes asbestos, with landfill being the only approved way to dispose of this material.

The total volume of waste collected over the previous 12 months increased slightly, following reductions since September 2021. Kerbside waste volumes are 4% above pre-pandemic levels and HWRC volumes down 37%, with total waste collected 5% below pre-pandemic levels.

### **Sustainable Business and Communities**

Phase Two of Solar Together delivered 1,576 solar installations, over six times the number for Phase One. This will save an estimated 39,000tonnes of carbon over the 25-year lifetime of the panels.

The third phase launched at the end of March 2023, achieving over 6,400 registrations to the scheme from the first of two auctions this year. Those who registered have until the end of June to accept their installation offers from pre-verified installers. Given the expected conversion rate to installations, phase 3 is on track to achieve a similar number of installations as phase 2.

We continue to see significant electricity generation from KCC's Bowerhouse II solar farm which has produced the equivalent of 2,064 tCO<sub>2</sub>e of clean energy for the grid. KCC greenhouse gas emission reductions remain ahead of target, primarily as a result of the offset from Bowerhouse, placing us in a strong position to deliver this year's savings target as set out in KCC 2030 modelling projections.

### **Natural Environment and Communities**

Recruitment for the Woodland Creation Accelerator Fund is now complete, with all posts filled and in position. Work in this quarter has focussed on coordinating and delivering tree planting funded by the 2022 Local Authority Treescape Fund, establishing KCC Member tree schemes, and securing sites for the 2023 Local Authority Treescape Fund bid.

In March, the long-awaited regulations and guidance for Local Nature Recovery Strategies were published, and KCC, as the provisional responsible authority, received grant funding from Defra of £32.5k which will be used to fund preparatory work in the interim. Work is expected to commence in May/June, but the full funding still needs to be confirmed and KCC still needs to be formally appointed to undertake the work.

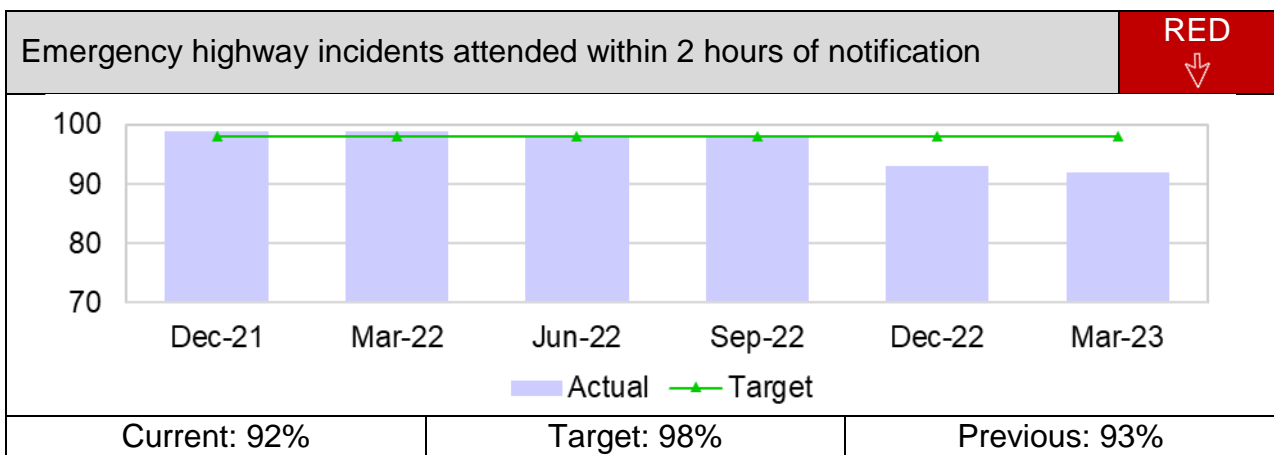
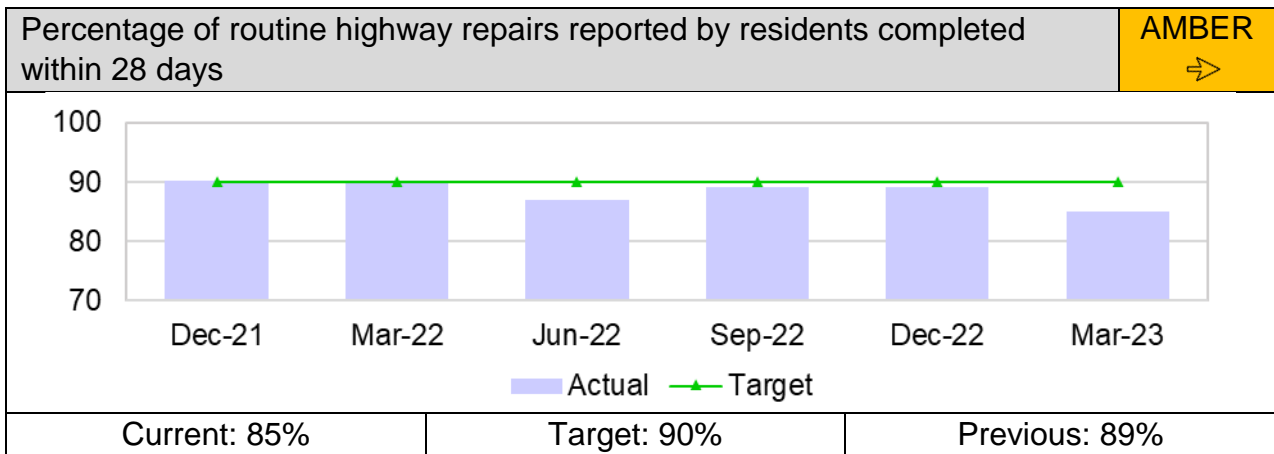
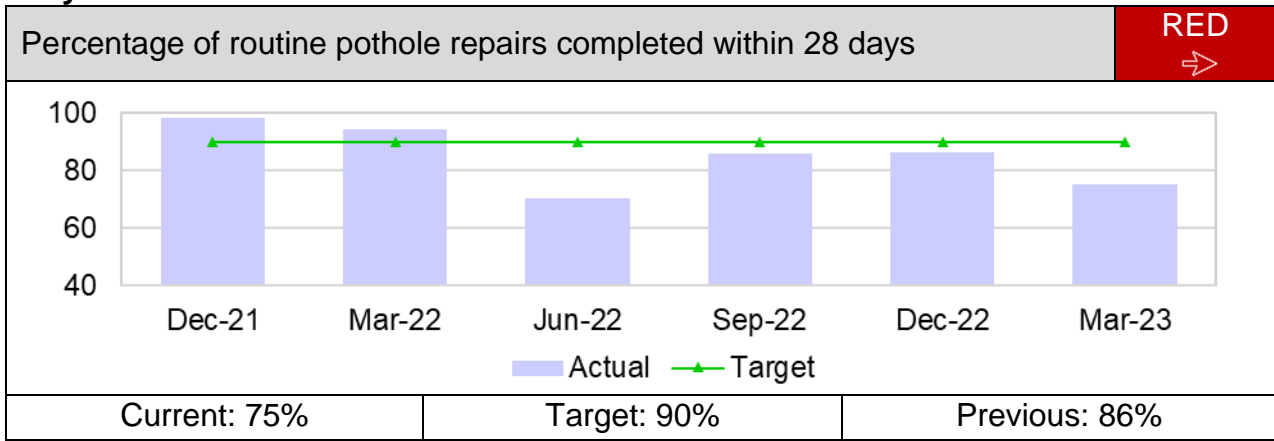
In March, the government also published their response to the biodiversity net gain (BNG) consultation, which gave some indication of what the awaited regulations and guidance may entail but there is still much detail to be provided – it did confirm that BNG would become a mandatory requirement for new development from November 2023. The county's BNG Officer, hosted by KCC, started in March, and will work with the county's Local Planning Authorities (LPAs) to prepare in advance of the November deadline. KCC, along with the county's LPAs, received a BNG grant of £26,807 in March, and we are in discussions with the planning authorities on how this funding could be collectively used to build ecological expertise and capacity to support planning work on BNG.

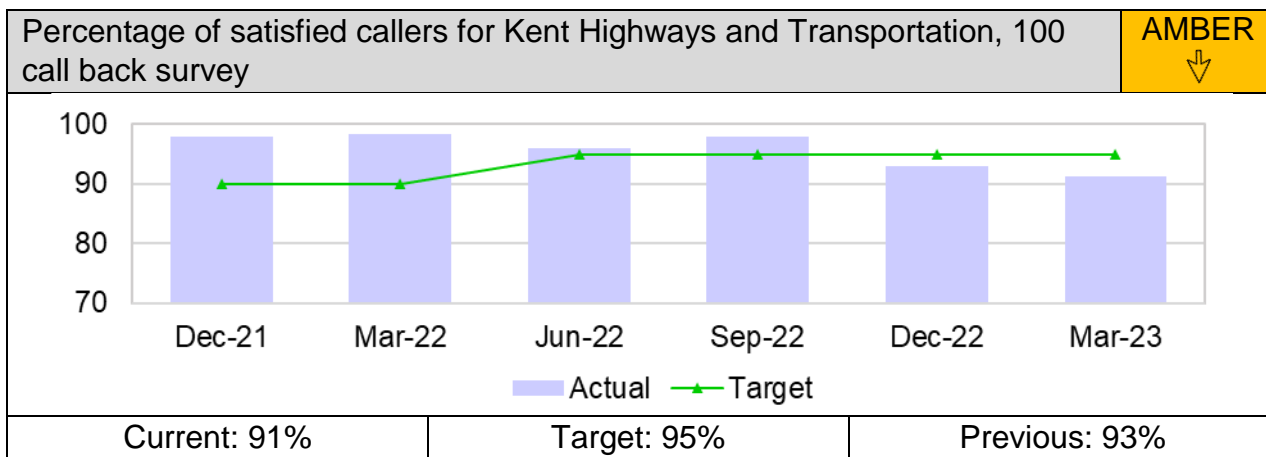
Performance against the annual target for the ecological advice service was reviewed at the end March. The average number of responses delivered to deadline was 92%, 2% above the target level.

### **Flood & Water Management**

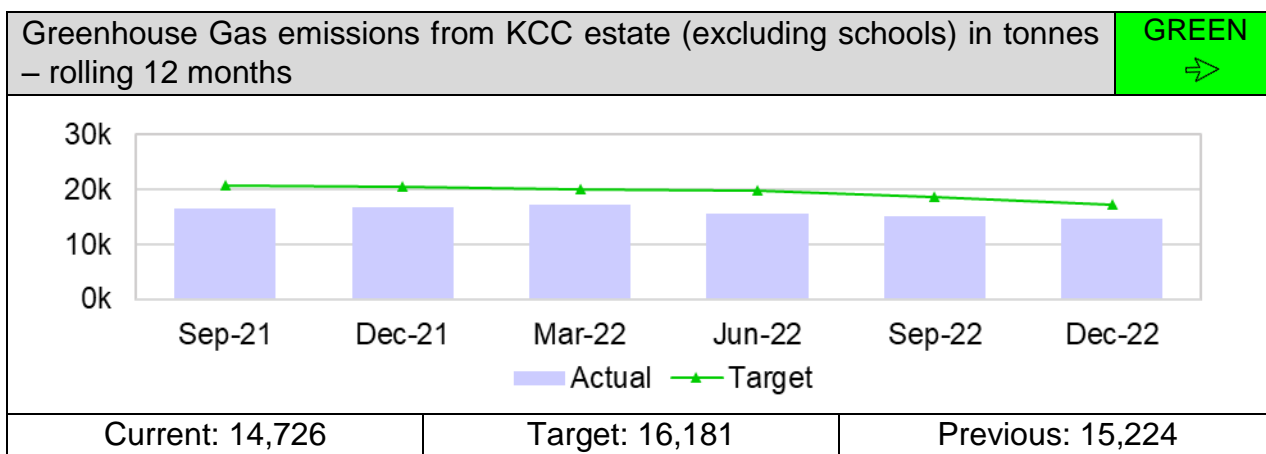
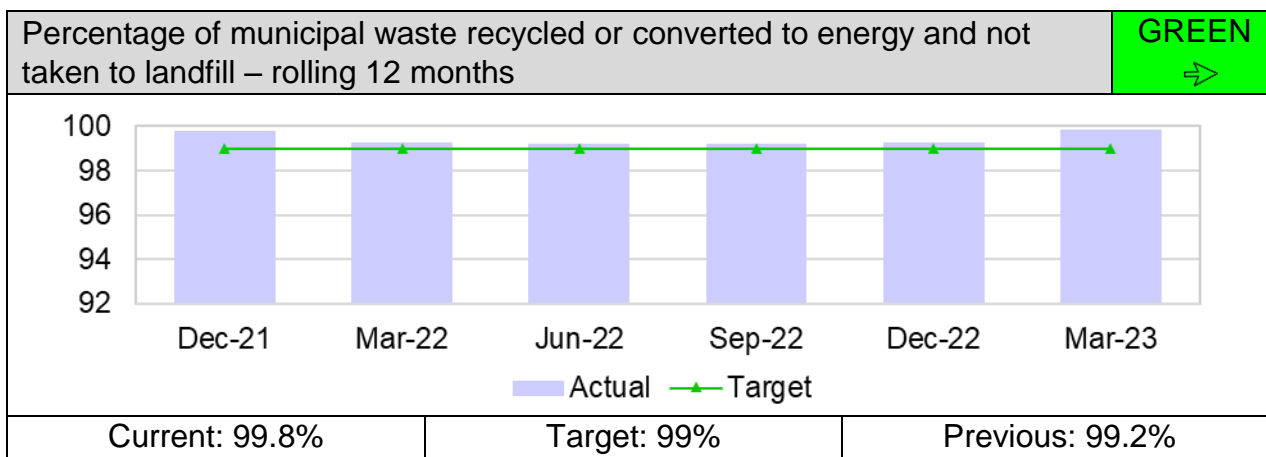
The Flood and Water Management Team recently secured an important £115,000 of funding from the Environment Agency Flood Defence Grant-in-Aid and Local Levy. This funding has been used to deliver a culvert replacement scheme at Catts Place, near Paddock Wood, to replace a damaged culvert and install three manhole chambers to make the system more resilient and easier to maintain. The area has seen 20 incidents of surface water flooding between 2014 and 2021, which affected both residential properties and the highway. The culvert replacement assists with climate change adaptation in the area by reducing the flood risk to the properties and highway.

**Key Performance Indicators**

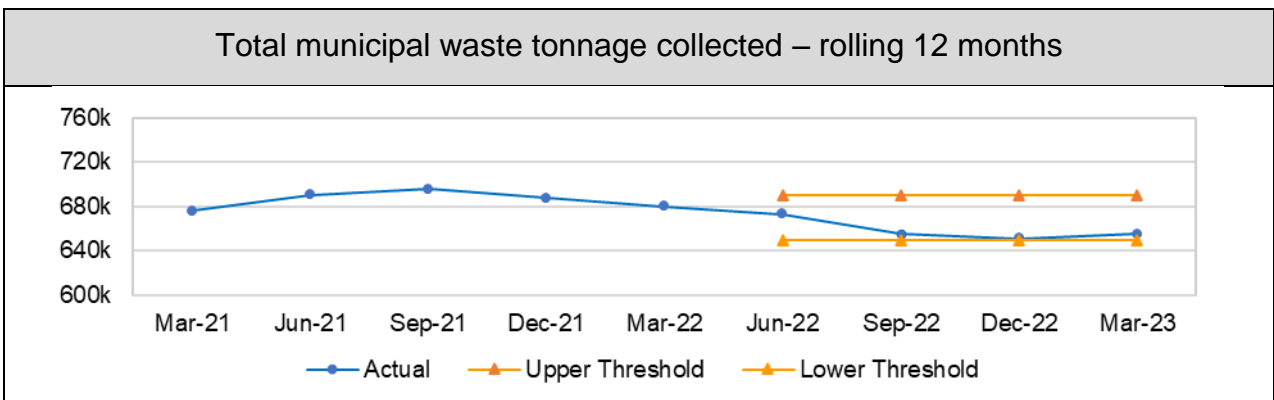
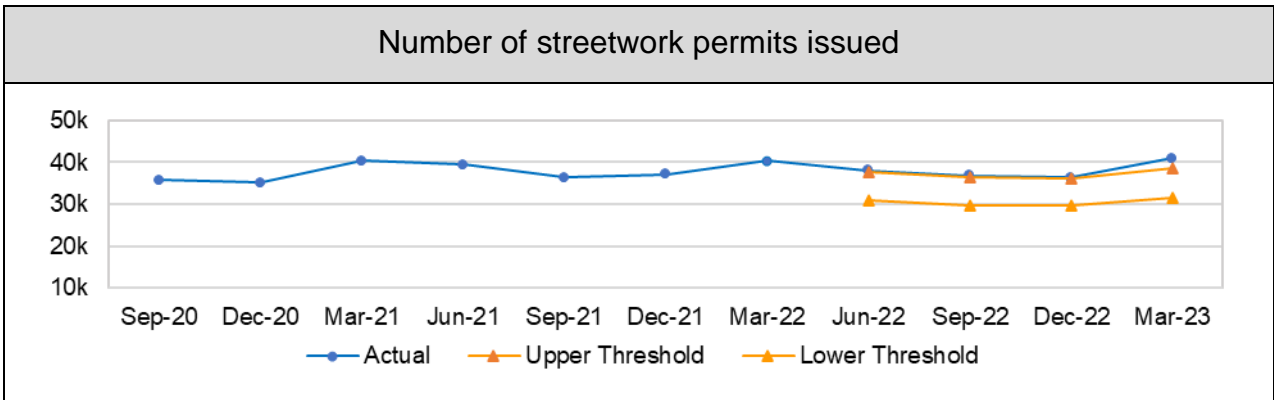
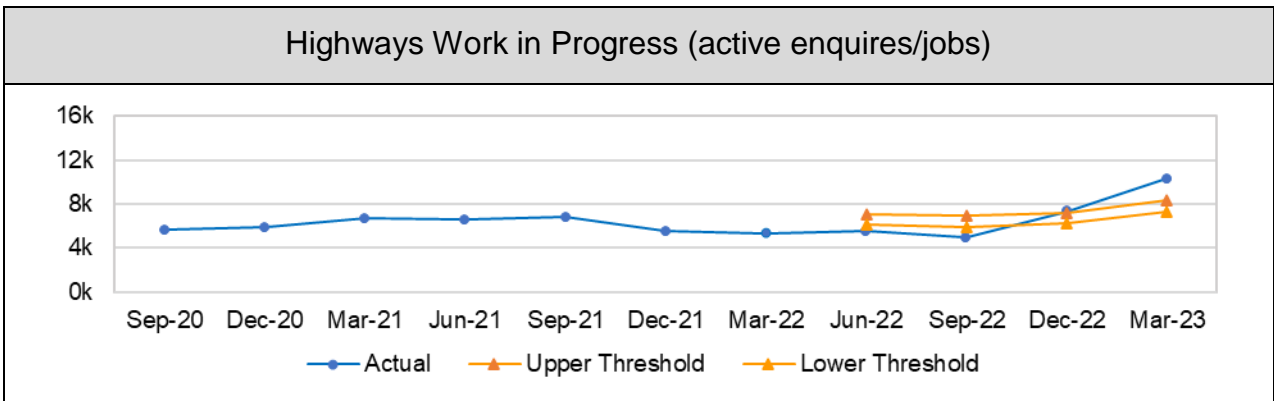
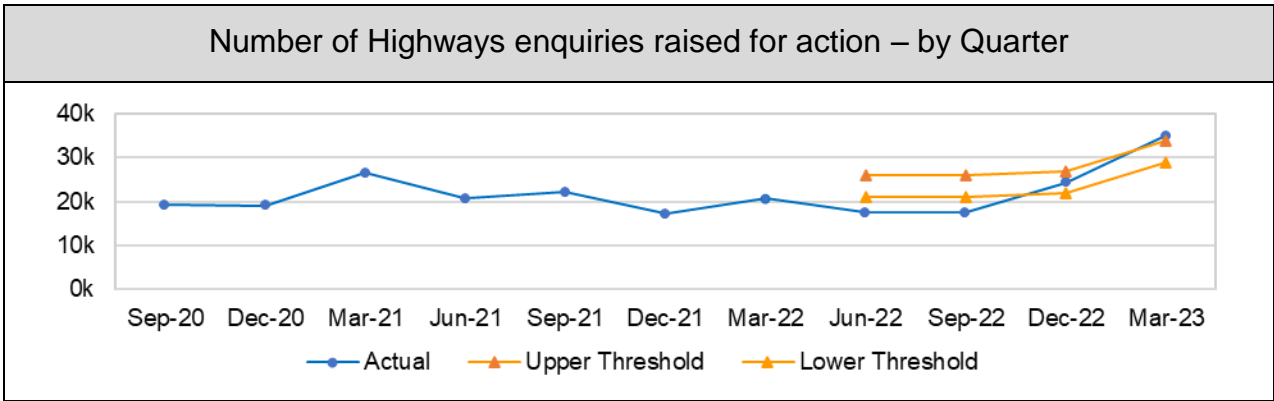




NB: The September 2022 Quarter only includes results for July 2022, with the survey having been paused in August and September so the Contact Centre can prioritise incoming calls. The survey resumed in October.



Activity indicators



<b>Children, Young People and Education</b>	
<b>Cabinet Member</b>	Rory Love, Sue Chandler
<b>Corporate Director</b>	Sarah Hammond

KPI Summary	GREEN	AMBER	RED	↑	→	↓
	5	5	3	1	7	5

The Covid-19 pandemic had a notable effect on pupil attendance with increased levels of illness and difficulties in getting certain groups of the pupil population to re-engage with school life. The increases in total and persistent absence are widespread and are reflected in both the whole year analysis for 2020/21 vs 2021/22 as well as in Autumn 2021 vs Autumn 2022. The Attendance Working Group has been set up with a number of focused subgroups which are taking forward work to improve attendance in Kent.

Based on the latest inspection data as at the end of March 2023, 91% of schools in Kent (532 of the 586) were Good or Outstanding, compared to the national figure of 89%. The percentage of Primary schools judged as Good or Outstanding at 92% compares favourably to the national figure of 90%. 88% of Secondary schools were judged to be Good or Outstanding compared to 81% nationally. The percentage for Special schools, at 88%, was one percentage point lower than the national position. 83% of Alternative Provision schools (five out of six) were good or outstanding compared to the national figure of 86%.

Following the news of a headteacher's suicide in another Local Authority, there is increased media focus on any changes in Ofsted outcomes. Headteachers are feeling under increasing pressure and for some, even in securely good schools, the thought of inspection is causing considerable concern. School Improvement Advisers are spending more and more time supporting headteacher wellbeing during inspections.

Once again there have been significant changes to the implementation of the Education Inspection Framework (EIF) this Quarter which, as with any shift in EIF implementation, poses an immediate and escalated risk to all schools. Changes include a greater focus on record keeping (particularly persistent absence concerns), attendance for disadvantaged pupils, Children Missing in Education (CME), Elective Home Educated (EHE) and excluded pupils. Previous areas of concern, including phonics linked texts and curriculum cohesion and progression, are reducing in risk as more schools act on the advice given by the school improvement team. These shifts in the framework have been communicated to school leaders through all our usual communication channels and adviser visits. The Education People (TEP) briefings continue to provide regular updates and advice to school leaders, whilst signposting support and guidance. This term briefings covered issues such as safeguarding, record keeping, and Early Years progression.

School Improvement Advisers continue to provide wrap around ad hoc support to all schools within an area. They work closely with Area Education Officers responding to issues which cannot be easily categorised within the core contract. Examples include, but are not limited to, headteacher capability, interim leadership, disciplinary issues, investigations, liaison with the diocese, crisis management and additional Ofsted support.

## School Places and Admissions

Of the 16,978 Kent parents/carers who applied for a reception place in a Kent school for September 2023, 16,709 (98.4%) received one of their three named schools and 15,295 (90.1%) were offered their first preference.

A total of 22,620 parents/carers (19,007 from Kent) applied for a secondary school place for their child in a Kent school for September 2023. This is 731 more than last year, with the number of Kent pupils applying increasing by 695, a new record. The number of Kent pupils offered a place at their first-preference school has gone up by 291 to 14,865, although the percentage has fallen slightly from 79.6% to 78.2%.

## Early Years

The latest inspection data for the percentage of Early Years settings rated Good or Outstanding is 96%, two percentage points below the target but in line with national performance. 99% of childminders are deemed by Ofsted to be good or outstanding, with 100% of standalone out of school childcare providers judged as 'Met', meaning they met the overall quality and standards expected. For early years group settings, TEP continues to support, through Annual Conversations, all good and outstanding settings, but prioritising those due an Ofsted inspection to assist them in retaining a good or better Ofsted judgement, making clear recommendations where appropriate and also offering the 'Securing Good' programme to those in their inspection and not meeting at least Good Ofsted Grade Descriptors. Settings with a Requires Improvement or Inadequate judgement receive targeted and bespoke support, with support for plans of action and follow up visits as required.

3,083 two-year olds have been funded through the Free for Two (FF2) scheme in the 2023 Spring term, equating to a 69.6% take up. This is an increase of 4.2 percentage points compared to the same period last year. Established and regular communications with the Early Years and Childcare Sector as a whole continue, including the scheduled termly (six times annually) generic Early Years and Childcare Bulletin; communications in between these continue when appropriate and necessary with ongoing contact with individual providers as required. The Early Years and Childcare Service's Threads of Success training offer continues to be delivered principally on virtual platforms as recruitment and retention challenges are still making it very difficult for providers to attend face-to-face training.

## Skills and Employability

Provisional data for the percentage of children (aged 16-17) who are not in employment, education or training (NEET) or whose activity is not known, over the three-month period of December 2022 to February 2023, is 5.8%. This comprises of 3.3% NEETs and 2.5% Not Knowns. Compared to the same period last year this is an overall increase of 0.7 percentage points from 5.1%. The latest national NEET and participation scorecard published by the Department of Education for 2021/22 shows Kent to be 5.1% compared to the South East at 5.4% and England at 4.7%

There is some evidence that part of the reason behind the increase is a drop in the number of employment opportunities available, lack of progression opportunities below level 2 and a need to build greater resilience in this cohort. It also appears there has been an increase in the number of NEETS who were academic level 2 at the end of compulsory education. Improving level 2 provision and below is one of the recommendations made by the 16-19 Review. It is hoped that this will begin to have an impact on provision, but this will be a medium-term solution.



In response to the increase in the number of NEETs and referrals, the number of young people being supported by the NEET Support Service has increased to 1,546 young people in the last twelve months compared to 1,458 last year.

In March, the European Social Fund (ESF) which had funded much of the NEET provision in recent years, came to an end with no replacement. This could significantly impact on Kent NEET numbers. The most recent meeting in February with the Education and Skills Funding Agency (ESFA) acknowledged the problem again and agreed action was needed but no timeframe was given. It also mentioned that lack of provision was becoming a national issue.

### **SEND (Special Educational Needs and Disability)**

Based on the rolling 12-month average to March 2023, 36.9% of Education, Health and Care Plans (EHCPs) were issued within 20 weeks excluding exceptions (771 out of 2,091). In the single month of March, performance was 32.9% with 51 plans out of 155 being issued within timescale. Performance has deteriorated in the second half of 2022 as a result of staff turnover and vacancies in the casework team. This is being addressed through the current recruitment processes, and through a range of improvement activities that are taking place following the SEND revisit in September 2022. This will ensure the service is as efficient as possible in supporting the development of high-quality, timely EHCPs for those children that need them. Revised criteria have been agreed to help manage EHC needs assessment requests and reduce the issuing of EHC plans which do not meet the criteria set out in the SEND code of practice. This has already successfully reduced the number of EHC need assessments carried out for under-fives. These criteria are being rolled out across all age groups during Quarter 1, 2023/24.

At the end of March, 10.8% of pupils with EHCPs were placed in independent or out of county special schools.

Changes made to the phase transfer process this year (nursery to primary, primary to secondary, Year 11 to Sixth Form) are planned to reduce the number of children transitioning into specialist settings, support more children with EHCPs in mainstream settings, and ensure maintained special school places are targeted at those children with the most complex needs. This strategy will contribute to reducing pupils placed in the independent sector over time.

Additional resource has been put in place to address the backlog of annual reviews that have been waiting for more than 24 months. Ensuring EHCPs are reviewed every year will inform timely decision making about placements. This work is underpinned by several factors: the Countywide Approach to Inclusive Education, training for schools to develop capacity, the development of further Specialist Resourced Provision (SRPs) within mainstream schools, exploration of locality budgets, and a more rigorous process for decision making and agreement for independent placements. Longer term workstreams, such as Pathways to Independence and Pathways For All, seek to increase the number of local pathways for Post-16 young people so they have increased choice within their locality and do not need to attend establishments further away.

### **Wider Early Help**

Sixty pupils were permanently excluded during the rolling 12-month period to March 2023 (which equates to 0.02% of the school population); 17 were 'primary' phase and 43 'secondary' phase pupils. This compares to 38 for the same period the previous year (Apr 2021 to Mar 2022); 14 'primary' phase and 24 'secondary' phase pupils. Maidstone district accounted for 13 of the 60 pupils excluded across the county for the 12-month period to March 2023.

PRU, Inclusion and Attendance Service (PIAS) Inclusion Advisers, work regularly with SEND Inclusion Advisers and Specialist Teachers using reports produced by the Management Information team with the latest data which identifies pupils who have been persistently suspended to ensure support is in place from KCC to try to reduce suspensions and risks of permanent exclusion. PIAS will be moving into the education section of the CYPE directorate in September which will enhance opportunities to work with colleagues from the SEN service to examine the correlation between pupils with SEN and suspensions, and to set up robust action plans in the new academic year.

The number of first-time entrants to the Youth Justice System in Kent in March at 299 (rolling 12-month figure) is above the target of 270. Due to a restructure in Kent Police, we have yet to make progress in implementing Outcome 22 (Diversionary, educational or intervention activity), and so are not yet able to achieve expected reductions in FTE that Outcome 22 (O22) will enable. We continue to seek agreement with Kent Police to use O22 as a deferred prosecution and have raised the issue at county Youth Justice Board and escalated this within the Police.

### **Early Help**

At the end of March 2023, there were 2,843 open family cases with Early Help units providing support for 5,874 children and young people under the age of 18. This is a 11.6% increase in the number of families supported compared to the end of the previous Quarter (2,549), but fewer than the same period last year (2,983).

The performance measure for 'Percentage of Early Help cases closed with outcomes achieved that come back to Early Help / Social Work teams within 3 months' was 13.3% for the rolling 12 months to March 2023, a similar result to the previous Quarter, and continuing to achieve the target of below 15.0%.

### **Children's Social Care - Staffing and Caseloads**

The number of open cases (including those for care leavers above the age of 18) was 11,969 at 31<sup>st</sup> March, a decrease of 125 children and young people when compared to the end of the previous Quarter (12,094).

There were 5,973 referrals to children's social care services in the Quarter, an increase of 10% when compared to the previous Quarter (5,428) and an increase of 13.4% compared to Quarter 4, 2022 (5,268). The rate of re-referrals within 12 months for the 12 months to March 2023 was 22.0%, compared to 21.0% the previous Quarter, and so continues to achieve the target of below 25.0%. This compares to the England average of 21.4% for 2021/22.

The percentage of case-holding social worker posts held by permanent, qualified social workers employed by Kent County Council (75.2%) decreased from the previous Quarter (78.1%). This equates to a decrease of 15.3 full-time equivalent posts during the Quarter. The average caseload for Social Workers in Children's Social Work Teams was 25 cases in March 2023, increasing from the average of 23.6 cases at the end of the previous Quarter, and remaining outside of the target of no more than 18 cases.

### Child Protection

On 31<sup>st</sup> March 2023 there were 1,336 children subject to a child protection plan, a decrease of 70 from the end of the previous Quarter (1,406). The rate per 10,000 children (aged 0-17) was 39.7, which remains below the last published rate for England of 42.1 (31<sup>st</sup> March 2022). The percentage of children who were subject to a Child Protection Plan for a second or subsequent time increased by 0.6% in the Quarter, from 22.6% in December 2022 to 23.2% in March 2023. This is outside the target range of between 17.5% and 22.5%. This compares to an average for England of 23.3% (March 2022).

### Children in Care

The number of citizen children in care, increased by 35 (2.4%) in the Quarter to 1,505. The number of unaccompanied asylum seeker children (UASC) in care, decreased by 41 to 448. Some of these young people will be awaiting transfer under the National Transfer Scheme. The number of children in care placed in Kent by other local authorities (OLA) decreased by 54 in the Quarter to 1,190.

Status	Jun 22	Sep 22	Dec 22	Mar 23
Citizen	1,445	1,497	1,470	1,505
UASC	403	399	489	448
<b>Total</b>	<b>1,848</b>	<b>1,896</b>	<b>1,959</b>	<b>1,953</b>
<b>Gender</b>				
Male	1,199	1,218	1,276	1,254
Female	647	675	679	696
Non-binary	2	3	4	3
<b>Age Group</b>				
0 to 4	243	267	266	272
5 to 9	215	210	206	220
10 to 15	723	703	687	689
16 to 17	667	716	800	772
<b>Ethnicity</b>				
White	1,264	1,362	1,368	1,392
Mixed	104	109	114	109
Asian	45	39	35	26
Black	56	75	102	93
Other	379	311	340	333

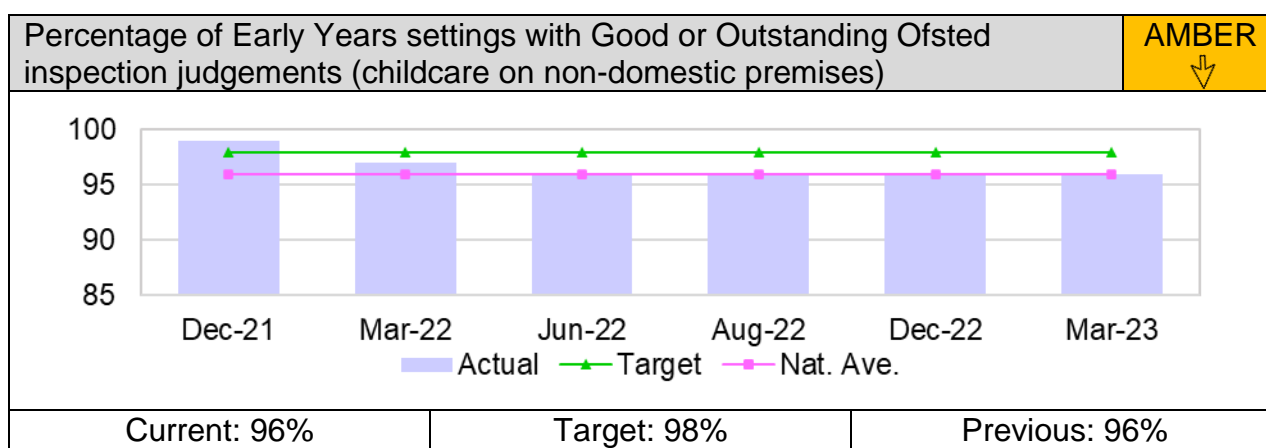
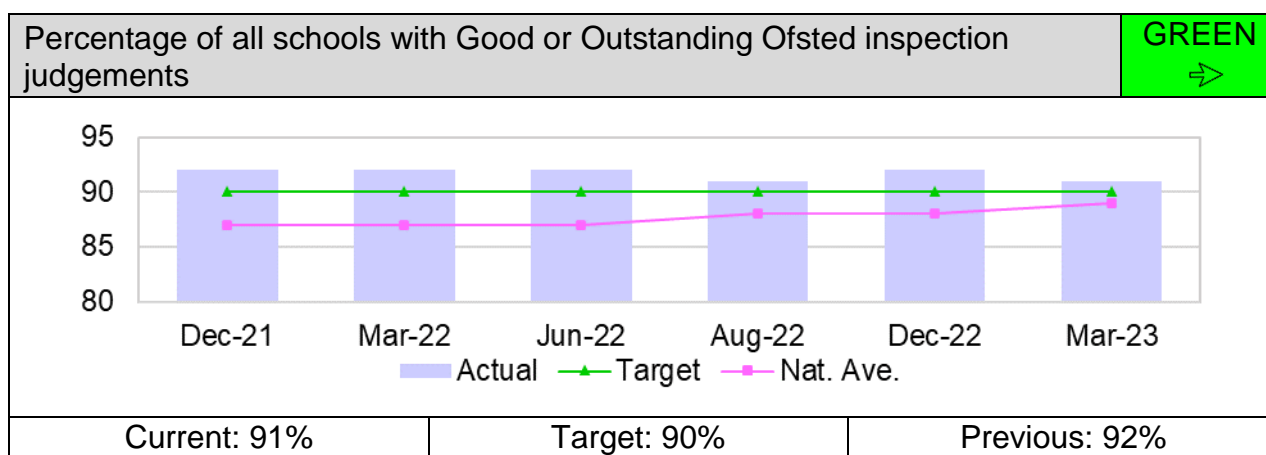
The percentage of Children in Care (excluding UASC) placed in KCC in-house foster care or with family/friends decreased during the Quarter from 75.5% in December 2022 to 73.7% March 2023, remaining below the target of 85.0%. Performance against this measure is impacted by the numbers of children coming into care and the availability of in-house foster placements.

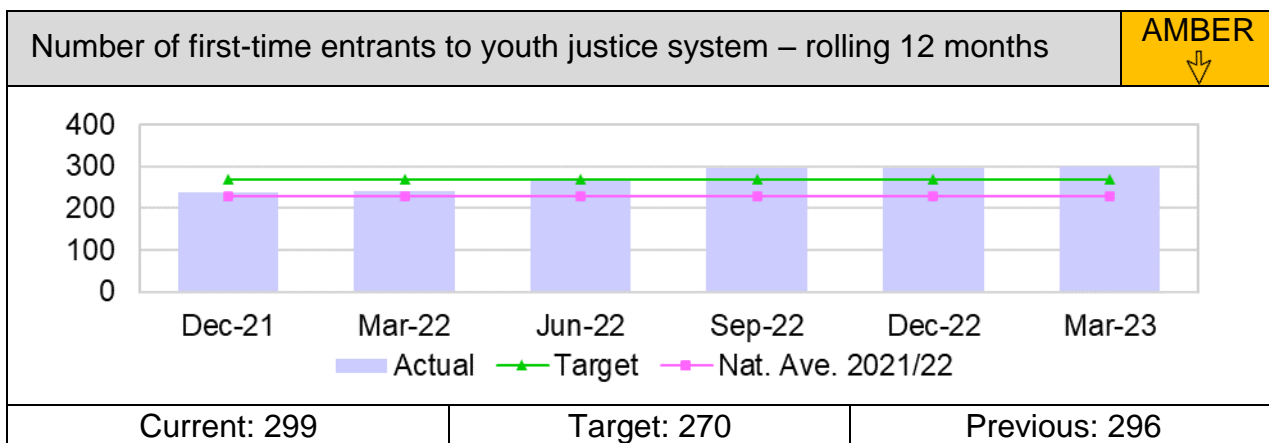
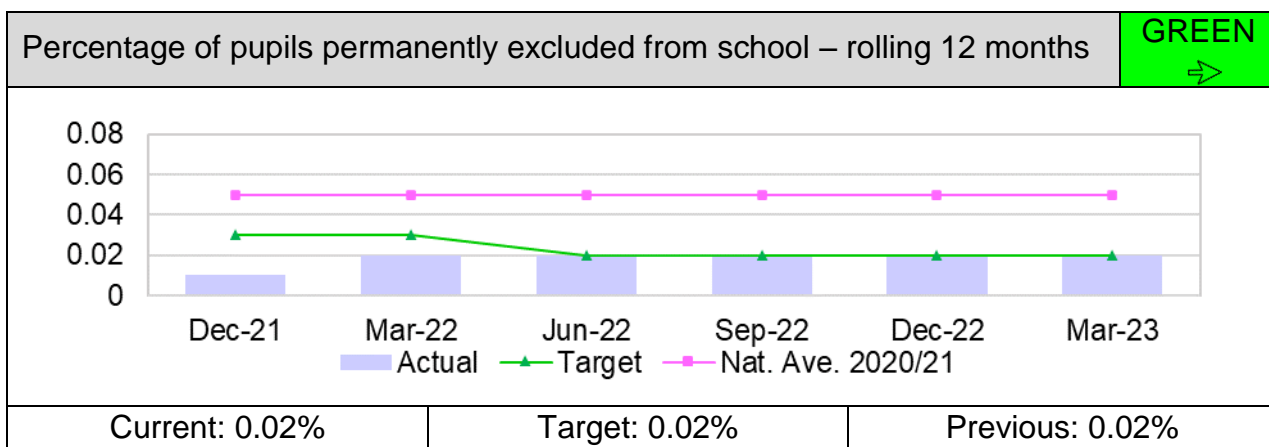
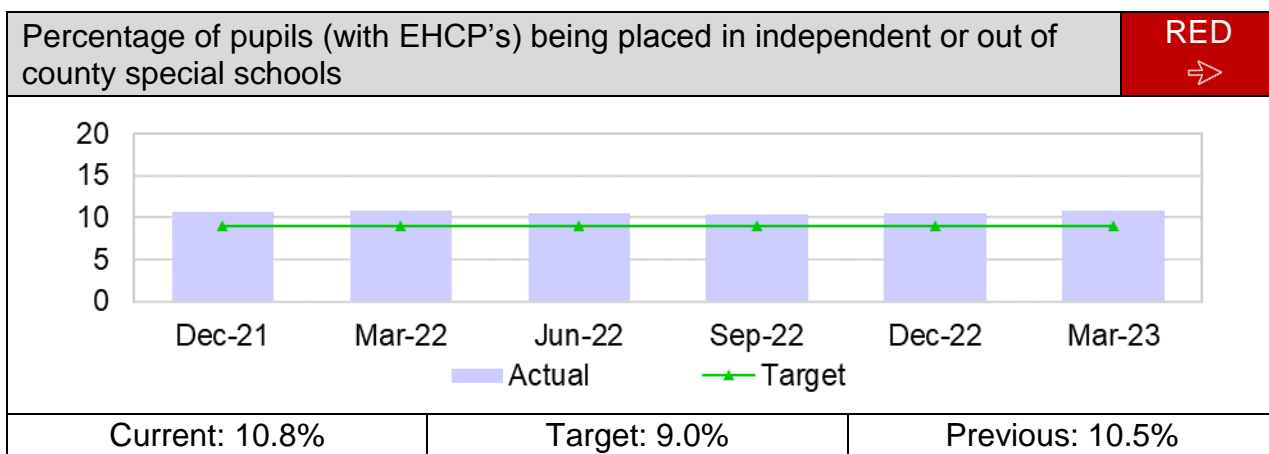
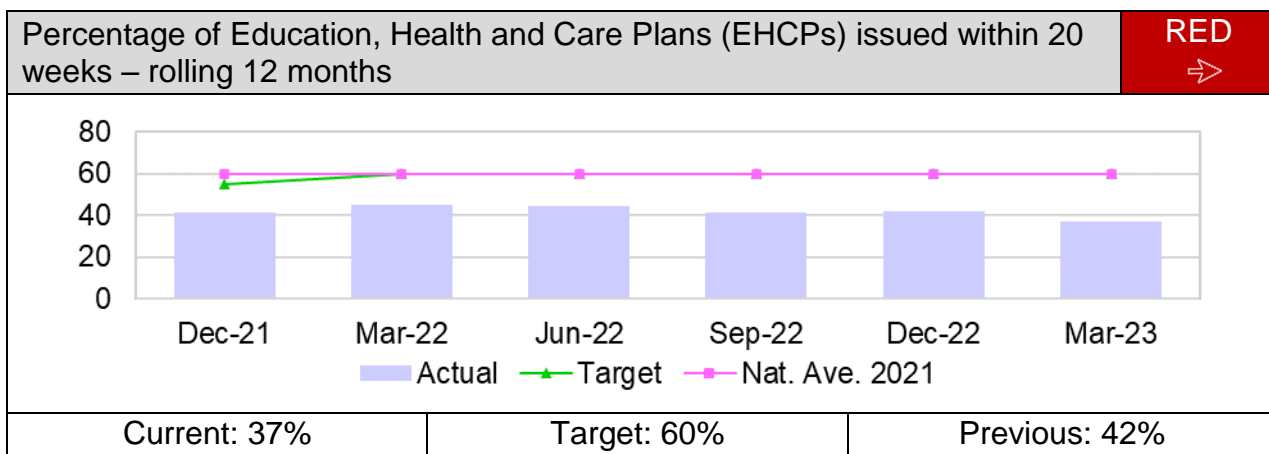
For children who were adopted in the last 12 months, the average number of days between coming into care and moving in with their adoptive family continues to outperform the nationally set target of 426 days. The average number of days for Kent's children at the end of March 2023 was 345 days, an improvement when compared to 363 days at the end of the previous Quarter.

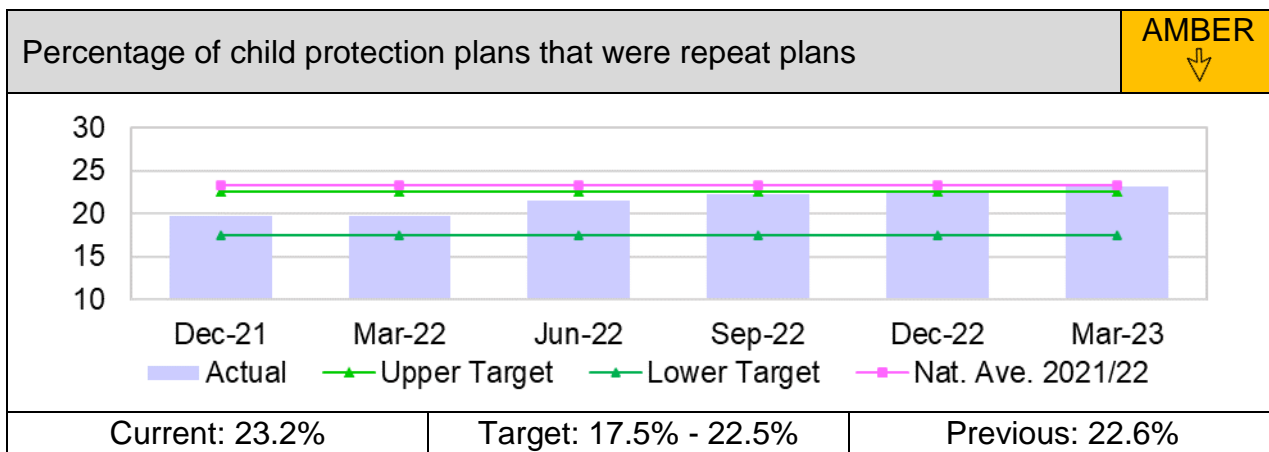
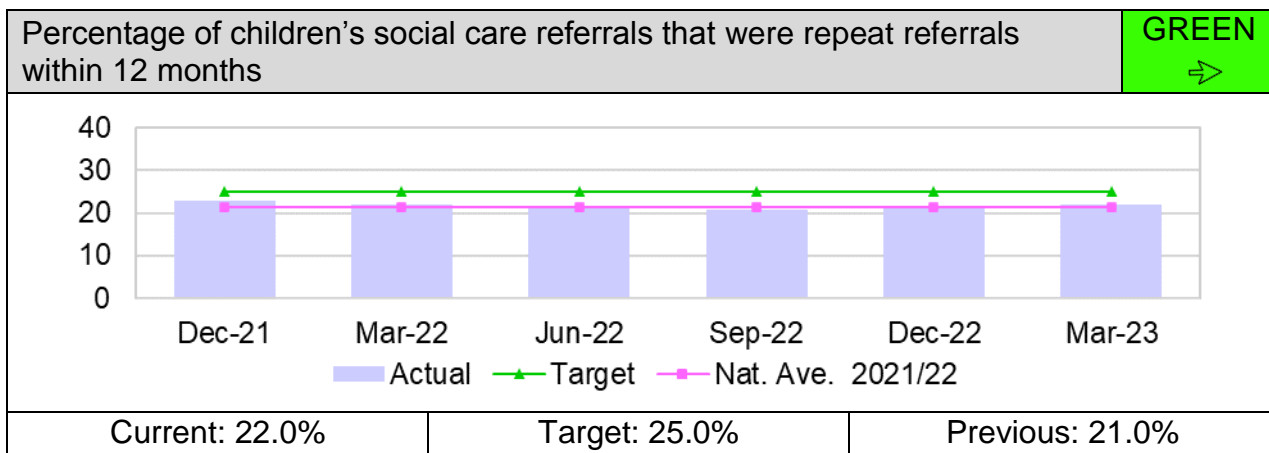
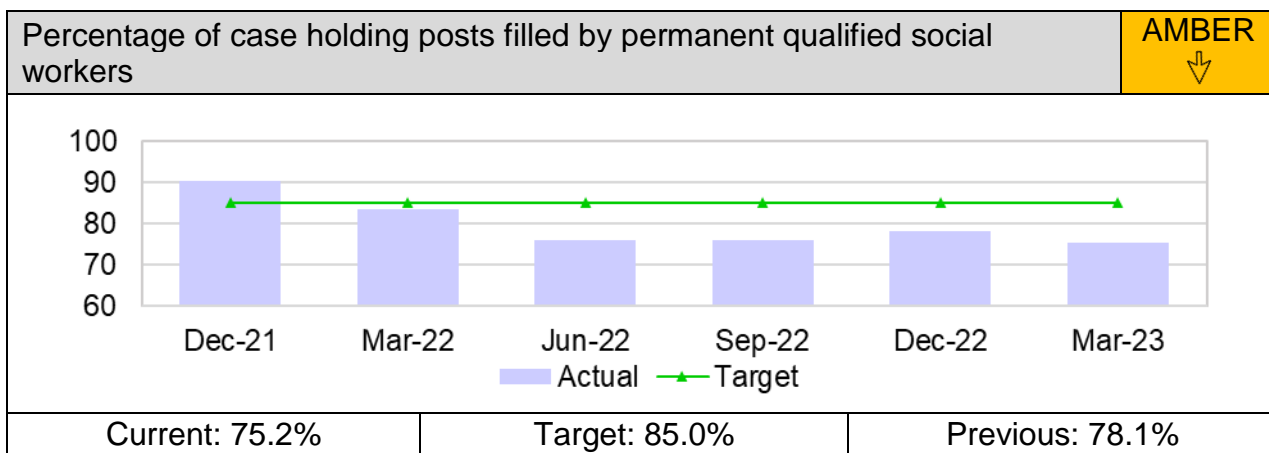
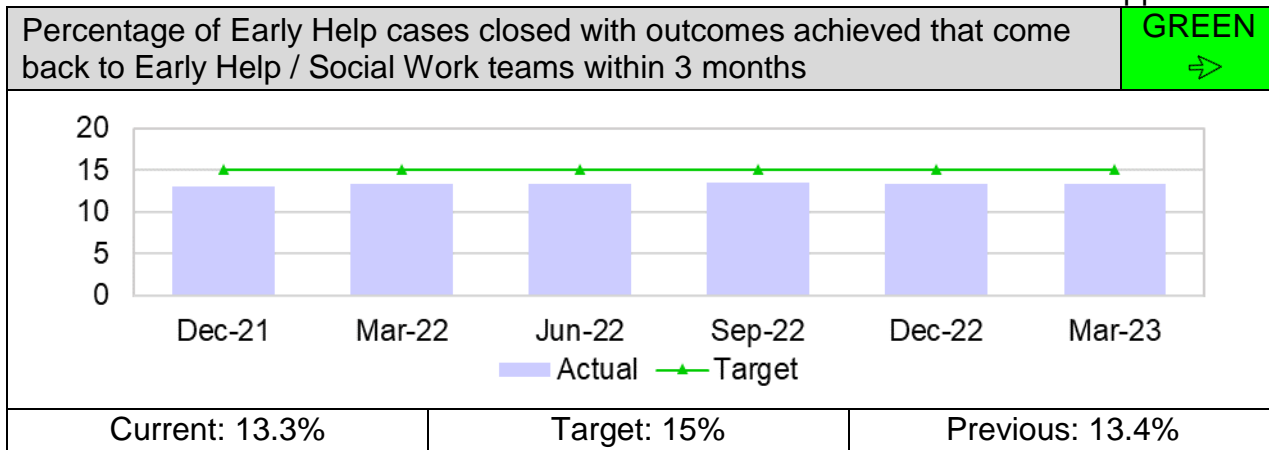
### Care Leavers

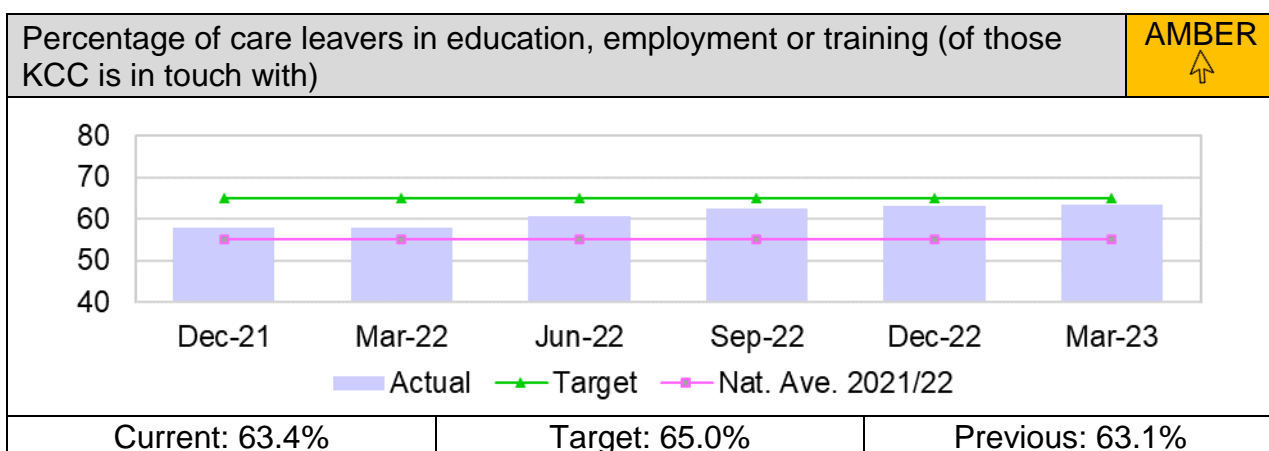
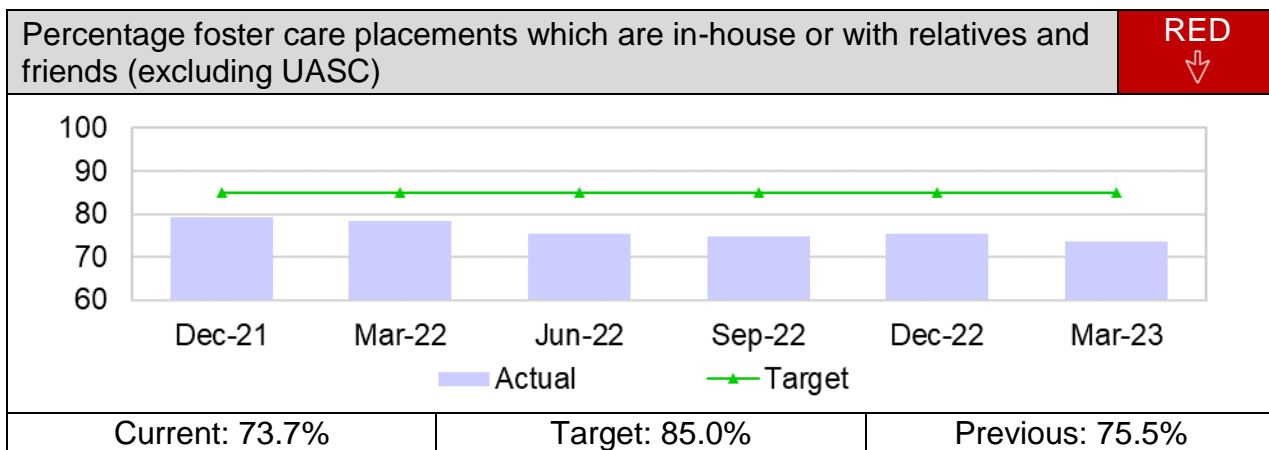
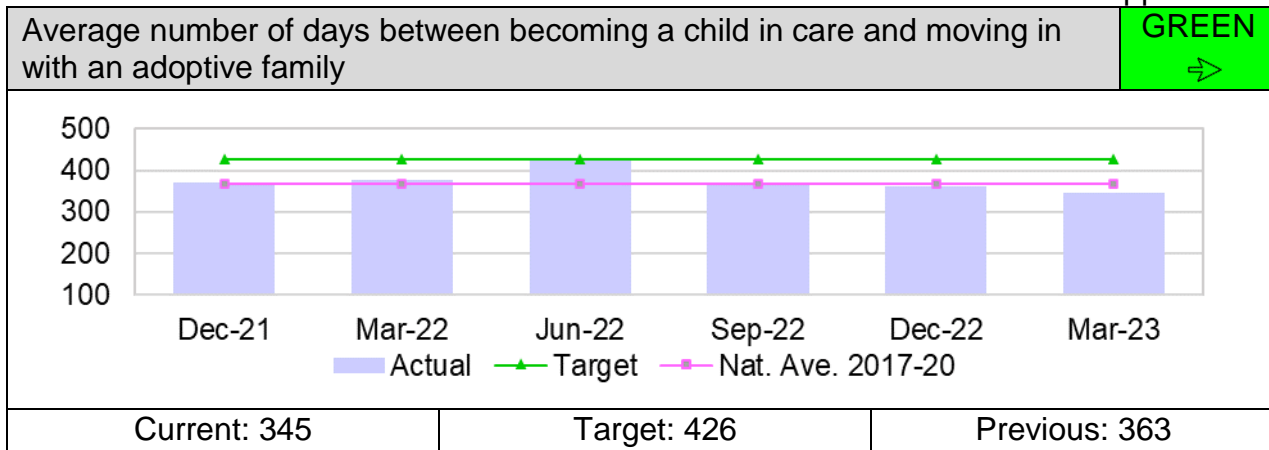
The number of care leavers at the end of March 2023 was 2,040, a reduction of 31 from the previous Quarter (2,071 in December 2022). Of the 2,040 care leavers, 996 (48.8%) were citizen care leavers and 1,044 (51.2%) were unaccompanied asylum-seeking young people. The percentage of care leavers in education, employment or training has improved slightly during the Quarter, from 63.1% in the 12 months to December 2022 to 63.4% in the 12 months to March 2023, but remains below the target of 65.0%.

### Key Performance Indicators

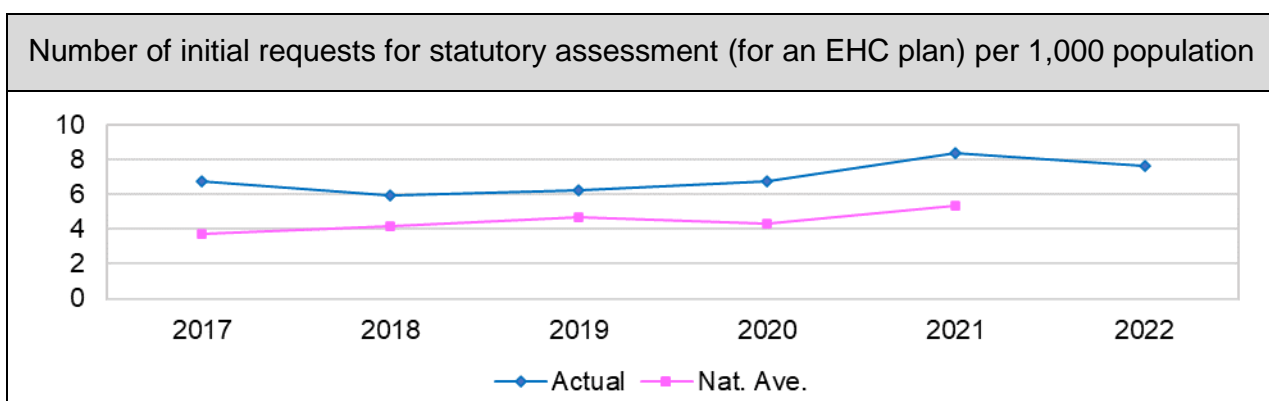


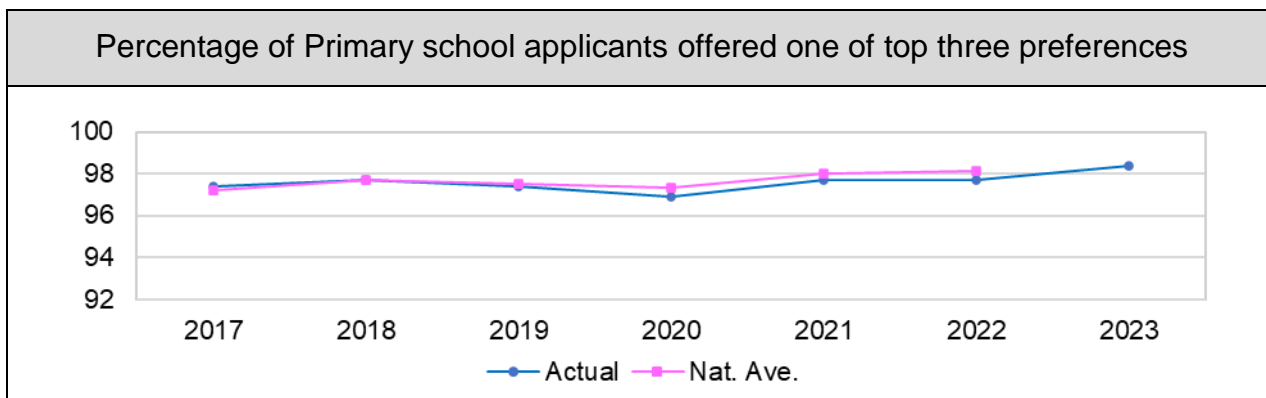
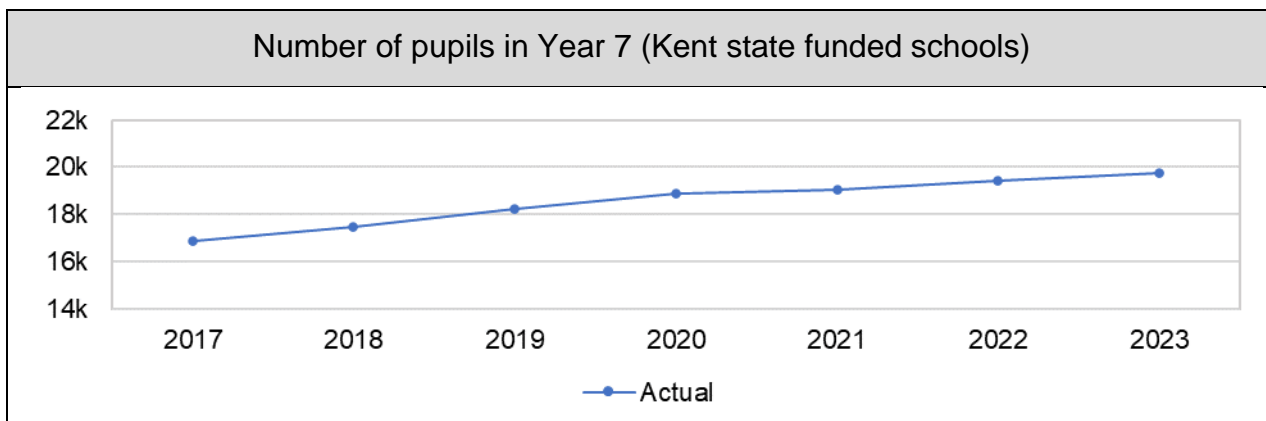
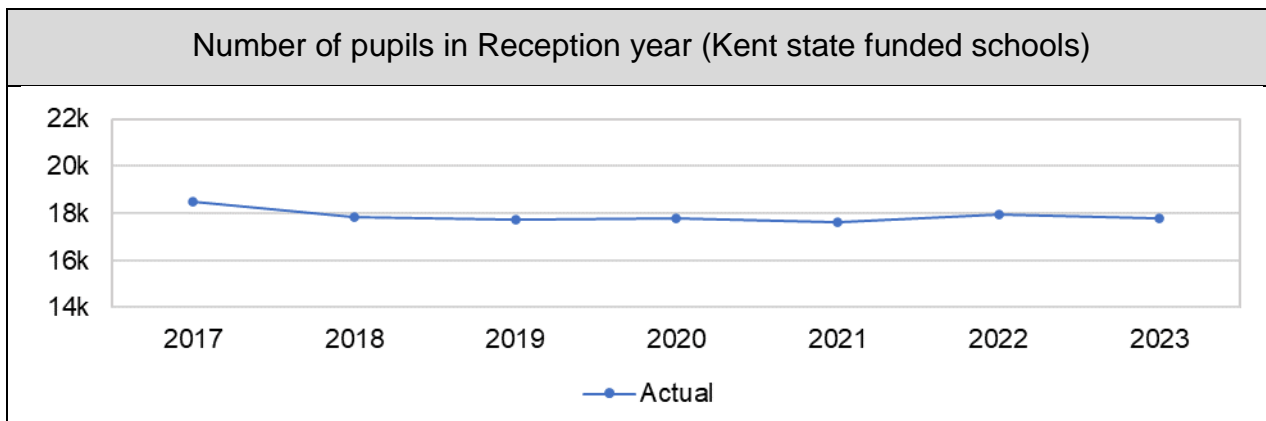
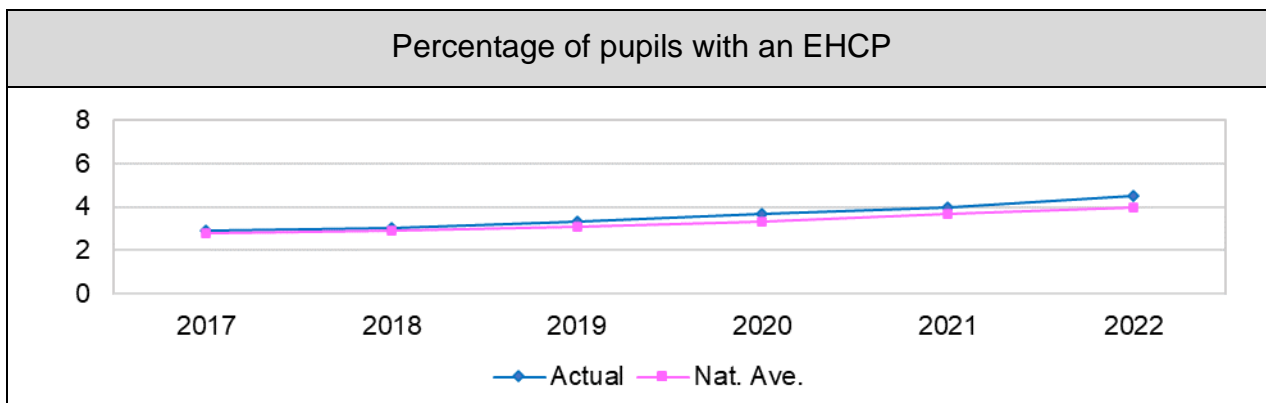






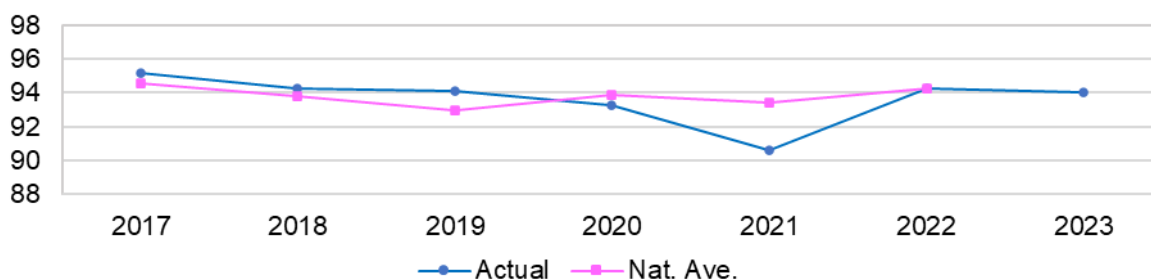
**Activity indicators**



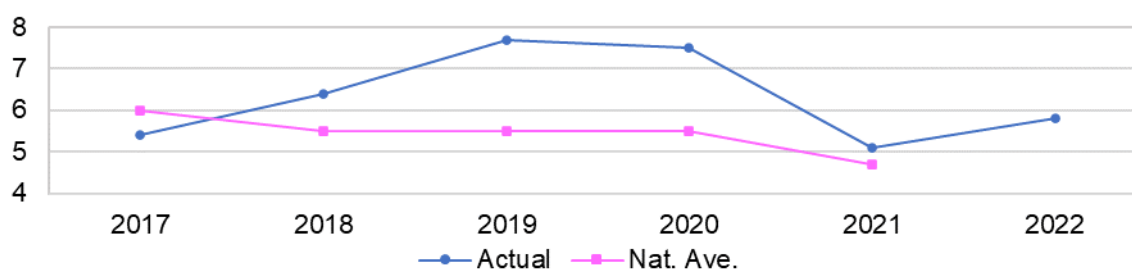




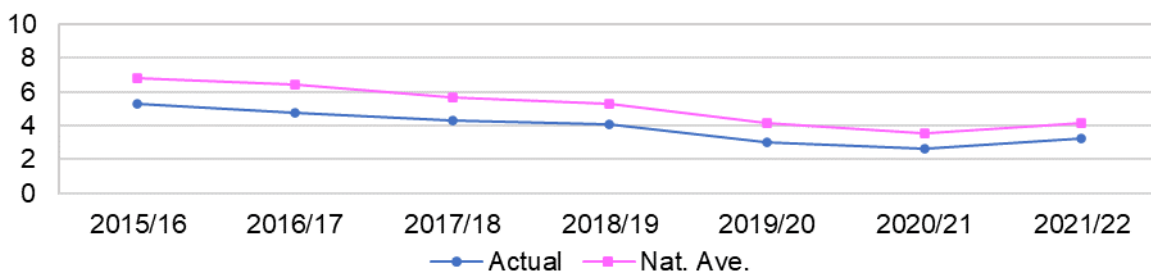
Percentage of Secondary school applicants offered one of top three preferences



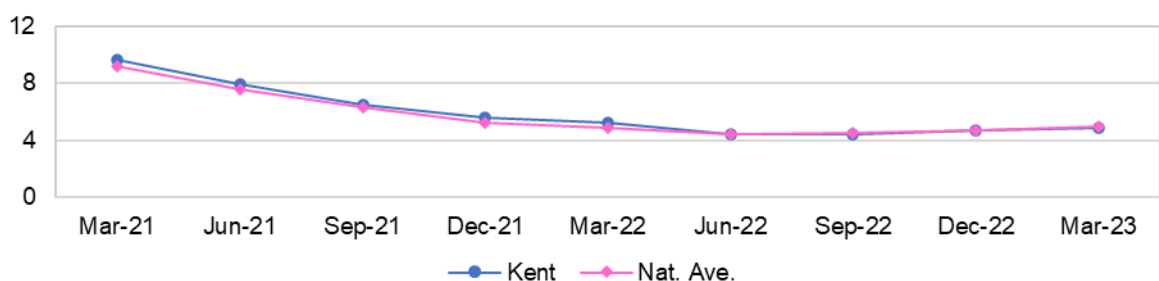
Percentage of 16-17 years olds Not in Education, Employment or Training (NEETs) or whose activity is Not Known



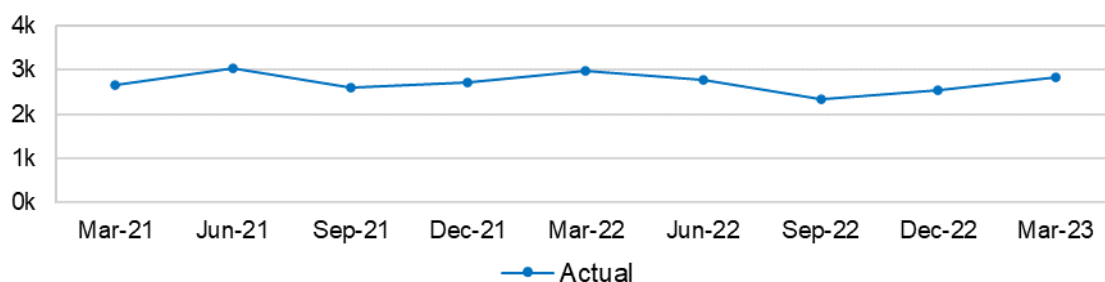
Percentage of 16-18 year olds who start an apprenticeship



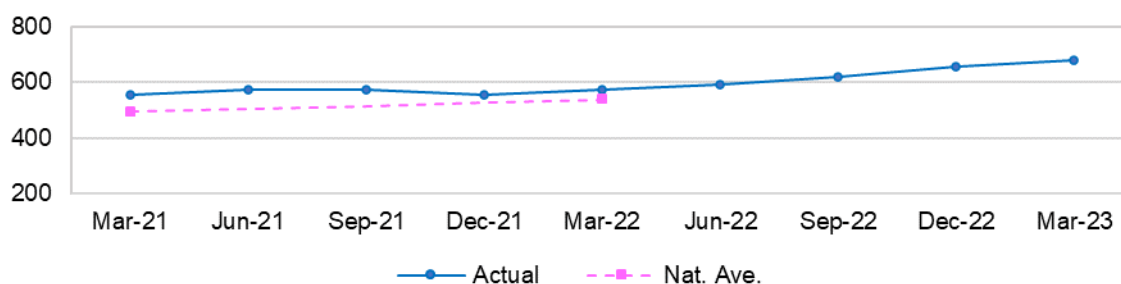
Percentage of 18-24 year olds claiming Universal Credit



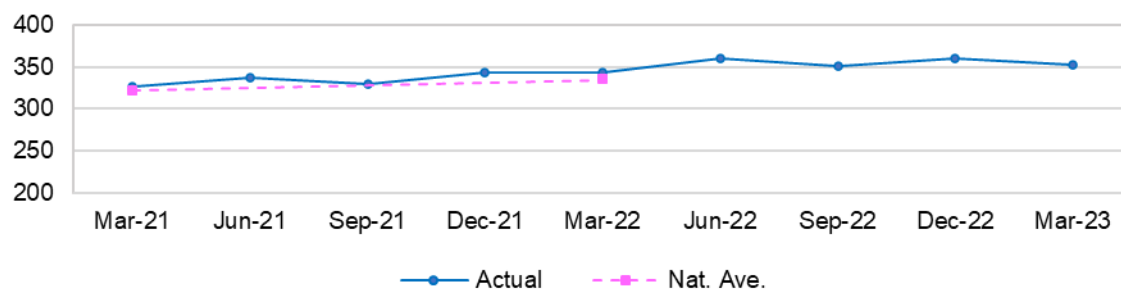
Number of open Early Help cases managed by Units



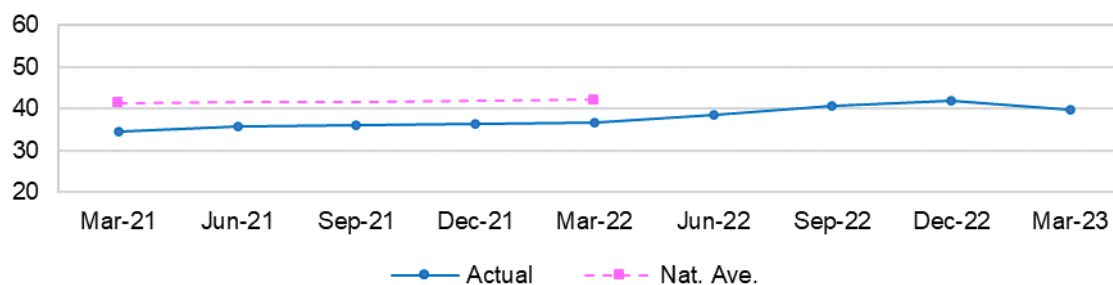
Rate of CSW referrals per 10,000 population aged under 18 – rolling 12 months



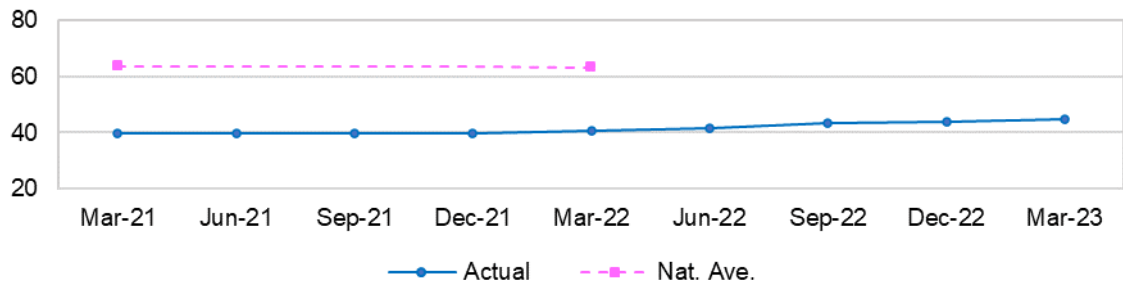
CSW caseload per 10,000 child population – snapshot at Quarter end



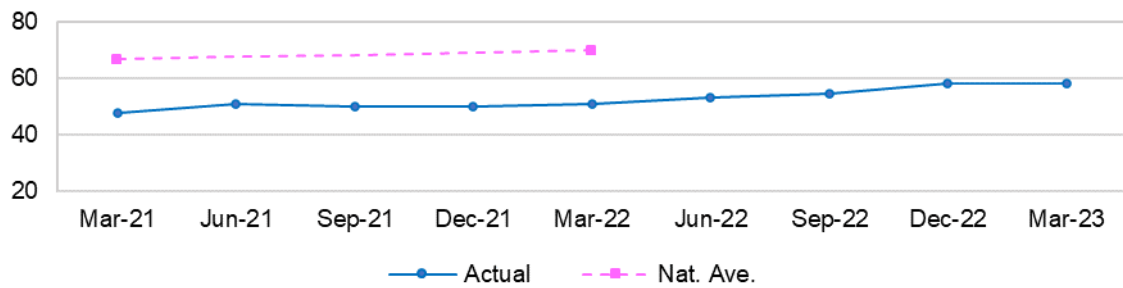
Rate of children with Child Protection Plans per 10,000 child population – snapshot at Quarter end



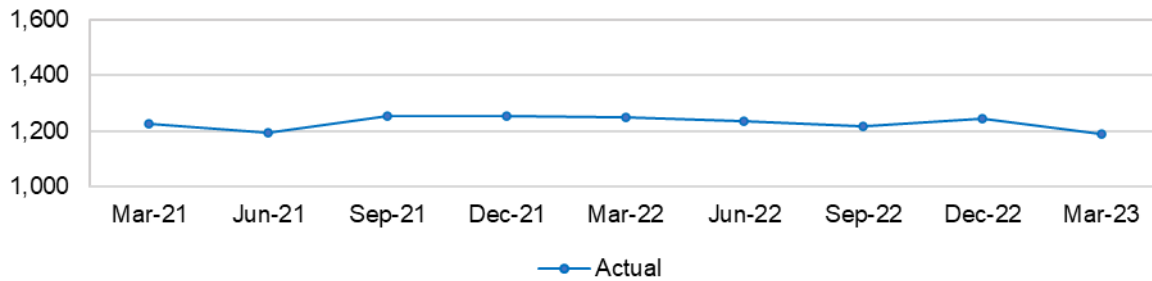
Rate of Children in Care (excluding UASC) per 10,000 child population – snapshot at Quarter end



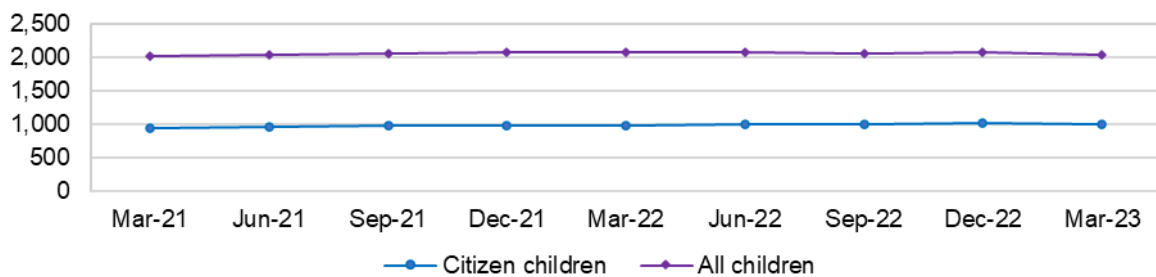
Rate of Children in Care (including UASC) per 10,000 child population – snapshot at Quarter end



Number of other local authority children in care placed into Kent – snapshot at Quarter end



Number of care leavers as at Quarter end



Adult Social Care & Health	
<b>Cabinet Member</b>	Clair Bell
<b>Corporate Director</b>	Richard Smith

KPI Summary	<b>GREEN</b>	<b>AMBER</b>	<b>RED</b>	↑	⇒	↓
	1	3	2		4	2

Adult Social Care and Health (ASCH) experienced the highest volume of quarterly contacts in over 2 years within Quarter 4, with over 23,000 people making contact. ASCH always see increases in contacts in Quarter 4 with March being the busiest month each year, however this Quarter exceeded volumes seen in previous years. To help people who make contact with the service, new tools are being made available, such as the ASC Financial Assessment Tool, now live on kent.gov, which helps people to estimate how much they may need to pay towards their care and support. The KPI on the percentage of people who re-contacted ASCH having had a previous contact resolved with advice and information, continues to achieve target being at 7% for Quarter 4 (RAG rated Green).

In Quarter 4, ASCH saw both the number of Care Needs Assessments (CNAs) to be undertaken, increase by 15% to over 5,300, and the number of CNAs completed, increase by 3% to over 5,170 (this is the second Quarter in a row of increased completions). These were the highest volumes seen in over six Quarters. With the increased volume of incoming CNAs, there were more people requiring a CNA on the last day of the Quarter, even with the increased number of completions.

Of the incoming new CNAs for Quarter 3 (this KPI is reported one Quarter in arrears), 70% were completed within 28 days, which is the same as the previous Quarter, and continues to be below the floor standard of 80% (RAG Rated Red). There were over 3,900 new CNAs and over 2,700 were completed within 28 days. The time taken to complete a CNA is dependent on the person and their needs. ASCH continues to prioritise completing CNAs as part of its Performance Assurance Framework and has seen an increase in the number of completed CNAs each Quarter in 2022/2023.

There were 1,486 Carers' Assessments completed in Quarter 4, which is the highest seen for over two years. ASCH and Commissioners have been working with Carers Organisations to open up tools, such as PowerBI reports, that give more transparency to the work and increase the quality of the information recorded.

Following a CNA, where eligible for support, people receive a Care and Support Plan (C&SP) which details how they will be supported and the services they may receive. ASCH had 15,913 people with an active C&SP at the end of Quarter 4. Not everyone will go on to need a support package and ASCH has seen varying numbers of new support packages being arranged each Quarter. In Quarter 4 it was 2,501, with an average weekly cost of a new support package being £550. However, due to the time taken for service information to be updated and placed onto the adult social care client recording system (Mosaic), it is expected both of these figures will have increased and will need to be updated in the next report.

When people have a C&SP in place and are receiving support from ASCH, they receive an initial 8-week review and then an annual review 12 months later. ASCH completed 3,210 annual C&SP reviews in Quarter 4, with over 12,880 reviews completed in the whole of 2022/2023. ASCH saw the number of people requiring an annual review on the last day of the Quarter increase to 5,005.

Where people need short-term enablement services, ASCH has the Kent Enablement at Home service (KEaH) which aims to keep people independent and in their home. In Quarter 4 there was an increase in the number of people actively receiving this support to 1,684, an increase of 8% on the previous Quarter. This was due to increased capacity in KEaH following a successful recruitment campaign, and with more people leaving the service when ready to do so or having a further support package where needed.

Some people will require residential or nursing care on a temporary basis (either while their longer-term needs or circumstances are assessed, or to provide respite); ASCH saw its first decrease in the numbers of people in short-term beds since before the pandemic in Quarter 3 followed by a bigger decrease of 12% in Quarter 4 at 1,312 people.

In Quarter 3, the proportion of older people who were still at home 91 days after discharge from hospital having had reablement services remained at 81%, below the 85% target. Increases in those accessing KEaH and the work to reduce the longer-term use of short-term beds has likely stopped this KPI decreasing, and further work conducted in Quarter 4 aims to increase those staying at home following enablement with ASCH.

A key priority for ASCH is to enable people to remain independent and in their own homes with clear personal choice of their support. Direct Payments are nationally recognised as an effective way of delivering these aims and for Quarter 4 this measure is RAG Rated Amber at 24%, where it has been for some time.

The number of people aged over 65 years old going into long term residential and nursing care, has varied each Quarter, and in Quarter 3 the rate per 100,000 was 146 increasing from 128 the previous Quarter and is RAG Rated Red.

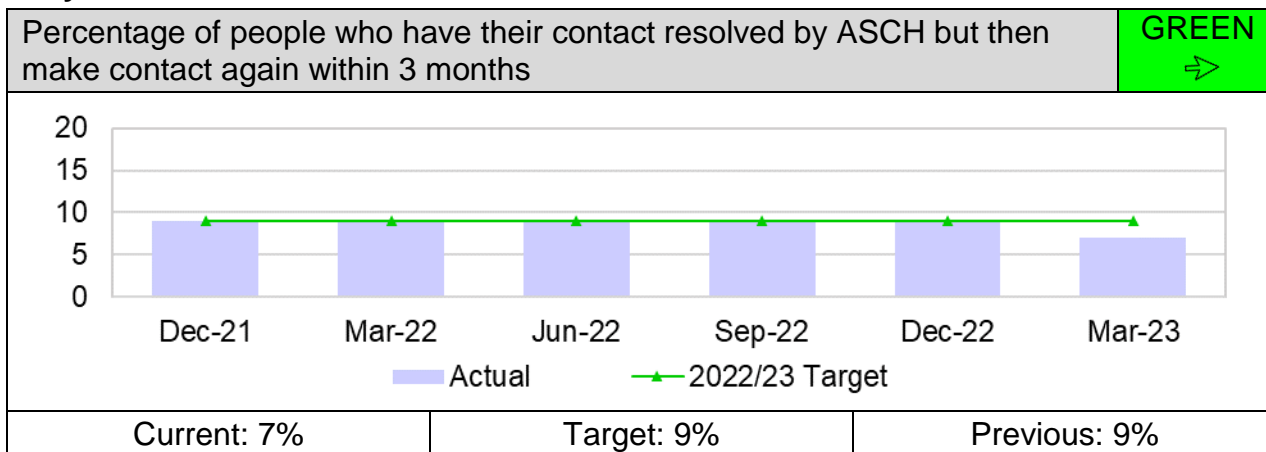
The percentage of KCC supported people in residential or nursing care with a CQC rating of Good or Outstanding, decreased again this Quarter to 76% and is RAG Rated Amber, remaining below target. This is due to a number of previously rated Good care homes receiving a new rating of Requires Improvement. KCC works with CQC and providers to improve the levels of quality in the care home market. At present, eleven care homes (four older person and seven learning disability, physical disability, and mental health) have contract suspensions in place to prevent further placements whilst improvements are being made. This is a decrease of five homes on Quarter 3.

The number of people accessing support who have a Mental Health need continues to increase each Quarter. There were 1,335 people being supported by ASCH with a Mental Health need in Quarter 4. Supporting Independence Services/ Supported Living continuing to be the most prevalent service provision.

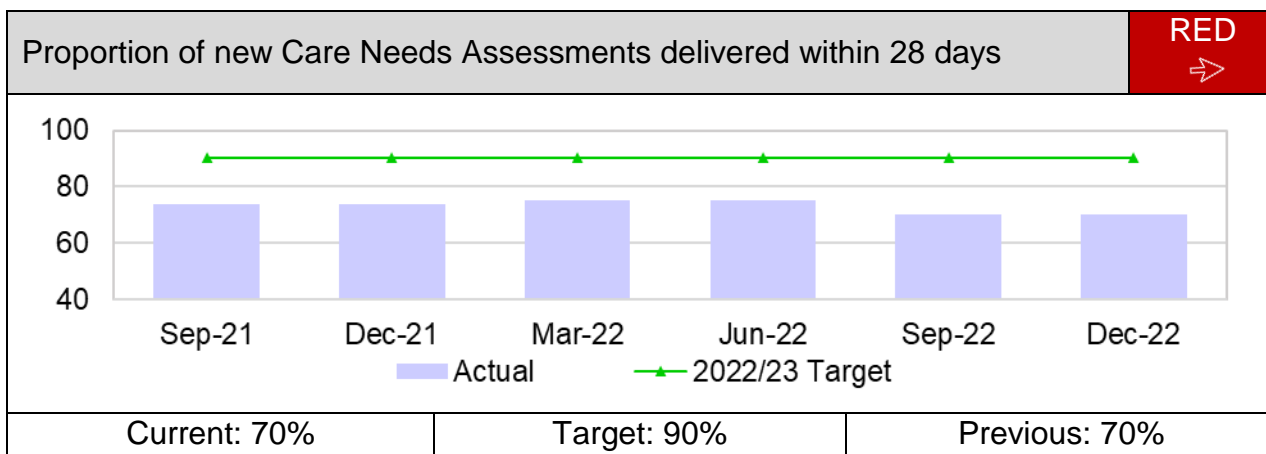
The number of Deprivation of Liberty Safeguards (DoLS) applications received in Quarter 4 was 2,374 and is at a similar level to Quarter 3. Over the 2022/23 reporting period ASCH received 9,412 DoLS applications (which is an increase of 10% on the previous year) and continues to show the ongoing annual increase in the number of applications received in Kent. Quarter 4 saw the highest volume of assessments completed by the DoLS Team in over 2 years, at 2,769 giving a total of 8,789 completed in 2022/23 (7% increase on the previous year).

In Quarter 4, ASCH reduced the number of Safeguarding Enquiries open on the last day of the Quarter to 988. Over 4,150 concerns were received, the highest in two years, and 2,408 enquiries were worked on by the Safeguarding Teams.

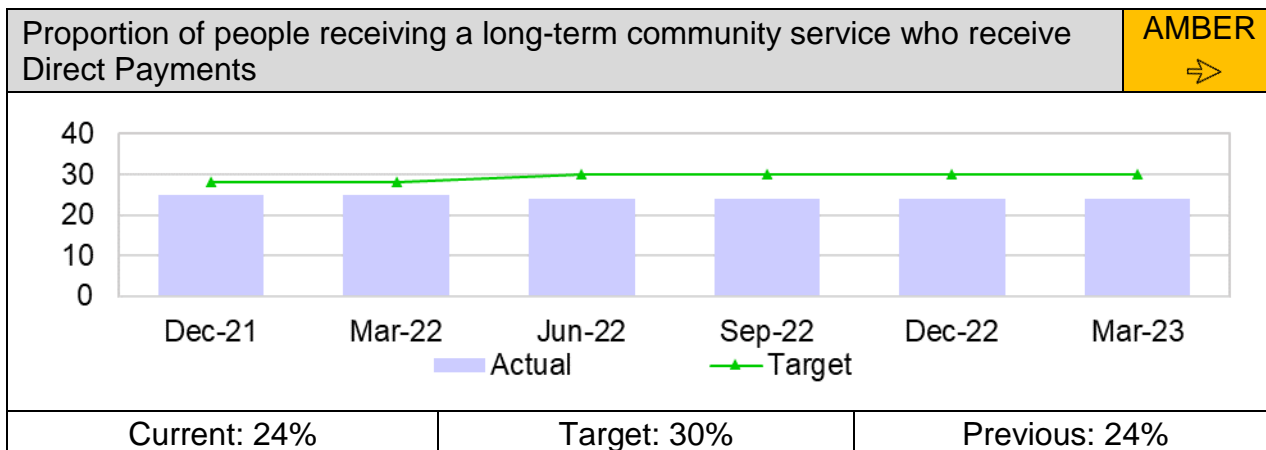
### Key Performance Indicators

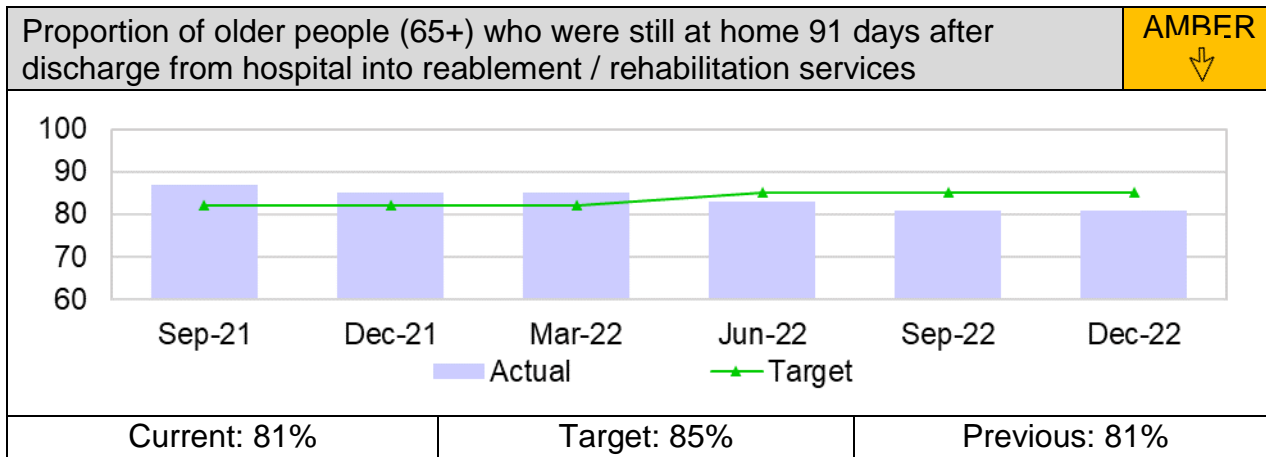


New Indicator in 2022/23 – target line for previous periods shown for comparison only.

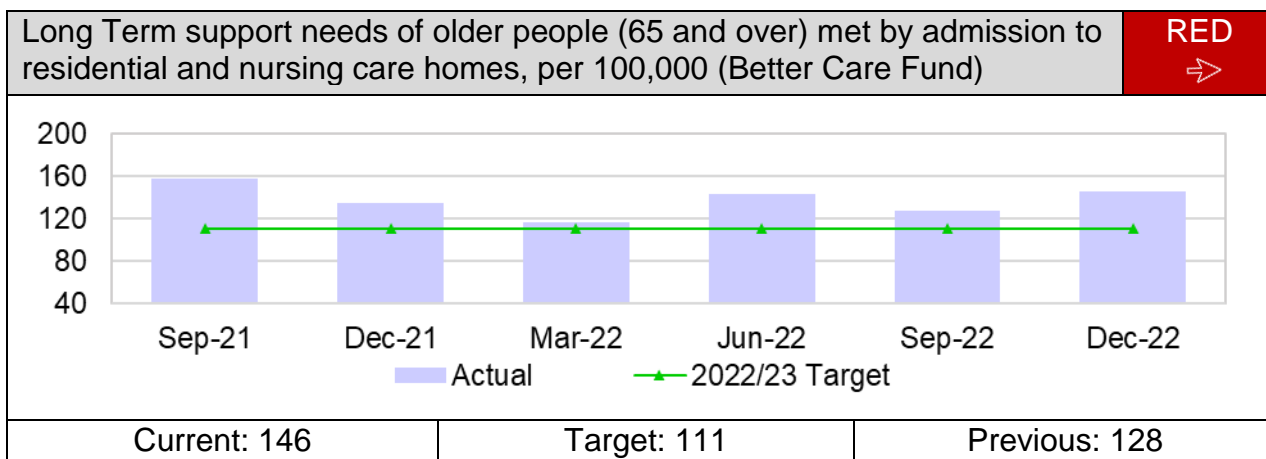


New indicator in 2022/23 – target line for previous periods shown for comparison only. KPI Reported one Quarter in arrears.

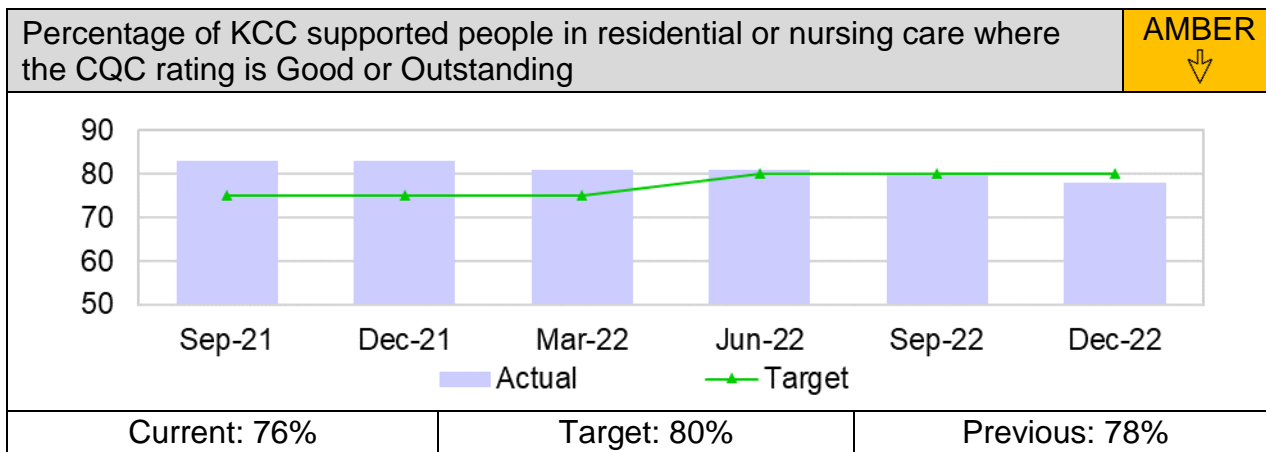




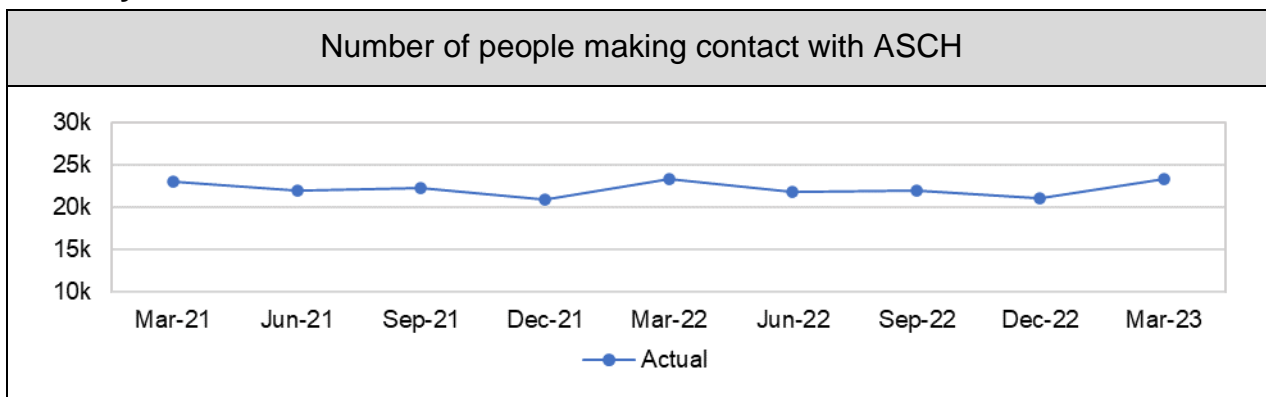
Reported one Quarter in arrears.



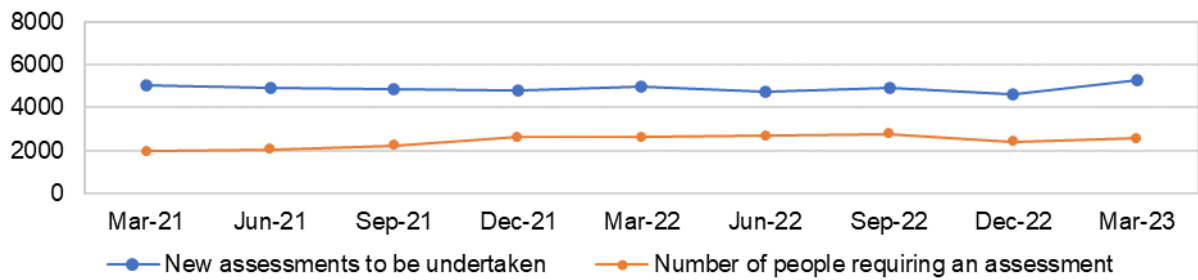
New indicator in 2022/23– target line for previous periods shown for comparison only. KPI Reported one Quarter in arrears.



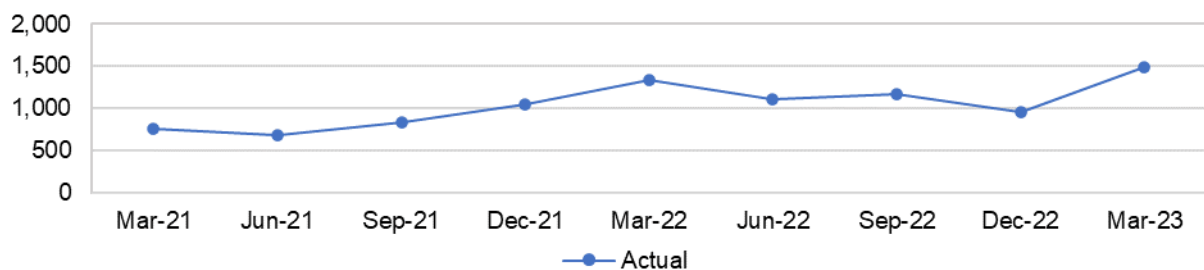
**Activity indicators**



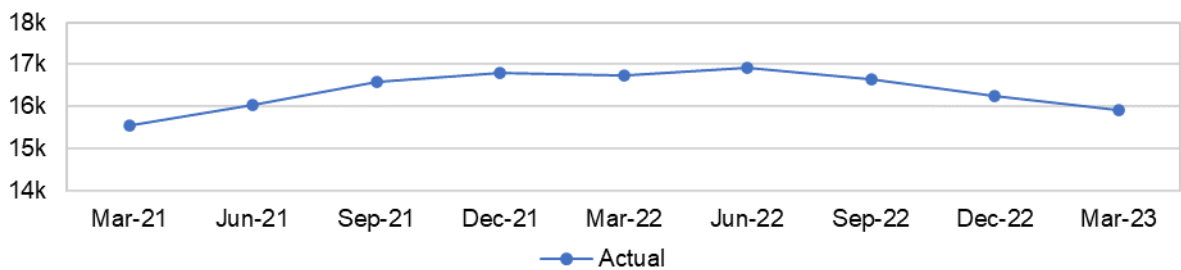
Number of new Care Needs Assessments to be undertaken and the number of people requiring a Care needs Assessment on the last day of the quarter



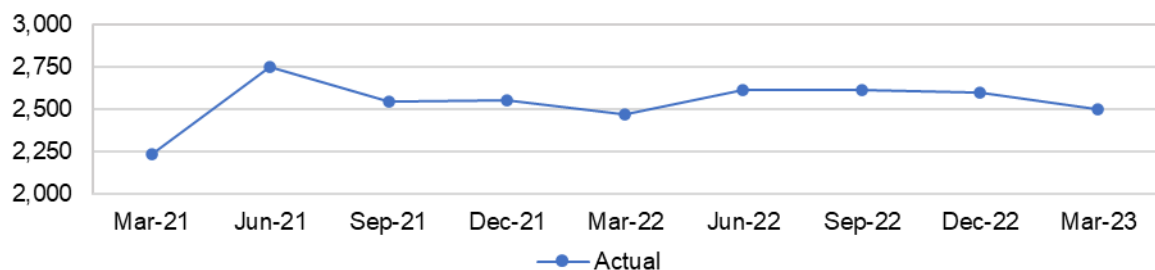
Number of new Carers assessments delivered



Number of people with an active Care & Support Plan at the end of the Quarter

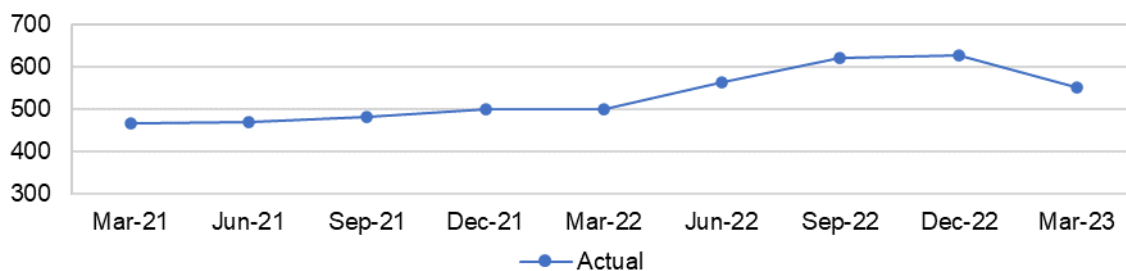


Number of new support packages being arranged for people in the Quarter

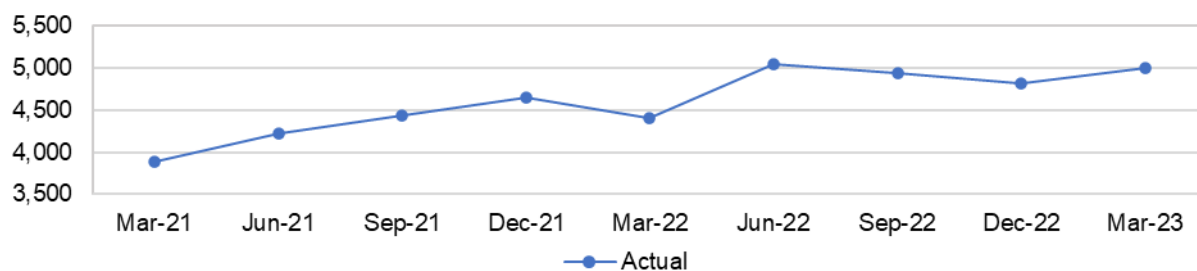




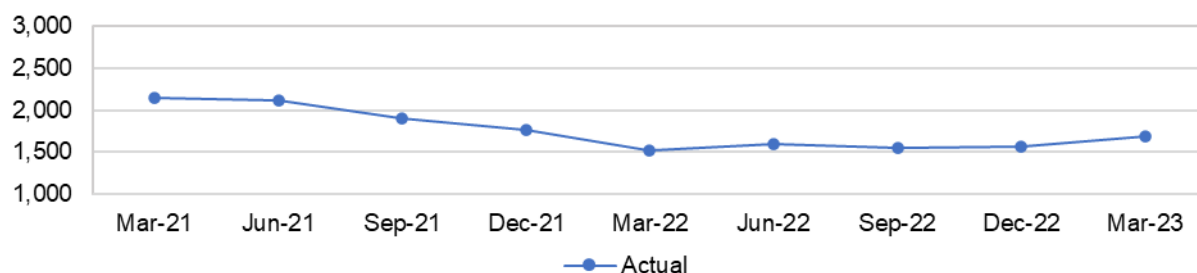
Average cost (£s per week) of new support packages arranged for people in the Quarter



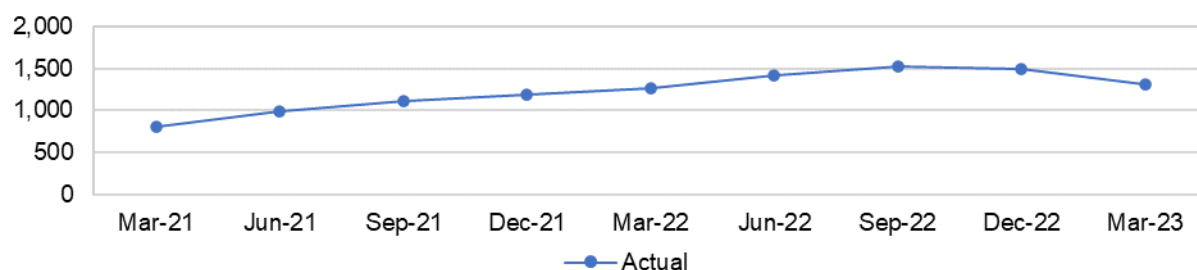
Number of people requiring an annual review to be completed on the last day of the Quarter

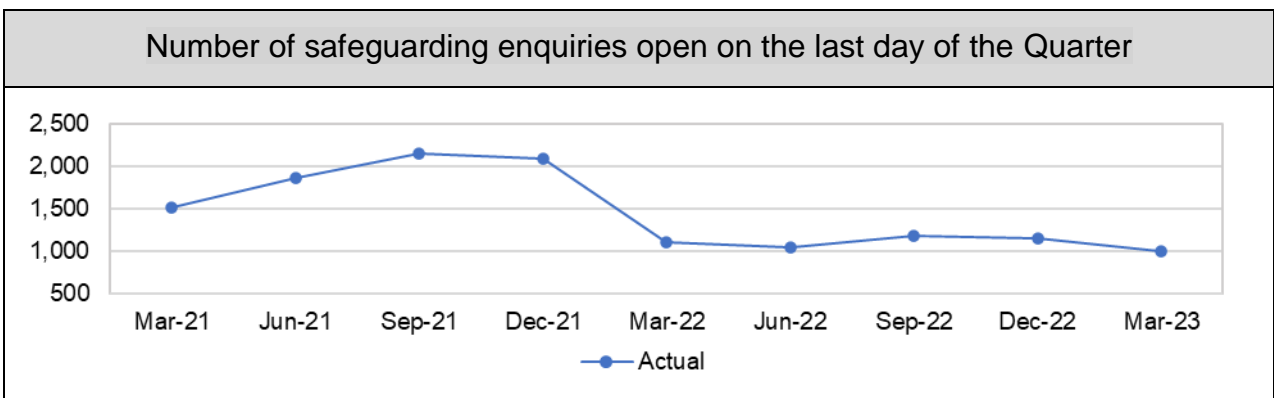
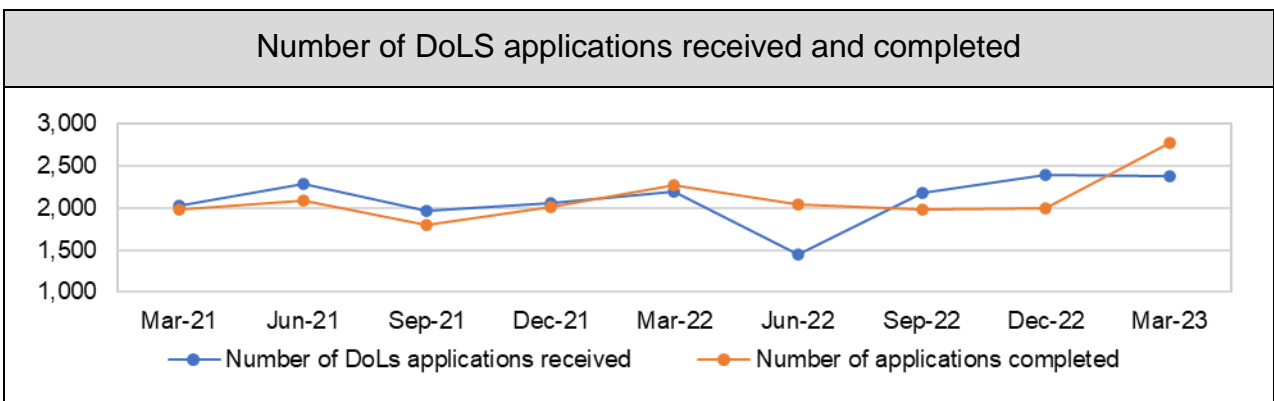
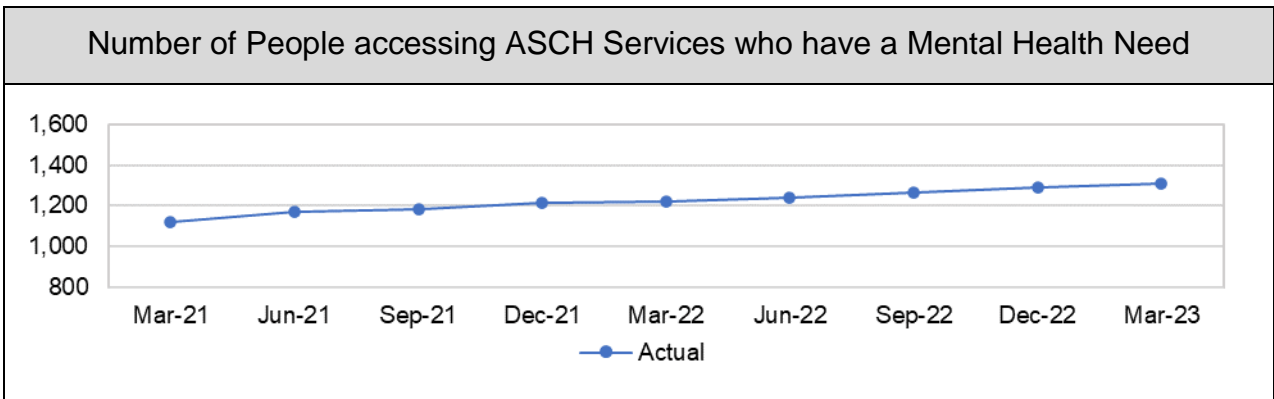
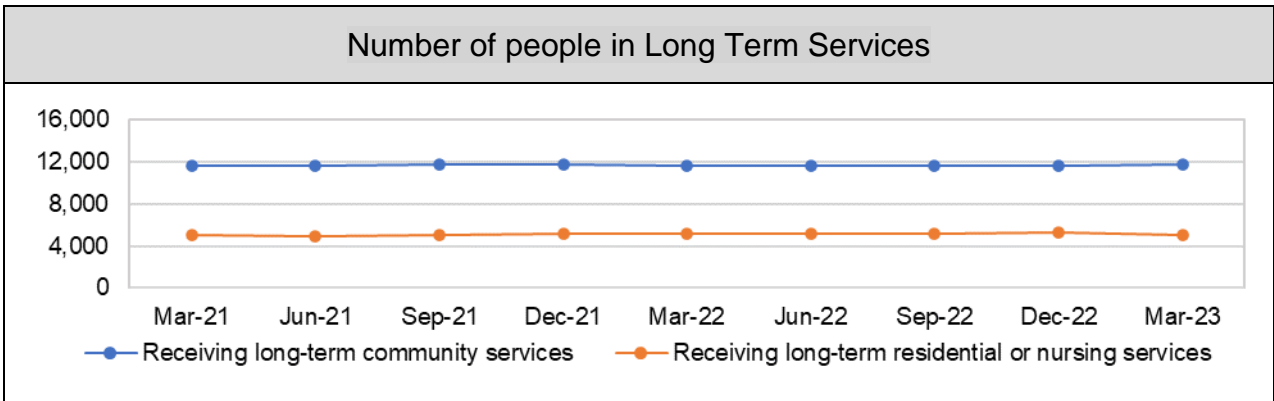


Number of people in Kent Enablement at Home (KeaH)



Number of people in Short Term Beds during the Quarter





Public Health						
<b>Cabinet Member</b>	Clair Bell					
<b>Director</b>	Anjan Ghosh					
KPI Summary	GREEN	AMBER	RED	↑	⇒	↓
	5	0	0	1	2	2

The NHS Health Check programme has made notable progress in the current Quarter. The number of eligible people receiving an NHS Health Check (12-month rolling total) was above the target at 25,144, of which 7,703 were delivered in Quarter 4. This represents an increase of 59% compared to the same quarter in 2021/22 (4,844). More of the eligible population are being invited to an NHS Health Check, with 24,411 being invited this quarter which is an increase of 23% compared to the same Quarter in 2021/22 (19,796). Encouragingly, the uptake of NHS Health Checks continues to recover towards pre-pandemic levels (38% in 2019/20), with 29% uptake in 2022/23, compared to 17% in 2020/21 and 24% in 2021/22.

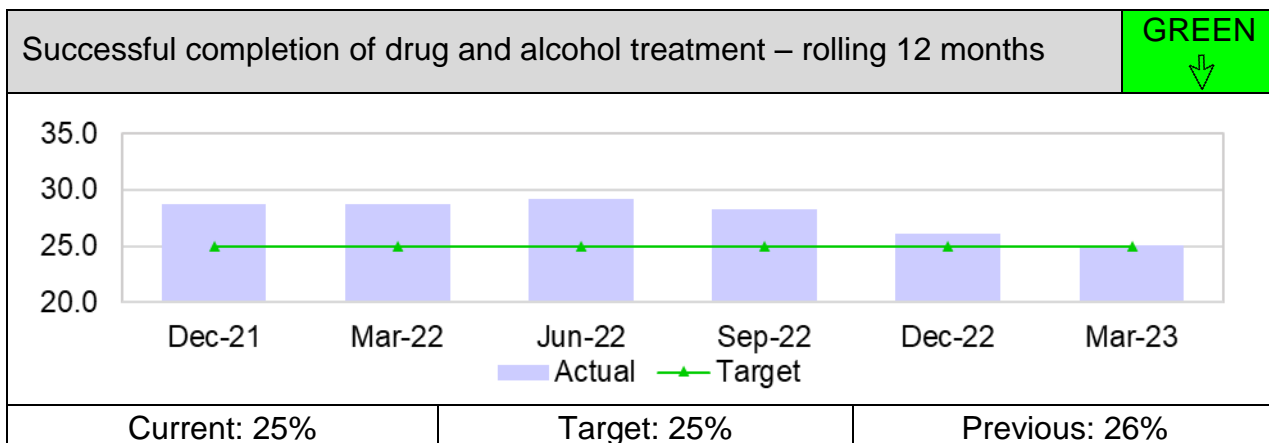
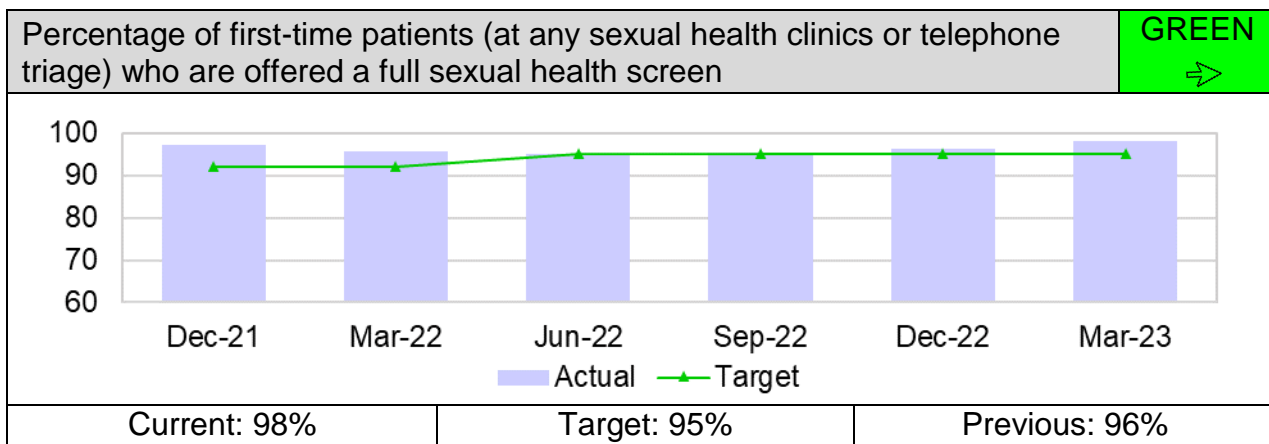
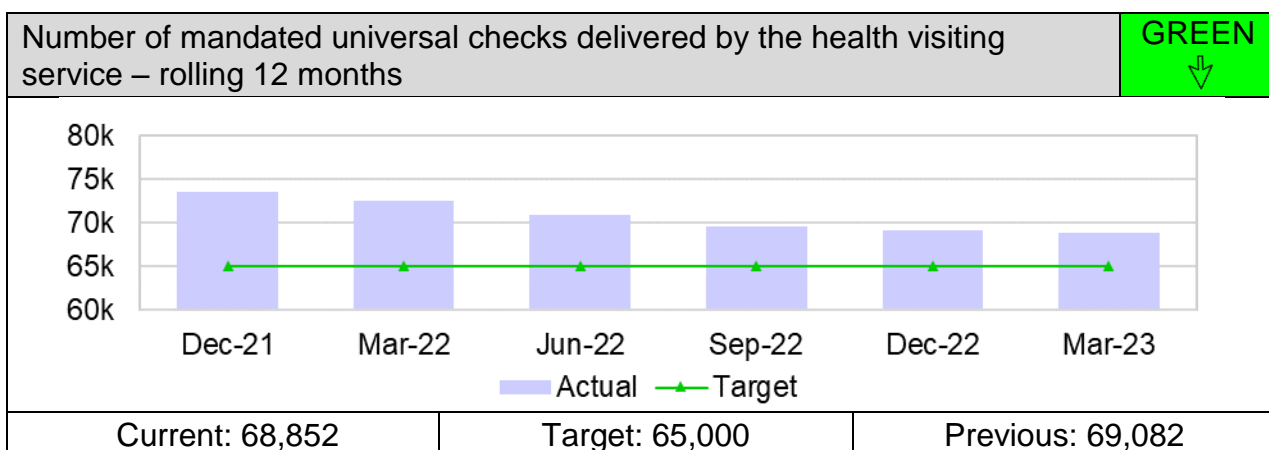
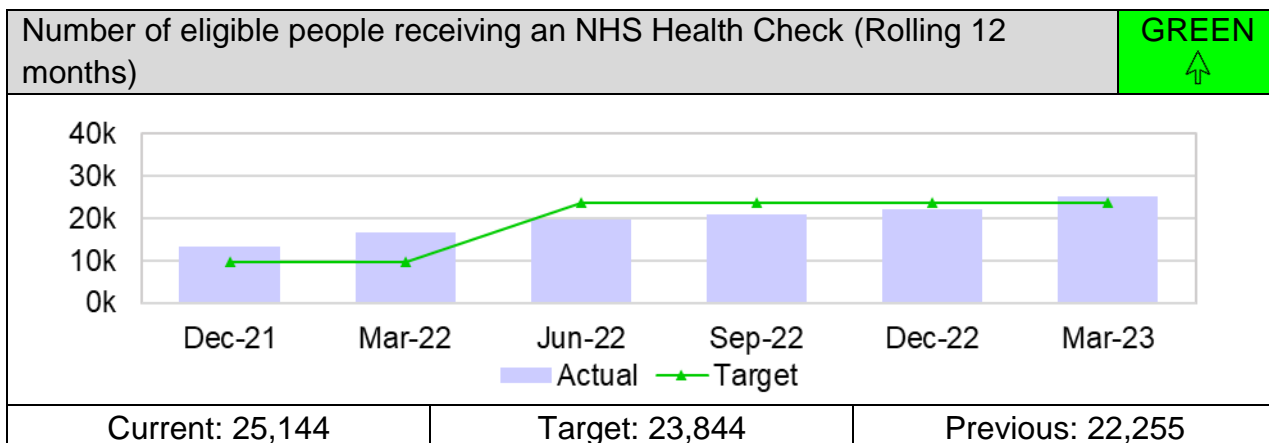
In Quarter 4, the Health Visiting Service delivered 16,752 mandated universal health and wellbeing reviews. Over the whole year (2022/23), there were 68,852 health and wellbeing reviews delivered, exceeding the annual target. Four of the five mandated contacts met or exceeded target with the proportion of new birth visits delivered within 10–14 days at 93%, slightly below the 95% target. Overall, 99% of new birth visits were delivered within 30 days and families with additional needs are always prioritised. At the end of March 2023 (Quarter 4), there were 3,012 children on the health visiting specialist caseload and 5,667 children on the targeted caseload. From 1st April 2023, the target for the total number of health and wellbeing reviews will increase from 65,000 to 68,000.

The Sexual Health Service continued to perform above the target for the percentage of first-time patients being offered a full sexual health screen, achieving 98% in Quarter 4. Work is ongoing at the new sexual health site in Flete (Thanet), which is projected to open in Quarter 2, 2023/24. The service has also continued successful proactive outreach work, with collaboration taking place between providers.

Community Drug and Alcohol Services continue to perform above target for the proportion of successful completions from drug and alcohol treatment. However, performance for this measure is on a downward trend. It should be noted that the services have been asked to focus heavily on increasing the numbers in treatment (especially from underserved groups), as per the Office for Health Improvements and Disparities (OHID) instruction. An increase in numbers in treatment is necessary for additional OHID funding to be agreed post-2025. The providers have been reminded of the importance of also continuing to maintain performance across other areas, such as successful completion.

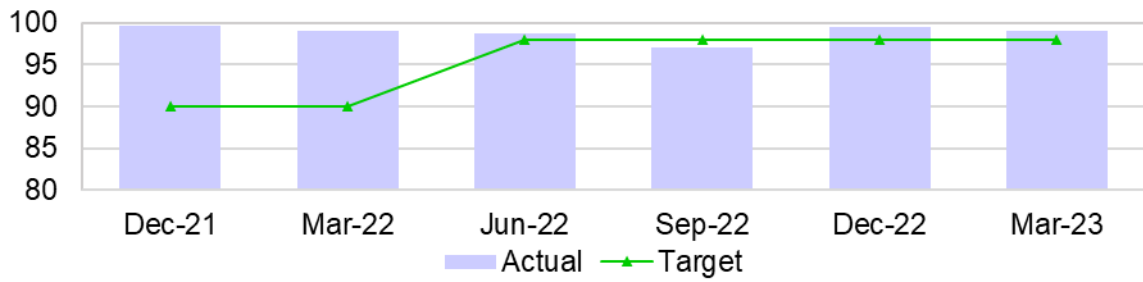
In Quarter 4, Live Well Kent & Medway client satisfaction rates were 99%, exceeding the 98% target. The service continues to report that the cost-of-living crisis is impacting on the mental health and wellbeing of clients. The service continues to mobilise the new contract whilst achieving positive outcomes for clients across Kent. For example, most people supported through the service to enter employment during 2022/23 have secured jobs for more than 16 hours per week. This has resulted in an increased number of people transitioning off employment-related benefits.

**Performance Indicators**



Percentage of Live Well clients who would recommend the service to family, friends, or someone in a similar situation

**GREEN**  
⇒



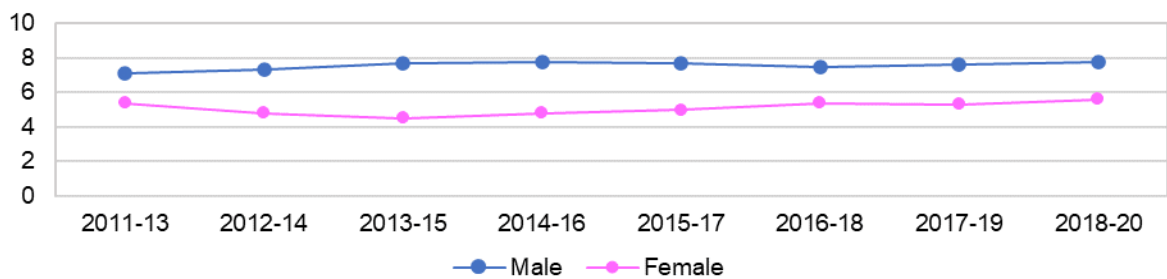
Current: 99.0%

Target: 98.0%

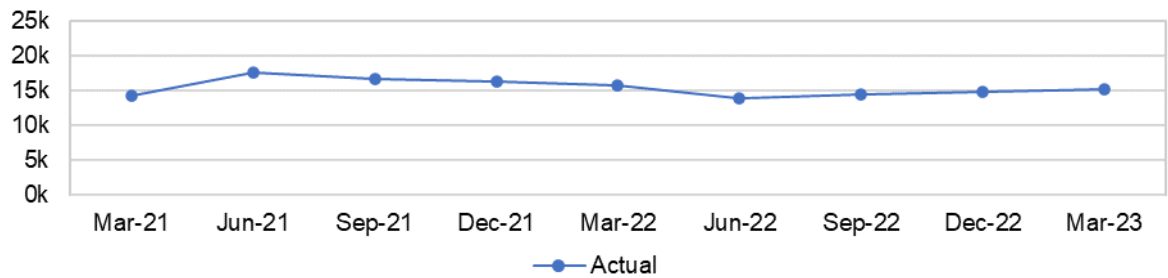
Previous: 99.5%

**Activity indicators**

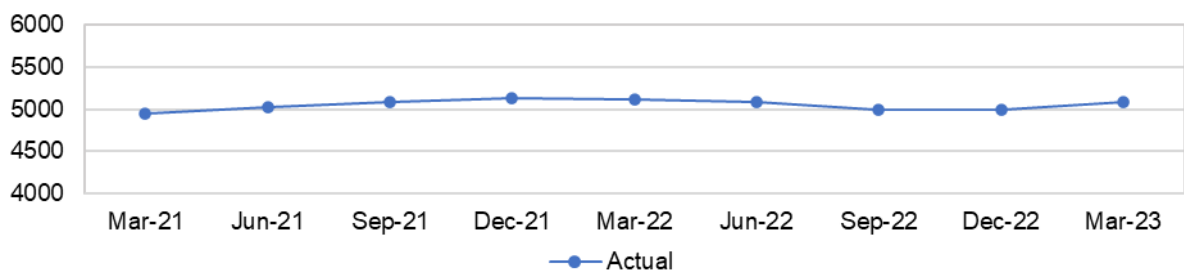
Life expectancy gap in years between least and most deprived areas



Number of attendances at KCC commissioned Sexual Health Clinics



Number of adults accessing structured Substance Misuse Treatment Services



## Corporate Risk Register – Overview

A combination of the cost-of-living crisis, rising energy bills, inflation pressures and interest rates, all exacerbated by the war in Ukraine and global supply chain issues, mean that the council, its residents, service users and staff are facing significant challenges, which carry risk implications for the achievement of the Authority's objectives.

The table below shows the number of corporate risks in each risk level (based on the risk score) in February 2023, compared with May 2023.

	Low Risk	Medium Risk	High Risk
<b>Current risk level February 2023</b>	0	4	14
<b>Current risk level May 2023</b>	0	6	12

### RISK LEVEL REDUCED

#### **CRR0050 – CBRNE incidents, communicable diseases and incidents with a public health implication – KCC response to and recovery from the impacts of the Covid-19 public health emergency**

The risk has been in the context of Coronavirus response and recovery and was escalated to corporate level in early 2020. As a result of a reduction in the prevalence of COVID-19 cases in Kent and nationally, the relatively low severity of infections, and the effectiveness of the national vaccine programme the risk rating been reduced further to 15 and is now a medium rated risk. This risk continues to be monitored and will reflect any impact or changes in the coming weeks and months.

#### **CRR0004 – Simultaneous emergency response and resilience**

Ensuring that the Council works effectively with partners to plan for, respond to, and recover from, emergencies and service disruptions is becoming increasingly important in light of climate change impacts, national and international security threats, severe weather incidents, threats of 'cyber attacks', border fluidity and more recently, geo-political issues that may impact energy supplies and concerns regarding avian flu.

The risk rating has been reduced from high to medium as the challenges presented over the past two years has seen the County Council demonstrate its ability to respond effectively to simultaneous events. The risk rating is now medium and is at its target level.

## MITIGATING ACTIONS

The Corporate Risk Register mitigations are regularly reviewed for their continued relevance and urgency, and new mitigations introduced as required.

Updates have been provided for 13 actions to mitigate elements of Corporate Risks that were due for completion or review up to May 2023. These are summarised below.

<b>Due Date for Review or Completion</b>	<b>Actions Completed/ Closed</b>	<b>Actions Partially complete</b>	<b>Actions subject to Regular Review</b>
Up to and including May 2023	3	7	3

### **CRR0001: Safeguarding – protecting children at risk**

#### Partially Complete

Progress on actions from the recent Independent Local Authority Children’s inspection to improve SMART planning and reduce drift in progressing children’s plans continued with the launch of the child in need panel process across children’s social work in February 2023, findings from which will be reviewed in coming months and presented to management teams.

Placement stability deep dive work, which aims to manage frequent placement moves, has been completed and the proposals presented to management teams and the Corporate Parenting Panel. This is due to be launched across the service alongside training and updated guidance.

### **CRR0002: Safeguarding – protecting adults at risk**

#### Regular Review

The review of the KCC Safeguarding Competency Framework and Mental Capacity Act requirements with a view to creating one framework has been impacted by the embedding of the new locality operating model. A revised review date of October 2023 has been set.

### **CRR0003: Securing resources to aid economic recovery and enabling infrastructure**

#### Partially Complete

The Kent and Medway Economic Framework is drafted and due to be presented to Growth Economic Development and Communities Cabinet Committee for a key decision in June / July 2023.

#### Partially Complete

Development of a funding framework for accessing the right investment at the right time is ongoing due to several uncertainties in the national landscape, e.g. the future of Local Enterprise Partnerships.

**CRR0004: Simultaneous Emergency Response, Recovery and Resilience**Partially Complete

The Kent Resilience Forum (KRF) independent review has now presented its findings to the KRF steering group committee, including a series of recommendations and options for partners to consider in respect of the future function of the KRF, the resource needed to support it, and the funding model. This is being considered by each member of the KRF (18 organisations) before a decision is taken on the way forward.

**CRR0009: Future financial and operating environment for Local Government**Complete

A robust plan was enacted to reduce the 2022/23 overspend as far as possible and consequently reduce the pressures on the 2023/24 budget, with regular budget monitoring processes in place to assess progress.

**CRR0014: Technological resilience and information security**Regular Review

Migration of the remaining non-business-critical services to a data centre has been delayed due to prioritisation of resource to support the Digital Workspace. It is anticipated that the migrations will take place by the end of June 2023.

**CRR0015: Managing and working with the social care market**Regular Review

Recommissioning of the care and support in the home framework has been placed on hold. The current contract does have an option to extend if required.

**CRR0039: Information Governance**

See CRR0014 above for action progress.

Partially Complete

Implementation of the new data breach process has commenced and is being delivered in stages starting with services within the Growth, Environment and Waste Directorate. Aiming for whole Council implementation by the end of June 2023.



**CRR0056: SEND and High Needs Funding**Complete

KCC has entered into the “Safety Valve” agreement with the Department for Education (DfE), to receive funding over a 5-year period to substantially fund the accumulated deficit on the Dedicated Schools Grant (DSG) High Needs Block (HNB). The agreement requires commitment to areas of review and improvement identified by Department for Education (DfE) to bring in-year spend in line with the in-year budget by 2027/28. A financial contribution from the Council is also expected.

Complete

KCC has established the SEND Improvement Programme which includes the delivery of the Accelerated Progress Plan covering the areas identified in Ofsted and CQC revisit report of 9 November 2022 and the DfE recommendations. Implementation of the plan is subject to stringent monitoring.

**CRR0057: Home to School Transport**Partially Complete

Work to improve inclusion and for more children to be educated in their local school, including Accelerated Progress Plan and Safety Valve work is in progress and will span several years to be able to demonstrate significant improvement.

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## Proposed KPIs and Activity Indicators for QPR 2023/2024

### Customer Services

#### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
Percentage of callers to Contact Point who rated the advisor who dealt with the call as good	97%	97%	90%
Percentage of phone calls to Contact Point which were answered	88%	90%	85%
Percentage of complaints responded to within timescale	71%	85%	80%

#### Activity indicators

Indicator description
Average speed of answer (ASA) by Contact Point – priority services (NEW indicator)
Average speed of answer (ASA) by Contact Point – all services (NEW indicator)
Number of phone calls responded to by Contact Point
Average Contact Point call handling time
Number of visits to the KCC website
Number of complaints received

### Governance and Law

#### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
Freedom of Information Act (Fol) requests completed within 20 working days*	75%	92%	90%
Data Protection Act (DPA) Subject Access requests completed within statutory timescales	65%	90%	85%

#### Activity indicators

Indicator description
Total number of Fol requests
Total number of DPA Subject Access requests

## Economic Development & Communities

### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
Number of homes brought back to market through No Use Empty	418	400	350
Developer contributions received as a percentage of amount sought	81%	98%	85%

### Activity indicators

Indicator description
Total number of physical visits to Kent libraries
Total number of book issues from Kent libraries (e-issues and physical)

## Environment and Transportation

### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
Percentage of routine potholes repaired in 28 days	75%	90%	80%
Percentage of routine highway repairs reported by residents completed within 28 days	85%	90%	80%
Emergency incidents responded to within 2 hours of notification (%)	92%	98%	95%
Percentage of satisfied callers for Kent Highways 100 call back survey	91%	95%	85%
Percentage of municipal waste recycled or converted to energy and not taken to landfill	99.8%	99%	95%
GHG emissions (KCC estate/services and Traded Companies) in tonnes, to measure progress towards Net Zero by 2030	14,726	11,907	13,100

### Activity indicators

Indicator description
Number of Highways enquiries raised for action
Highways enquiries work in progress (Routine and Programmed works)
Number of Street work permit requests
Total municipal tonnage collected (rolling 12 month)

## Education and Wider Early Help

### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
Percentage of Primary, secondary, Special and PRUs with good or outstanding Ofsted inspection judgements	91%	90%	87%
Percentage of Early Years settings with Good or Outstanding Ofsted inspection judgements	96%	98%	93%
Percentage of EHCPs issued within 20 weeks	37%	60%	55%
Percentage of annual reviews of EHCPs completed within timescale (NEW indicator)	Tbc	Tbc	Tbc
Percentage of pupils (with EHCP's) being placed in independent or out of county special schools	10.8%	9%	10.5%
Number of pupils permanently excluded from school	0.02%	0.02%	0.04%
Number of first-time entrants to youth justice system	299	270	340

### Activity indicators

Indicator description
The number of initial requests for statutory assessment for an EHC plan per 1,000 population
Number of initial requests for statutory assessment for an EHC plan (Quarterly, rolling 12 month) – NEW indicator
Percentage of pupils with an EHCP
Percentage of Primary school applicants offered one of top three preferences
Percentage of Secondary school applicants offered one of top three preferences
Number of pupils in Reception year (Kent state funded schools)
Number of pupils in Year 7 (Kent state funded schools)
Percentage of 16-17 years olds Not in Education, Employment or Training (NEETs) or whose activity is Not Known
Percentage of 16-18 year olds who start an apprenticeship
Percentage of 18-24 year olds claiming Universal Credit

## Integrated Children's Services

### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
% of Early Help (EH) cases closed with outcomes achieved that come back to EH or Children's Social Care within 3 months	13.3%	15%	20%
Percentage of Case holding posts filled by permanent qualified social workers	75.2%	85%	75%
Percentage of children's social care referrals that were repeat referrals within 12 months	22%	25%	30%
Children subject to a child protection plan for the second or subsequent time	23.2%	Between 17.5% and 22.5%	Above 27.5% or below 12.5%
Average number of days between becoming looked after and moving in with adoptive family	345	426	450
Percentage foster care placements which are in-house or with relatives and friends (excluding UASC)	73.7%	85%	75%
Percentage of care leavers in education, employment or training (of those KCC is in touch with)	63.4%	65%	55%

### Activity indicators

Indicator description
Number of open Early Help cases managed by Units
Rate of Children's Social Work (CSW) referrals per 10,000 population aged under 18
CSW caseload per 10,000 child population
Children with Child Protection Plans per 10,000 population
Children in Care (excluding Unaccompanied Asylum Seeking Children (UASC)) per 10,000 child population
Children in Care including UASC per 10,000 child population
Other local authority children in care placed into Kent
Number of care leavers

## Adult Social Care

### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
The percentage of people who have their contact resolved by ASCH but then make contact again within 3 months.	7%	9%	13%
The proportion of new Care Needs Assessments delivered within 28 days	70%	90%	80%
The percentage of people in receipt of a Direct payment with Adult Social Care & Health	24%	30%	24%
Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement / rehabilitation services (Better Care Fund)	81%	85%	80%
Long Term support needs of older people (65 and over) met by admission to residential and nursing care homes, per 100,000 (Better Care Fund)	146	111	138
The % of KCC supported people in residential or nursing care where the CQC rating is Good or Outstanding.	76%	80%	75%

### Activity indicators

Indicator description
Number of people making contact with ASCH
Number of new Care Needs Assessments to be undertaken
Number of people requiring a Care needs Assessment on the last day of the Quarter
Number of new Carers assessments delivered
Number of people with an active Care & Support Plan at the end of the Quarter
Number of new support packages being arranged for people in the Quarter.
Average cost of new support packages arranged for people in the Quarter.
Number of people in Long Term Residential or Nursing Services, and the number receiving long term community services in the Quarter
Number of people in Short Term Beds.
Number of people in Kent Enablement at Home
Number of people accessing ASC Services who have a Mental Health need
Number of people requiring an annual review to be completed on the last day of the Quarter
Number of Deprivation of Liberty Safeguards applications received and completed
Number of safeguarding enquiries open on the last day of the Quarter

## Public Health

### Key Performance Indicators

Indicator description	2022/23 Q4 Actual	2023/24 Target	2023/24 Floor
Number of eligible population aged 40-74 years old receiving an NHS Health Check – rolling 12 months	25,144	23,844	18,999
Number of mandated universal checks delivered by the health visiting service – rolling 12 months	68,852	68,000	54,400
Proportion of first-time patients (at any sexual health clinic or telephone triage) who are offered a full sexual health screen.	98%	95%	75%
Successful completion of drug and alcohol treatment	25%	25%	20%
Percentage of Live Well clients who would recommend the service to family, friends or someone in a similar situation	99%	98%	91%

### Activity indicators

Indicator description
Life expectancy gap between least and most deprived 10% wards
Number of people accessing KCC commissioned sexual health clinics
Number of adults accessing structured substance misuse treatment services



**From:** Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, Peter Oakford  
Corporate Director Finance, Zena Cooke

**To:** Cabinet, 29 June 2023

**Subject:** Provisional Revenue and Capital Budget Outturn Report 2022-23

**Classification:** Unrestricted

**Summary:**

The attached report sets out a high-level summary of the provisional revenue and capital budget outturn position for 2022-23. Included are revenue budget roll forwards, capital rephasing and budget adjustments.

**Recommendation(s):**

Cabinet is asked to:

- a) NOTE the provisional Revenue outturn position for 2022-23.
- b) NOTE the provisional Capital outturn position for 2022-23
- c) AGREE that £1.655m of the 2022-23 revenue underspending is rolled forward to fund existing commitments.
- d) AGREE that £0.305m of the 2022-23 revenue underspending is rolled forward to fund the rephasing of existing initiatives.
- e) CONSIDER the £0.726m request for the 2022-23 member grant underspend to be rolled forward to 2023-24.
- f) AGREE the drawing down of £24.996m from the Risk Reserve and up to £22.114m from the General Fund reserve to fund the overspend.
- g) AGREE the £159.215m of capital slippage/re-phasing from 2022-23 will be added to the 2023-24 and later years capital budgets and to note the review of the capital programme to address the high levels of slippage and rephasing and its funding requirements and sustainability.
- h) AGREE the proposed capital cash limit changes totalling £22.834m.
- i) AGREE the contributions to and from reserves and note the impact on the council's financial resilience.
- j) NOTE the review of reserves to strengthen the council's financial resilience during 2023-24 and as part of the budget setting process for 2024-25 and the MTFP period.

## **1. Introduction**

- 1.1 The attached report sets out the provisional revenue and capital outturn position for 2022-23.

## **2 Provisional Revenue and Capital Budget Outturn Report 2022-23**

- 2.1 The attached report sets out the provisional revenue budget outturn position for 2022-23 which is an overspend of £44.424m (excluding schools and roll forward requests of £1.960m). Within the overall outturn position there are significant overspends in Children's, Young People and Education totalling £32.721m, and in Adult Social Care & Health totalling £24.414m. There may be minor variations to the figures during the final stage of the year end process and the external audit.
- 2.2 Roll forwards totalling £1.960m have been requested as detailed in Appendix 1. These roll forwards meet the agreed criteria of projects where there is already a commitment in 2023-24, increasing the overspend to £46.384m. There is an additional request to roll forward a further £0.726m of member grant underspend which would increase the provisional revenue budget outturn position to an overspend of £47.110m.
- 2.3 This level of overspend will require the full utilisation of the risk reserve of £24.966m with the remaining up to £22.114m being drawn down from the General Fund reserve. The impact on our reserves is set out in Appendix 4.
- 2.4 The capital outturn position is an underspend of £158.4m, £159.2m of slippage and rephasing and £0.8m real net overspend. Also included in the attached is report are the capital re-phasing and budget adjustments which require Cabinet approval.

### 3. Recommendation(s)

Cabinet is asked to:

Cabinet is asked to:

- a) NOTE the provisional Revenue outturn position for 2022-23.
- b) NOTE the provisional Capital outturn position for 2022-23
- c) AGREE that £1.655m of the 2022-23 revenue underspending is rolled forward to fund existing commitments.
- d) AGREE that £0.305m of the 2022-23 revenue underspending is rolled forward to fund the rephasing of existing initiatives.
- e) CONSIDER the £0.726m of request for 2022-23 revenue underspending is rolled forward to fund Member grants.
- f) AGREE the drawing down of £24.996m from the Risk Reserve and up to £22.114m from the General Fund reserve to fund the overspend.
- g) AGREE the £159.215m of capital slippage/re-phasing from 2022-23 will be added to the 2023-24 and later years capital budgets and to note the review of the capital programme to address the high levels of slippage and rephasing and its funding requirements and sustainability.
- h) AGREE the proposed capital cash limit changes totalling £22.834m.
- i) AGREE the contributions to and from reserves and note the impact on the council's financial resilience.
- j) NOTE the review of reserves to strengthen the council's financial resilience during 2023-24 and as part of the budget setting process for 2024-25 and the MTFP period.

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# Revenue and Capital Budget Outturn 2022-23

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By Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services,  
Peter Oakford  
Corporate Director Finance, Zena Cooke  
Corporate Directors

To Cabinet – 29 June 2023

Unrestricted

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- 

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# 1 Introduction

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This report presents the provisional budget outturn position for 2022-23 for both Revenue and Capital budgets.

The revenue estimates for the 2022-23 budget approved in February 2022 were prepared against the backdrop of increased uncertainty and risk following recovery from the Covid-19 pandemic. It was noted the Council faced increased spending pressures associated with latent demand and increased complexity post pandemic, as well rising inflation during autumn 2021. Spending growth forecasts were based on these expectations. The risk reserve established in 2021-22 continued to be available to mitigate risks in the 2022-23 budget.

Two reports were taken to Cabinet on 31<sup>st</sup> March 2022 affecting the 2022-23 budget. The first report set out the latest inflation forecasts and the potential further economic impacts following the invasion of Ukraine including the likely higher inflation impacting on revenue and capital spending as well as risks to investment earnings and potential supply chain disruption. The second report set out the final share of retained business rates and final local government finance settlement. These increased the funding by £8.8m on the approved budget in February and enabled a further £8m to be added to the risk reserve for 2022-23 reflecting the higher risk profile identified in the previous report.

Despite the additional spending growth allocated in 2022-23, the provisional revenue budget outturn position for 2022-23 is an overspend of £44.424m (excluding schools and roll forward requests of £1.960m). Within the overall outturn position there are significant overspends in Children's, Young People and Education totalling £32.721m, and in Adult Social Care & Health totalling £24.414m.

The outturn position for 2021-22 was an underspend of £7.620m, this included an overspend of £7.958m in the CYPE Directorate which was offset by underspends in other Directorates. There was also an underlying overspend in the ASCH Directorate of £9.7m which was offset by one-off grant income resulting in a net underspend for the ASCH Directorate of £0.882m.

Roll forwards totalling £1.960m have been requested as detailed in Appendix 1. These roll forwards meet the agreed criteria of projects where there is already a commitment in 2023-24, increasing the overspend to £46.384m. There is an additional request to roll forward a further £0.726m which would increase the provisional revenue budget outturn position to an overspend of £47.110m.

This level of overspend will require the full utilisation of the risk reserve of £24.966m with the remaining up to £22.114m being drawn down from the General Fund reserve. The impact on our reserves is set out in Appendix 4.

The impact of the forecast revenue overspend was taken into account when determining the 2023-24 budget and the outturn position will inform future medium term plans.

The capital outturn position is an underspend of £158.4m, £159.2m of slippage and rephasing and £0.8m real net overspend. Also included in this report are the capital re-phasing and budget adjustments which require Cabinet approval.

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1.1	The provisional revenue outturn for 2022-23 is an overspend of £44.424m before roll forward requests. After roll forward requests the overspend is £46.384m. A further £0.726m roll forward has been requested which would increase the overspend to £47.110m.	The provisional revenue outturn before roll forwards is an overspend of +£44.424m. After roll forwards of +£1.960m the overspend increases to +£46.384m. A further +£0.726m roll forward of the member grant underspend has been requested which would increase the overspend to +£47.110m.  Overspends are recorded in most directorates with the exception of CED (-£3.466m excluding roll forwards (-£3.362m after roll forwards) and NAC including Corporately Held Budgets (-£11.790m).
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All other directorates are showing overspends, before taking into account roll forwards; the largest is +£32.721m in CYPE, followed by ASCH (+£24.414m), DCED (+£1.598m) and GET +£0.947m).

There may be minor variations to the figures during the final stages of the year end processes and external audit.

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1.2 Up to £47.110m overspend is proposed to be funded from reserves. It is proposed that the +£46.384m underlying overspend is funded corporately by drawing down £24.966m from the Risk Reserve and up to £22.114m from the General Fund.

The General Fund will require contributions to return it to a balance that equates to 5% of the Net Revenue Budget.

A review of our reserves will be undertaken to strengthen the council's financial resilience. More detail can be found in Appendix 4.

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1.3 The provisional capital outturn position is an underspend of £158.4m. The underspend is made up of +£0.8m real overspend and -£159.2m rephasing variance. This represents 39.7% of the capital budget.

The largest real variance is an overspend of +£7.7m GET (mainly due to +£3.5m relating to Government Transition Works and have been funded from Government Grants, +£2.1m for Thanet Parkway and +£1.0m on Public Rights of Way). CYPE is reporting a real overspend of +£0.8m this is made up of a number of real under and overspends and ASCH is reporting a real overspend of +£0.2m. DCED is reporting a real underspend of -£7.9m (-£10.0m relating to the Strategic Estate Programme due to postponement of the original planned commencement date)

The major rephasing variances are -£100.6m in GET, -£41.2m in CYPE and -£15.8m in DCED.

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1.4 Schools' Delegated Budgets are reporting a £19.263m net underspend. The in year overspend position is £36.6m against a budget of £1,519.5m and reflects the combination of high demand for additional SEN support and high cost per child due to greater demand for more specialist provision. This is in part due to the impact of legislative changes introduced in 2014 and funding shortages.

On the 16th March 2023 the Department for Education (DfE) announced that the authority had successfully secured £140m of High Needs Funding over the next five years to help contribute towards the historical deficit. We received £56.3m in 2022-23 and this has been reflected in the interim outturn position but has been netted off as a contribution to the DSG reserve to reduce the deficit. The Council's contribution in 2022-23 was £17m and has been funded from earmarked reserves.

Section 10 of the report provides more detail.

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## 2 Recommendations

### Cabinet is asked to:

2.1	Note the provisional Revenue out-turn position for 2022-23	The provisional Revenue out-turn for 2022-23 is an overspend of £46.384m. Please refer to Section 3 for details.
2.2	Note the provisional Capital position for 2022-23	The provisional Capital out-turn for 2022-23 is an underspend of - £158.4m Please refer to Section 11 for details.
2.3	Agree that £1.655m is rolled forward to fund existing commitments in line with the agreed roll forward criteria	12 roll forward requests that meet the roll forward criteria have been submitted for approval. Please refer to Section 2 of Appendix 1.
2.4	Agree that £0.305m is rolled forward to fund the re-phasing of grants in line with the agreed roll forward criteria.	1 roll forward request that meets the roll forward request criteria relating to the rephasing of grant income has been submitted for approval. Please refer to Section 3 of Appendix 1.
2.5	Consider the roll forward request of the member grant underspend of £0.726m	1 roll forward request to carry forward uncommitted member grants has been requested for approval. Please refer to Section 4 of Appendix 1
2.6	Agree the drawing down of £24.996m from the Risk Reserve and up to £22.114m from the General Fund reserve to fund the overspend.	The overspend will require the full utilisation of the £24.996m risk reserve and a further up to £22.114m from the General Fund reserve to balance the 2022-23 budget. Please refer to section 3.
2.7	Agree the £159.215m of capital slippage/re-phasing from 2022-23 will be added to the 2023-24 and later years capital budgets and to note the review of the capital programme to address the high levels of slippage and rephasing and its funding requirements and sustainability.	The capital programme budget for 2022-23 has an underspend of £159.215m which will need to be added to future years as the majority relates to slippage/rephasing. Please refer to section 11 and Appendix 2.
2.8	Agree the proposed capital cash limit changes totalling £22.834m as set out in Appendix 3.	There are a number of capital cash limit changes that are required since the budget was set in February 2022. Please refer to Appendix 3.



## 2 Recommendations

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|------|---|--|
| 2.9  | Agree the contributions to and from reserves and note the impact on the council's financial resilience..  | There are a number of movements in reserves that are required including those to balance the 2022-23 budget and these need to be approved. Please refer to Appendix 4. |
| 2.10 | Note the review of reserves to strengthen the council's financial resilience during 2023-24 and as part of the budget setting process for 2024-25 and the MTFP period | A review of the council's reserves will be undertaken In order to strengthen as far as possible the council's overall financial resilience.                            |
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## Provisional outturn position as overspend/(underspend)

Directorate	Budget £m	Provisional Outturn £m	Net Revenue Forecast Variance £m
Adult Social Care & Health	455.073	479.488	24.415
Children, Young People & Education	305.372	338.294	32.722
Growth, Environment & Transport	178.662	179.608	0.946
Deputy Chief Executive's Department	70.110	71.707	1.597
Chief Executive's Department	33.372	29.906	(3.466)
Non Attributable Costs	156.700	144.660	(12.040)
Corporately Held Budgets	(0.250)	0.000	0.250
<b>Initial General Fund</b>	<b>1,199.239</b>	<b>1,243.663</b>	<b>44.424</b>
<b>Roll forward requests</b>			<b>1.960</b>
<b>Revised Variance</b>			<b>46.384</b>
Member Grant underspend roll forward request			0.726
<b>Revised Variance (incl Member Grants roll forward)</b>			<b>47.110</b>

### Variance Funded by:

Drawdown from Risk Reserve	(24.966)
Drawdown from General Fund	(21.418)
Drawdown from General Fund	(0.726)

### Ringfenced Items

Schools' Delegated Budgets	0.000	(19.263)	(19.263)
<b>Overall Position</b>	<b>1,199.242</b>	<b>1,224.403</b>	<b>(19.263)</b>

### Roll Forwards

Directorate	£m	Variance	Committed	Re-Phased	Bid	Revised Variance
Adult Social Care & Health		24.415	0.073			24.488
Children, Young People & Education		32.722	0.660	0.305		33.687
Growth, Environment & Transport		0.946	0.818			1.764
Deputy Chief Executive's Department		1.597				1.597
Chief Executive's Department		(3.466)	0.104			(3.362)
Non Attributable Costs		(12.040)				(12.040)
Corporately Held Budgets		0.250				0.250
<b>Total excluding Schools</b>		<b>44.424</b>	<b>1.655</b>	<b>0.305</b>	<b>0.000</b>	<b>46.384</b>
Member Grant underspend					0.726	0.726
		<b>44.424</b>	<b>1.655</b>	<b>0.305</b>	<b>0.726</b>	<b>47.110</b>

**General Fund**

Despite the additional spending growth allocated in 2022-23, the provisional outturn variance is an overspend of +£44.424m on the 2022-23 revenue budget before roll forwards. There are Directorate roll forward requests of £1.960m, that meet the roll forward criteria as set out below. These requests increase the overspend to £46.384m. There is also a bid of £0.726m to roll forward the underspend on member grants which would increase the overspend to £47.110m.

Overspends are reported across all directorates with the exception of the Chief Executive's Department (-£3.466m) and Non Attributable Costs including Corporately Held Budgets (-£11.790m). The CYPE directorate is showing a net overspend of +£32.721m (+£19.772m in the Education division, +£7.921m in the Special Educational Needs and Disabilities division and +£5.350m in the Integrated Children's Services division). The ASCH directorate is showing a net overspend of +£24.414m (+£40.823m in the Adult Social Care & Health Operations division and -£15.863 in Strategic Management and Directorate Budgets). DCED is showing a net overspend of +£1.598m (+£2.485m in the Corporate Landlord divisions; all other divisions are recording an underspend). The GET directorate is showing a net overspend of +£0.947m (+£1.232m in the Environment & Waste division, +£0.570m in the Highways & Transportation division and -£0.753 in the Growth & Communities Division). The provisional outturn position includes £10.038m relating to Covid-19, committed COMF, Helping Hands and Reconnect and this has been offset by a drawdown from the Covid-19 Emergency Grant reserve.

The overspend is proposed to be funded corporately by drawing down £24.966m from the Risk Reserve that was established in recognition of the increased risks in the budget. However, the overall overspend is significantly greater than what is available in the risk reserve and therefore up to £22.114m will need to be funded from the General Fund reserve. A review of our reserves will be undertaken to strengthen the council's financial resilience, taking into consideration our policy to retain reserves at 5% of our net revenue budget.

**Roll forward requests**

The £1.960m proposed roll forward requests that meet the agreed criteria are as follows:

- £1.655m of contractually committed items
- £0.305 relating to rephasing of grant income

In addition to the roll forward requests set out above, there is a request to roll forward £0.726m of member grant underspend from 22-23.

**Schools' Delegated Budgets**

The Schools' Delegated budget of £1,519.5m has an underspend of -£19.263m. The in year DSG overspend was £36.6m. This is almost entirely due to an increase in the High Needs budget deficit, which is the Council's single biggest financial risk. On the 16<sup>th</sup> March 2023 the Department for Education (DfE) announced that the council as part of the Safety Valve programme had successfully secured £140m of High Needs Funding over the next five years to help contribute towards the historical deficit. This funding is dependent on the council delivering its deficit recovery plan over the same period. We received £56.3m in 2022-23 and this has been reflected in the provisional outturn position. As part of the agreement with the DfE the council has to contribute £84m to the deficit over the same 5 year period; in 2022-23 our contribution was £17m, which was funded from Earmarked Reserves. For more information, please refer to section 10 and the Reserves position in Appendix 4.

## Provisional Outturn Variance

	Budget £m	Provisional Outturn £m	Net Revenue Variance £m
Adult Social Care & Health Operations	405.839	446.662	<b>+40.823</b>
Strategic Management & Directorate Budgets	39.916	24.053	<b>(15.863)</b>
Business Delivery	9.287	8.845	<b>(0.442)</b>
Public Health	0.031	<b>(0.072)</b>	<b>(0.102)</b>
<b>Adult Social Care &amp; Health</b>	<b>455.073</b>	<b>479.488</b>	<b>+24.415</b>
Roll forward requests			<b>+0.073</b>
<b>Revised Variance</b>			<b>+24.488</b>

The ASCH directorate provisional revenue outturn variance is £24.488m after roll forwards. Details of the underspend of £24.415m before roll forwards of +£0.073m is detailed below and the roll forwards are set out in Appendix 1.

Pressures across the directorate were alleviated by outstanding costs relating to the previous year being lower than estimated, which resulted in lowering the variances in the current year. The directorate also holds funding at directorate level which is released throughout the year as activity forecasts increase (any increases in clients or underlying unit costs). This includes prices funding for non-framework providers, winter schemes & activities, demography funding.

Contributions to the £14.0m provision for bad and doubtful debts have added +£2.6m to the overall overspend, with this pressure arising due to both an increase in levels of debt owed to the council as well as the requirement to set aside an amount for debts not yet due. This is based on the bad debt provision policy, so as debt rises, so will the provision required. The arrangements for reviewing and recovering debt are being strengthened to

The 23-24 budget has been realigned to address underlying service pressures that are expected to carry forward into the new financial year, and the 23-24 savings programme also addresses a number of service areas under pressure.

Explanation of Divisional variance, in numerical order:

Division	Variance	Summary	Detail
Older People - Residential Care Services (Adult Social Care & Health Operations)	+£30.471m	High levels of complexity requiring additional support and increased use of expensive short-term beds	+£32.2m of this overspend is largely driven by increasing cost pressures due to a combination of market conditions such as workforce shortages and increasing complexity of those older people accessing residential and nursing care services. Within the total figure, +£12.8m is from increasing use of short-term beds as part of the hospital discharge arrangements,

Division	Variance	Summary	Detail
			<p>where individuals leave hospital with increasingly complex needs.</p> <p>Other pressures on this service line include a +£1.2m increase in contributions to the provision for bad and doubtful debts and +£1.0m relating to contract and commissioning savings which were not realised against this service line.</p> <p>The above overspends are partly offset by -£2.1m released from centrally held funds such as prices, winter pressures and provisions, and -£3.4m additional funding from the ICB for Hospital Discharges.</p>
Adult Mental Health - Community Based Services (Adult Social Care & Health Operations)	+£6.370m	Increases in Supported Living care packages & non-achievement of savings	<p>+£4.4m of this overspend relates to clients receiving supported living care packages, including an increase in average hours provided per client to meet more complex needs.</p> <p>A further +£2.8m relates to savings which were not realised against this service line, with +£1.4m due to arranging care and support where achievement of savings has been impacted by demand and pressures in the social care market, and +£1.4m due to delays in the procurement of new models of care relating to microenterprises and Technology Enabled Care (TEC).</p>
Adult Learning Disability - Community Based Services & Support for Carers (Adult Social Care & Health Operations)	+£3.663m	Increased complexity and higher costs than anticipated.	<p>+£6.2m of the overspend relates to clients receiving supported living and day services with higher cost packages.</p> <p>+£0.7m of this overspend is due to unrealised savings, mainly due to contract and commissioning savings which were not achieved this financial year.</p> <p>+£0.2m of the overspend is due to an increase in contributions to the provision for bad and doubtful debts.</p> <p>The above overspends are partly offset by -£0.5m released from centrally held funds.</p>
Adult Physical Disability - Residential Care Services (Adult Social Care & Health Operations)	+£2.960m	Increasing costs and complexity of need, and non-achievement of savings	<p>+£2.3m of the overspend is due to service activity arising from higher client numbers exceeding budgeted levels.</p> <p>A further pressure of +£0.1m relates to an increase in contributions to the provision for bad and doubtful debts, and +£0.2m from contract and commissioning savings which were not achieved this financial year.</p>

Division	Variance	Summary	Detail
			The above pressures are partly offset by -£0.2m released from centrally held funds.
Adult Mental Health - Residential Care Services (Adult Social Care & Health Operations)	+£2.341m	Increasing costs and complexity of need, and non-achievement of savings	+£2.2m of the overspend is due to the cost of client care packages increasing beyond budgeted levels, arising from higher levels of complexity in the client group.  +£0.3m of this overspend is due to contract and commissioning savings which were not achieved this financial year.
Adult In House Enablement Services (Adult Social Care & Health Operations)	-£1.091m	Reduced staffing expenditure	Staffing underspends across In-House Enablement Services have been realised due to continuing workforce shortages in the social care market and difficulties in recruiting and retaining staff.
Community Based Preventative Services (Strategic Management & Directorate Budgets)	-£1.560m	Reduced commitments and additional funding.	An underspend has been realised on this service line due to a reduction in contractual commitments (-£0.6m), use of Public Health funding for Mental Health Community & Wellbeing services (-£0.7m), and expenditure funded from the COVID-19 emergency grant reserve (-£0.3m).
Older People - Community Based Services (Adult Social Care & Health Operations)	-£1.841m	Reduced utilisation of services due to market capacity, and release of centrally held funds.	This service line has underspent by -£2.8m, where continuing workforce shortages in the social care market have reduced the availability of suitable homecare packages and resulted in more clients receiving alternative support.  A release of -£6.9m from centrally held funds to offset pressures across the directorate is contributing to the underspend.  The above underspends are partly offset by +£8.6m from savings which were not realised in-year against this service line, which were delayed due to the scale and size of the ASCH restructure.  There is also a pressure of +£0.6m from an increase in contributions to the provision for bad and doubtful debts.
Strategic Management & Directorate Support (ASCH) (Strategic Management & Directorate Budgets)	-£2.895m	Release of centrally held funds.	There is a -£2.9m underspend on this service due to the release of centrally held funds to partly offset pressures across ASCH operations.
Adaptive & Assistive Technology	-£3.440m	Re-alignment of savings	-£3.1m of the underspend on this service line relates to -£2.9m of slippage of planned expenditure which would have achieved wider efficiencies through

Division	Variance	Summary	Detail
(Adult Social Care & Health Operations)			greater use of technology enabled care now being deferred to the following financial year, and -£0.2m from realigned savings which were not achieved against this service line.
Provision for Demographic Growth - Community Based Services (Strategic Management & Directorate Budgets)	-£10.172m	Release of centrally held funds.	This is the release of centrally held funds to partly offset pressures across ASCH operations.

## Provisional Outturn Variance

	Budget £m	Provisional Outturn £m	Net Revenue Variance £m
Integrated Children's Services	165.785	171.135	+5.351
Special Education Needs & Disabilities	91.934	99.866	+7.932
Education	45.595	65.367	+19.772
Strategic Management & Directorate Budgets	2.258	1.926	(0.332)
<b>Children, Young People &amp; Education</b>	<b>305.572</b>	<b>338.294</b>	<b>+32.722</b>
Roll forward requests			+0.965
<b>Revised Variance</b>			<b>+33.687</b>

The CPYE directorate provisional revenue outturn variance is £33.687m after roll forwards. Details of the overspend of £32.722m before roll forwards of +£0.965m is detailed below and the roll forwards are set out in Appendix 1.

The 23-24 budget has been realigned to address underlying service pressures that are expected to carry forward into the new financial year, and the 23-24 savings programme also addresses a number of service areas under pressure.

Explanation of Significant Divisional variances (over £0.5m), in numerical order:

Division	Variance	Summary	Detail
Home to School Transport (Education)	+£16.125m	Significant inflationary increases on transport contracts and increase in demand	<p>+£1.9m of the overspend relates to mainstream home to school transport and +£14.5m on Special Education Needs (SEN) transport services, with an underspend of -£0.2m on Kent Travel Saver for 16+.</p> <p>Significant inflationary increases on new transport contracts due to higher operating costs and reducing supplier base, increasing bus ticket prices and transport requirements have contributed towards price rises of between 10-40% and pressures of approximately +£1.7m and +£11.2m on mainstream and SEN transport services respectively. Work continues to explore alternative more cost effective strategies for transporting children to school where possible, including a review of the SEN school led transport arrangements.</p> <p>The number of children requiring SEN transport has continued to increase in line with historic trends with</p>



Division	Variance	Summary	Detail
Looked After Children - Care & Support (Integrated Children Services)	+£9.935m	Increase in number and cost of looked after children. High costs of legal services.	<p>12% year on year increase in the number travelling. This is a consequence of the higher Education Health and Care Plan numbers and greater number of children with SEN not being educated in their local school. Work to slow this trend is not expected to start to impact until the latter months of 2023 (leading to a total pressure of +£2.8m in 2022-23).</p> <p>The mainstream home to school transport position reflects the rise in the number of pupils travelling from the Autumn term due to a combination of rises in secondary population, impact of cost of living, and wider changes in bus services (leading to a pressure of +£0.4m).</p> <p>The number of looked after children has increased over the past 6 months (6%), and is now the highest in over 5 years, resulting in a greater number being placed in more expensive external settings as no suitable alternative is available including higher use of independent fostering agency placements (+£7.1m). The cost of placements continues to rise and the use of unregulated placements, at significant cost, has also become more common where it is more difficult to find suitable residential placements.</p> <p>Campaigns are continuing to recruit more in-house foster carers but based on success rates during 2022-23 savings have not been achieved whilst some will be delayed to 2023-24 (+£1.0m). The service continues to look for opportunity to place children in the most cost-effective placements through practice reviews, reducing dependence on high levels of additional support and seeking enhanced contributions from health.</p> <p>The cost of legal services has increased significantly since COVID-19 and similar levels of activity have occurred in 2022-23 due to the continual backlog in court proceedings (+£2.5m). A review of legal services demand has resulted in greater oversight of both the scrutiny and approval process of legal requests within Integrated Children's Services to ensure legal services are used most effectively, along with closer working with Invicta Law to stabilise spending moving forward. Delays in court proceedings following COVID are also expected to improve which should result in both lower legal and placement costs, where outcomes are reached more quickly.</p> <p>One-off underspends totalling around £0.7m resulting from use of external grants &amp; prior year</p>

Division	Variance	Summary	Detail
			accounting adjustments has partially offset these pressures.
Adult Learning & Physical Disability Pathway – Community Based Services (Special Educational Needs & Disabilities)	+£4.440m	Increasing cost of Supported Living and Homecare packages	The number of supported living, direct payments and homecare packages have remained relatively static. However, the average cost of packages continues to increase in response to the level of support required. The service has seen a reduction in the use of residential care, but this has resulted in higher packages of community support contributing to the higher cost. The service is continuing to review packages of care ensuring strict adherence to policy, regular reviews of those with high levels of support and seeking enhanced contributions from health
Other School Services (Education)	+£3.095m	Various school related costs	Delays in basic need capital projects have resulted in the use of more temporary accommodation to ensure sufficient school places are available (+£1.7m). +£0.5m pressure on essential maintenance and temporary works on school properties that do not meet the threshold for capital projects. In addition, there are +£1.0m of costs associated with capital surveys to inform future additional works and +£0.7m for feasibility costs relating to capital works that are no longer progressing. All are partly offset by a -£0.6m underspend from the statutory testing contract for schools.  Also included is a -£0.6m underspend on the historic School Improvement Grant to be requested as a roll forward to 2023-24 for known future year commitments.
Looked After Children (with Disability) - Care & Support (Special Educational Needs & Disabilities)	+£1.316m	Increased cost of residential and unregulated placements	The continual difficulties in recruiting specialist foster carers to support children with disabilities coupled with shortages in cost effective residential care placements is leading to increasing cost of new placements and continual dependency on high-cost unregulated placements.
Children's Social Work Services - Assessment & Safeguarding Service (Integrated Children Services)	+£0.680m	High use of agency staff required to meet demand and inflationary cost increases of agency staff	Recruitment and retention of social workers continues to be a challenge, along with the need to provide sufficient cover for maternity leave. This has led to a higher number of agency staff to meet demand, coupled with higher costs following inflationary increases.
Special Educational Needs & Psychology Services (Special Educational Needs & Disabilities)	+£1.056m	Increased use of agency staff	Difficulties in the recruitment of suitably qualified Education Psychologists and SEN officers has led to an increasing use of agency staff.

Division	Variance	Summary	Detail
Children in Need (Disability) - Care & Support (Special Educational Needs & Disabilities)	+£1.127m	Increasing number of direct payments and cost of homecare packages	The number and cost of packages for disabled children have increased, this is partly due to inflationary increases and additional support required during to COVID-19.
Children's Centres (Integrated Children Services)	-£0.992m	Management of vacancies & non-essential spend	Impact of Council wide management action to delay the recruitment to vacant posts and the halting of all non-essential spend.
Children's Disability 0-18 Commissioning (Special Educational Needs & Disabilities)	-£0.606m	Use of external grant to fund services	Underspend mainly due to one-off use of an external grant to partially fund services (-£0.4m).
Management & Directorate Support (Integrated Children Services)	-0.759m	Staffing vacancies	Delays in the recruitment to vacancies across practice development and management information, along with halting of other non-essential spend.
Care Leavers Service (Integrated Children Services)	-£0.799m	Reduced demand for accommodation services	Work has continued to support young people to secure independence leading to reduction in demand for placements post 18.
Early Help & Preventative Services (Integrated Children Services)	-£0.832m	Cessation of Positive Behaviour Service	A review of the Positive Behaviour Service led to the ending of the current service level agreement and integration of practices across existing early help units (-£0.4m). Other general underspends across the service lead to a further -£0.4m underspend.
Youth Services (Integrated Children Services)	-£1.456m	Underspend on secure accommodation & delay in the recruitment to vacancies	Delay in the recruitment of detached youth workers (-£0.3m), general underspends across the service (-£0.3m) and a lower number of placements in remand secure accommodation (-£0.9m).

	Provisional Outturn Variance		
	Budget £m	Provisional Outturn £m	Net Revenue Variance £m
Environment & Waste	81.603	82.835	+1.232
Highways & Transportation	66.568	67.138	+0.569
Growth & Communities	29.104	28.351	(0.753)
Strategic Management & Directorate Budgets	1.387	1.285	(0.102)
<b>Growth, Environment &amp; Transport</b>	<b>178.622</b>	<b>179.608</b>	<b>+0.946</b>
Roll forward requests			<b>+0.818</b>
<b>Revised Variance</b>			<b>+1.754</b>

The GET directorate's provisional revenue outturn variance is +£1.754m, after roll forwards. Details of the overspend of +£0.946m, before roll-forwards of +£0.818m, is detailed below and the roll forwards are set out in Appendix 1.

The roll forwards primarily relate to committed grant and partnership funding for project delivery in 2023-24.

The 23-24 budget has been realigned to address underlying service pressures that are expected to carry forward into the new financial year, and the 23-24 savings programme also addresses a number of service areas under pressure.

Explanation of Divisional variance, in numerical order:

Division	Variance	Summary	Detail
Supported Bus Services (Highways & Transportation)	+£1.459m	Undelivered saving partially offset by grant income	A net budget reduction of £2.2m was agreed at County Council (February 2022), but a delay in progressing the decision meant that the profiled savings were not delivered as planned, with the cost reduction only being delivered from mid-February 2023. The quantum of routes that required withdrawal (to achieve the net £2.2m budget reduction) is in excess of £3m. Additional grant funding of £1.0m has helped to mitigate some of this pressure, as additional routes were taken on from April 2022 and therefore the grant was used for service continuity and to sustain the market.
Kent Travel Saver (Highways & Transportation)	+£1.394m	Increased operator costs	+£1.1m of the overspend relates to increased payments to operators, including additional capacity payments (+£0.8m), following an increased take up of passes, offset in part by -£0.2m of additional income.

Division	Variance	Summary	Detail
			The position would have been improved if the service had not paid bus operators at budgeted levels for the summer term, in line with a request from Government (+£0.4m).
Waste Facilities & Recycling Centres (Environment & Waste)	+£1.210m	Haulage and price pressures offset by favourable recycling prices	Favourable prices relating to the material recycling facility as well as additional income for recyclables (-£1.1m) and a reduction in tonnes primarily composting and food waste (-£0.6m) have been more than offset by other pressures. There are overspends within haulage (+£1.0m), increased price of composted waste (+£0.5m), higher than budgeted inflationary increases in the costs of managing Transfer Stations and Household Waste Recycling Centres (+£0.7m), and shortfalls in some areas of income (+£0.5m).
Highway Assets Management (Highways & Transportation)	+£0.729m	Energy inflation and other pressures, partially offset by income	The cost of energy for streetlighting and tunnels has increased significantly since the budget was set (+£2.6m). There are also overspends in Highways Management, including late costs resulting from Storm Eunice in February 2022 and increased works across Inspections and District Manager budgets, largely due to emergency repairs to the road network following winter snow/heavy rainfall from the November 2022 storms. Overspends were also reported for Drainage and Non-Recoverable Damage, although increases in income, primarily street works and permits – (£1.7m), and a rebate from a solar farm (-£0.8m), have helped to offset the overspends.
Growth and Support to Businesses (Growth & Communities)	+£0.447m	Non-achieved income target largely offset by underspends	The business rate pool (KCC, districts and boroughs) funds a range of regeneration and economic development projects. A budget reduction of £1.5m was agreed on the basis of securing some of this funding to offset the cost of county-wide projects and programmes but it has not, to date, been possible to identify and agree alternative projects and spend. The shortfall in income is therefore +£1.5m. This is partially offset by underspends including vacancies in staffing (-£1.0m). There are also underspends totalling -£0.4m of committed funding for on-going projects. These are requested to be rolled forward.
Residual Waste, (Environment & Waste)	+£0.169m	Inflationary pressure offset by reduced volumes and underspend on works at closed landfill sites	This position includes a significant price pressure for Allington Waste to Energy plant, as the contractual uplift based on April RPI was much higher than the budgeted estimate (+£2.6m). In addition, there are overspends on other prices and increased costs of paint, clinical waste, asbestos, and other hazardous/toxic waste (+£0.5m). This is partially offset by reduced tonnes (-£2.0m). Also within this

Division	Variance	Summary	Detail
			position is an underspend on the environmental and other works at Closed Landfill Sites (including at North Farm) following delays in procurement (-£0.8m).
Public Protection (Enforcement) (Growth & Communities)	-£0.387m	Trading Standards new burdens grant not received offset by vacancies and income	The budget for this service was built on the assumption that funding would accompany the additional burdens being placed on Trading Standards following EU Exit (including Border Ports, Animal Health, and Feed Officers/Teams) but no additional Government funding has been forthcoming (+£0.5m). This is more than offset by underspends, across the group of services, including vacancy management (-£0.5m) and additional income (-£0.3m). There is also a -£0.1m underspend of committed funding for an on-going project which is requested to be rolled forward.
Highways & Transportation Divisional Management Costs (Highways & Transportation)	-£0.391m	Additional income and other minor variances	Additional grant income within the Public Transport budget plus vacancies and other minor variances.
Transportation (Highways & Transportation)	-£0.604m	Management action and an underspend on Driver Diversion Schemes partly offset by a contribution to capital	<p>This position includes the impact of management action identified to reduce the Council's projected overspend, including a contribution towards costs from Developer Agreements, as well as reduced costs comprising vacancy management, additional staff capitalisation, and other reductions in expenditure (totalling -£1.2m). There is also an underspend within Driver Diversion Schemes resulting from vacancy management, an increase in client numbers and a reduction in venue costs (-£0.3m).</p> <p>However, these underspends have been offset in part by the need for a revenue contribution to capital due to a funding shortfall with the Bearsted Road scheme (+£0.9m).</p>
Libraries, Registration & Archives (Growth & Communities)	-£0.914m	Registration income offset by reduced Library income	<p>Levels of Registration income remains above budgeted levels post pandemic (-£1.1m), but Library usage has not returned to pre-pandemic levels, with income lower in areas such as fines and printing (+£0.4m). Registration income will continue to be reviewed but it is not expected that this level of activity will continue e.g., delayed ceremonies and/or a short term spike in marriages due to Covid.</p> <p>No government funding has been received for the new burden costs resulting from increased demands on the Registration service, following the introduction of the Marriage Schedule Act 2021, (+£0.1m).</p>

Division	Variance	Summary	Detail
English National Concessionary Travel Scheme (ENCTS) (Highways & Transportation)	-£2.017m	Activity is below budgeted level	<p>Activity has remained below the levels built into the budget e.g., the projected upturn has not occurred at the levels expected.</p> <p>The Government's expectation was that bus operators were paid at pre pandemic rates/levels, reducing towards actual activity by the end of the financial year as part of sustaining the market/industry. Without this request, the service would have been projecting an additional underspend of around -£2.1m.</p>

	Provisional Outturn Variance		
	Budget £m	Provisional Outturn £m	Net Revenue Variance £m
Human Resources & Organisational Development	5.089	4.798	(0.291)
Marketing & Resident Experience	5.996	5.836	(0.160)
Infrastructure	6.189	5.756	(0.433)
Technology	23.471	23.455	(0.016)
Corporate Landlord	26.466	28.951	+2.485
Strategic Management & Departmental Budgets	2.899	2.922	+0.023
<b>Deputy Chief Executive's Department</b>	<b>70.110</b>	<b>71.707</b>	<b>+1.597</b>
Roll forward requests			<b>0.000</b>
<b>Revised Variance</b>			<b>+1.597</b>

The DCED Directorate provisional revenue outturn variance is +£1.597m. Detail of the overspend is set out below.

The 23-24 budget has been realigned to address underlying service pressures that are expected to carry forward into the new financial year.

Explanation of Divisional variance, in numerical order:

Division	Variance	Summary	Detail
Corporate Landlord	+£2.485m	Inflationary Pressure on Utilities	<p>There is a +£2.859m overspend which is due to an increase in utility costs across all properties. These increases are related to the current national trend and are significantly higher than the budgeted price increase funded as part of the 2022/23 budget. Where possible work is being undertaken to improve efficiencies and reduce energy consumption across the estate. Additional funding for unavoidable energy price increases has been allocated in the 2023-24 budget setting process.</p> <p>The utilities pressure is partially offset by increased income over budgeted levels due to rental income from district health authorities and recharging to tenants.</p>



Division	Variance	Summary	Detail
Infrastructure	-£0.433m	Vacancy management and increased income over budgeted levels.	There is a £0.930m underspend in staffing netted off against +£0.606m pressure on hybrid working. -£0.324m underspend against staffing budgets in Property due to vacancy management and increased capitalisation of staff time; -£0.312m additional benefit of one-off in year income from school meals contract rebates and recharging for regulatory compliance interventions. These underspends were offset by overspends of +£0.218m against building condition surveys and estates legal service costs.
Human Resources & Organisational Development	-£0.291m	Additional income from several sources	Underspend due to a number of smaller items: internal income from reallocation above budgeted figure offsetting pressures elsewhere within the division; and income from sales, fees and charges.

## Provisional Outturn Variance

	Budget £m	Provisional Outturn £m	Net Revenue Variance £m
Finance	12.411	12.231	(0.180)
Strategic Commissioning	8.108	7.200	(0.908)
Governance, Law & Democracy	8.308	7.097	(1.211)
Strategy, Policy, Relationships & Corporate Assurance	4.517	4.033	(0.484)
Strategic Management & Departmental Budgets	0.028	(0.655)	(0.683)
<b>Chief Executive's Department</b>	<b>33.372</b>	<b>29.906</b>	<b>(3.466)</b>
Roll forward requests			<b>+0.104</b>
<b>Revised Variance</b>			<b>(3.362)</b>
Member Grant underspend roll forward request			+0.726
<b>Revised Variance (incl Member Grants roll forward)</b>			<b>(2.636)</b>

The CED Directorate provisional revenue outturn variance is -£3.362m after roll forwards. The revenue outturn variance including the roll forward of the Member Grant underspend is -£2.636. Detail of the underspend of -£3.466m before roll forwards of +£0.104m and the Member Grant underspend roll forward request of £0.726m is detailed below and the roll forwards are set out in Appendix 1.

Explanation of Divisional variance, in numerical order:

Division	Variance	Summary	Detail
Governance, Law & Democracy	-£0.451m	Staff vacancies not appointed and additional income.	Increased income from Schools' appeals together with reduced cost of provision due to appeals being held virtually post pandemic. Staffing underspend due to unappointed vacancies.
	-£0.726m	Unspent Member Grants.	The outturn shows an underspend against unspent Local Member Grants, which has been requested as a roll forward request.
Strategic Commissioning	-£0.908m	Primarily staffing underspend pending service reorganisation.	Staffing underspend due to vacancy management pending service reorganisation and release of rolled forward funding for

Division	Variance	Summary	Detail
			commercial resource not used. Additional grant income above budget.
Strategic Management & Departmental Budgets (CED)	-£0.683m	Reduced early retirement costs and management action to reduce spend.	This underspend is due primarily to reduced early retirement costs.
Strategy, Policy, Relationships & Corporate Assurance	-£0.484m	Management action to reduce spend.	-£0.484m of this underspend is due to staffing vacancy management savings and other management actions allowing contingency funds to be released. There is also -£0.104m against safeguarding budgets which is subject to a roll forward request, details of which can be found in Appendix 1.

	Provisional Outturn		Net
	Budget	Provisional	Revenue
	£m	£m	Variance
			£m
Non Attributable Costs	156.700	144.660	(12.040)
Earmarked Budgets Held Corporately	(0.250)	0.000	0.250
<b>Net Total incl provisional share of CHB</b>	<b>156.450</b>	<b>144.660</b>	<b>(11.790)</b>

Non-Attributable Costs, including Earmarked Budgets Held Corporately, have a provisional outturn variance of -£11.790m. -£4.5m of the underspend relates to net debt costs largely due to the estimated impact of the increase in the Bank of England base rate on the Council's cash balances and savings from debt restructuring.

Details of the significant variances on the General Fund are shown below:

Key Service (Division)	Variance	Summary	Detail
Non-Attributable Costs	-£12.040m	Net debt costs, S31 grant for Covid Additional Relief Fund (CARF) and an increase in Extended Rights to Travel grant.	<p>-£4.5m net debt costs due to the estimated impact of the increase in the Bank of England base rate on our interest on cash balances and savings from debt restructuring.</p> <p>-£3.5m of the underspend is due to the drawdown from reserves of the S31 grant for Covid Additional Relief Fund (CARF) which was accrued for in 2021-22 based on a government data collection exercise. This funding had not been built into the 2022-23 budget so has led to an in-year underspend.</p> <p>-£1.6m reflects our share of the business rates levy account surplus distribution by government as notified in the final local government finance settlement for 2023-24 on 6th February.</p> <p>-£1.0m increase in the Extended Rights to Travel grant compared to the budget assumption.</p> <p>In addition to the £12m underspend there are other significant items to report that have a net nil impact on the NAC projected position.</p> <p>Minimum Revenue Provision (MRP) has been recalculated based on assets completed in 2021-22. This has resulted in a saving of £2.0m. In line with usual practice, it is intended that this underspend is transferred to the MRP smoothing reserve to be used to fund future fluctuations in MRP, therefore there is no overall impact in the current year.</p>

An overspend of £0.6m against the Insurance Fund mainly due to increased cost of premiums including Insurance Premium Tax has been offset by a drawdown from the Insurance Reserve.

An increase of £0.8m in the Retained Business Rates levy for 2021-22 compared to the accrual included in the 2021-22 accounts was transferred to the Economic Development/Regeneration reserve in line with agreed practice after funding the payment to Kent Fire of their 3% share. This is still an estimated figure and will not be confirmed until the Kent District Councils' NNDR3 figures have been audited.

Variances against the Workforce Reduction budget are managed via the Workforce Reduction reserve and as such an underspend of £0.6m has been transferred to the Workforce Reduction reserve.

A net £1.1m increase in the return from our limited companies. All proceeds from our companies are transferred to the Strategic Priorities reserve

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Earmarked Budgets Held Corporately	+£0.250m	Workforce management savings not achieved.	Workforce management savings are now considered to be a non-cashable productivity gain. Initiatives such as automation programme have freed up staff time but not entire roles.
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## 10 Schools' Delegated Budgets

**The Schools' Delegated Budget reserves have ended the financial year with a surplus of £61.1m on individual maintained school balances, and a deficit on the central schools' reserve of £61.4m. The year end position on the Dedicated Schools Grant of £1,519.5m is a £36.6m overspend.**

The balances of individual schools cannot be used to offset the overspend on the central schools' reserve and therefore should be viewed separately.

The Central Schools Reserve holds the balance of any over or underspend relating to the Dedicated Schools Grant (DSG). This is a specific ring-fenced grant payable to local authorities to support the schools' budget. It is split into four main funding blocks: schools, early years, high needs and central, each with a different purpose and specific rules attached. The Council is required to hold any under or overspend relating to this grant in a specific reserve and is expected to deal with any surplus or deficits through future years' spending plans. The tables below provide the overall position for the DSG in 2022-23 and detailed movements on both the central schools' reserve and individual schools' reserves.

Dedicated Schools Grant (DSG) 2022-23 Outturn Summary:

DSG Block	2022-23 Total Budget* £'ms	2022-23 Outturn £'ms	2022-23 Variance £'ms
Schools Block	1,119.1	1,120.1	+1.0
High Needs Block	296.1	333.4	+37.3
Early Years Block	92.6	90.9	-1.7
Central Services to Schools Block	11.5	11.5	0.0
<b>Total DSG 2022-23</b>	<b>1,519.5</b>	<b>1,555.9</b>	<b>+36.6</b>

\*Before recoupment and other DfE adjustments including additional funding from the Safety Valve Programme. Budgets include the impact of moving £10m from the Schools block to the High Needs Block as agreed by the Secretary of State.

The table below provides the overall position for central schools' budget detailed movements on each reserve.	Individual School Reserves £'ms	Central Schools Reserve £'ms	<i>Note: a negative figure indicates a drawdown from reserves/deficit</i>
Balance brought forward	61.3	-97.6	
Forecast movement in reserves:			
Academy conversions	-1.5		
Increase in School surplus balances	1.7		
Increase in School deficit balances	-0.4		
School Block Related Spend		-1.0	
High Needs Placements, Support & Inclusion Fund		-37.3	
Underspend on Early Years		1.7	
Local Authority Contribution		17.0	
Safety Valve Payment from DfE		56.8	

## 10 Schools' Delegated Budgets

Reserve Balance                      61.1                      -61.4

In accordance with the statutory override implemented by the then Ministry of Housing, Communities & Local Government (MHCLG) during 2020-21, and in line with the Department for Education (DfE) advice that local authorities are not expected to repay deficits on the DSG from the General Fund and can only do so with Secretary of State approval, the central DSG deficit of £61.4m will be held in a separate unusable reserve from the main council reserves. DLUHC have confirmed this statutory override has been extended for three years to March 2026 whilst Councils implement recovery plans. The Council continues to work with the Schools Funding Forum and other partners to implement the plan to address the deficit.

The Council is part of the DfE's Safety Valve Programme for those Councils with the highest deficits to support the development of a sustainable plan for recovery; this includes funding from the DfE, totalling £140m over five years, to pay off part of the deficit but only if the Council can demonstrate and deliver a credible plan. The Council is also expected to contribute towards the residual deficit which totals over £80m. The DSG deficit is the Council's single biggest financial risk; therefore, the successful implementation of the Council's deficit recovery plan is critical. The SEND Green Paper and the recently published SEND Implementation Plan sets out the Government's proposed reforms to the SEND and alternative provision (AP) system which in part is expected to support a more sustainable high needs funding system although it is recognised this will not impact immediately and local actions are required.

In 2022-23, the Council has received £56.3m from the DfE, the first tranche of the £140m safety valve commitment, and the Council has been required to contribute a further £17m from reserves. This additional funding has helped to reduce the accumulated deficit from £136m to £61m as at 31<sup>st</sup> March 2023.

Key Issues	Details
School Block: One-off Settlement & underspends on growth & de-delegated funding	The DSG Reserve as at 31 <sup>st</sup> March 2022 of £98m is formed from a net surplus on the Schools Block of £3.6m and a net deficit on the High Needs block of £101m. The two blocks of funding have different purposes and rules and Secretary of State Approval is needed to transfer funding from the schools' block to other funding blocks. The Schools Block funds primary and secondary schools' budgets, and the accumulated balance from previous years' underspend, has been fully paid to schools during 2022-23 (total costs +£3.6m), as a one-off additional payment to support the cost of changes to the calculation of pay for term time only staff. Underspends on funding for school places required to meet basic need and de-delegated funding linked to schools' improvement have resulted in a net surplus of £2.5m as of March 2023 on the Schools' Block. This is expected to be held as a contingency.
Early Years: general underspend	The Early Years Block is used to fund early years' providers the free entitlement for eligible two, three and four-year olds. Each year, when setting the funding rate an estimate must be made as to likely hours that will be provided to ensure it is affordable within the grant provided. This can lead to under or overspends if activity is slightly lower or higher than expected. This has led to an underspend of £1.7m against a budget of £93m, options for the future use of this underspend will be considered including the possibility of utilising some of the underspend to partly fund spend on the Early Years SEN Inclusion Fund, which is currently funded from the High Needs Block, and reduces the overspend on High Needs Block.
Reduction in government	Since 2020-21, the Government has reduced the funding used to support some of the central services currently funded from the DSG (from £14.8m to £11.3m, a reduction of

## 10 Schools' Delegated Budgets

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funding for Central Services £3.3m). Although some of this has been addressed through the Medium-Term Financial Plan (£1.5m) and other short term alternative funding sources (£1.8m) without any direct impact to schools; we are currently undertaking an initial scoping of the areas we may need to review in terms of our relationship with schools in line with Government policy, funding and the wider DSG deficit recovery plan and implement changes that will eliminate the funding shortfall. Changes are expected to be consulted with schools during the Autumn term.

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Higher demand and higher cost for high needs placements. The High Needs Block (HNB) is intended to support the educational attainment of children and young people with special educational needs and disabilities (SEND) and pupils attending alternative education provision. The HNB funds payments to maintained schools and academies (both mainstream and special), independent schools, further education colleges, specialist independent providers and pupil referral units. Some of the HNB is also retained by KCC to support some SEND services (staffing/centrally commissioned services) and overheads.

Safety Valve Payment & Local Authority Contribution. The net deficit on the high needs block was £101m as at 31st March 2022 and has increased to £136m as at 31st March 2023. The overspend on the high needs block has been growing rapidly over recent years and is the most significant financial risk to the council.

The in-year funding shortfall for High Needs placements and support in 2022-23 is +£38m due to a combination of both higher demand for additional SEN support and higher cost per child resulting from greater demand for more specialist provision. Levels of growth are similar to previous years, since the introduction of the legislative changes in 2014, which also saw the expansion of statutory duties to the age of 25 without sufficient extra government funding. Many other councils are also reporting deficits on their high needs block resulting from significant increases in their number of EHCPs and demand for SEN services. However, the increases locally have been increasing at a significantly faster rate than other comparative councils and the council is placing a greater proportion of children in both special and independent schools compared to other councils, and a smaller proportion of children with SEND in mainstream schools. The tables below detail the trend in both spend and number of HNB funded places or additional support across the main placement types.

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Table: Total Spend on High Needs Block by main spend type

	19-20 £'ms	20-21 £'ms	21-22 £'ms	22-23 £'ms
Maintained Special School	97	106	123	137
Independent Schools	40	49	60	68
Mainstream Individual Support & SRP* **	38	46	54	61
Post 16 institutions***	16	17	19	21
Other SEN Support Services	44	49	43	48
Total Spend	234	264	299	334

\*Specialist Resource Provision

\*\* Please note this data excludes any costs incurred by primary & secondary schools from their own school budget.

\*\*\*Individual support for students at FE College and Specialist Provision Institutions (SPIs)

Table: Average number of HNB funded pupils receiving individualised SEN Support/placements. This is not the total number of children with SEN or number of EHCPs.

	19-20 No	20-21 No	21-22 No	22-23 No
Maintained Special School	4,751	5,118	5,591	6,007
Independent Schools	907	1,126	1,348	1,450
Mainstream Individual Support & SRP*	3,922	4,510	5,258	5,818
Post 16 institutions***	1,196	1,281	1,453	1,586
Total Number of Pupils	10,776	12,035	13,650	14,861

Table: Average cost of HNB funded pupils receiving individualised SEN Support or placement cost.

	19-20 £s per pupil	20-21 £s per pupil	21-22 £s per pupil	22-23 £s per pupil
Maintained Special School	£20,330	£20,629	£21,648	£22,789
Independent Schools	£43,851	£43,734	£44,799	£46,897
Mainstream Individual Support & SRP*	£9,691	£10,294	£10,245	£10,414
Post 16 institutions***	£13,393	£13,309	£13,090	£13,101

Since 2020-21 the Government has provided further funding; however, as can be seen from the projection, this has been insufficient to meet the demand and we will need to take further actions to ensure we are able to support children with SEN sustainably, in partnership with the Schools' Funding Forum. The Council, with support from Schools, Schools Funding Forum and the Secretary of State has continued to transfer £10m from the schools' budget to the high needs budget each year to fund activities to support SEN Support services in mainstream schools. These activities are being implemented and their impact monitored.

The actions to address the recently published SEN Improvement Notice, overlaps in a number of places with our strategy for reducing the pressure on the High Needs budget by supporting improvements across the SEN system. Overlapping actions include:

- Reviewing our commissioning strategy for SEN provision across the county including supporting the development of new special schools and Specialist Resource Provisions to reduce our increasing reliance on independent schools including the opening of two new special schools in 2021 which when fully opened will avoid over 350 higher cost placements.
- Reviewing commissioning arrangements including independent providers, home tuition and therapy services.
- Improving parental confidence through supporting inclusive practice and capacity building in early years, mainstream schools and FE Colleges to reduce reliance on special and independent schools. This will support the council's ambition set out in the report presented to Cabinet in January setting out the council's intention to support a model of provision where the proportion of children and young people supported in each provision type (mainstream and specialist provision) will more closely reflect both statistical neighbours and national averages.
- Restructuring the SEN Service and process review to better meet and manage current & future demand;
- Further collaborative working with Health and Social Care partners

The impact of these actions will not be immediate and could take a number of years to be fully embedded, however, during 2022-23 there have been slightly more children with an EHCP supported in a mainstream school than historic trends indicating the impact of some of the initial changes.

The longer-term impact of children being out of school during the COVID pandemic on the High Needs budget is starting to be evidenced though increasing demand for Social Emotional and Mental Health (SEMH) services including increasing pressure on attendance and alternative provision services for children out of school.

Directorate	Capital Budget £m	Variance £m	Real Variance £m	Slippage/Rephasing Variance £m
Adult Social Care & Health	1.8	-0.4	0.2	-0.6
Children, Young People & Education	96.7	-41.2	0.8	-42.0
Growth, Environment & Transport	255.4	-100.6	7.7	-108.3
Chief Executive's Department	0.6	-0.4	0.0	-0.4
Deputy Chief Executive's Department	39.3	-15.8	-7.9	-7.9
<b>TOTAL</b>	<b>393.8</b>	<b>-158.4</b>	<b>0.8</b>	<b>-159.2</b>

The total approved General Fund capital programme including roll forwards for 2022-23 is £393.8m

The total capital programme spend for the year is £235.4m, which represents 60% of the approved budget. This is a £158.4m underspend against the budget, which is split between a +£0.8m real variance and -£159.2m slippage/rephasing variance. Of the -£159.2m, £29m is funded from borrowing, from a total budget assumption of £107m.

The 10 year capital programme continues to be developed to address the high levels of slippage and rephasing and the funding requirements and sustainability of key elements of the programme such as Highways and Basic Need will be reviewed during 2023-24.

The split of the real and rephasing variance reflects the position after significant in-year overspends have been funded, as described in the Growth, Environment and Transport section of the report. The funding of in-year overspends has largely been covered by what would have been rephasing and therefore the amount available to carry forward into future years has been reduced. Inflation has been the cause of some of the in-year overspends, and the impact of this is likely to continue into 2023-24 and beyond. The basic need programme is currently forecasting a £10.4m pressure over the next three years as a result of inflation. Inflationary increases have impacted the rolling programmes budgets and these have been managed where possible by reducing the amount of works that are done, this has increased maintenance backlogs and has resulted in some building closures.

## 2022-23 Variances

The major variances (>£1m rephasing and >£0.1m real variances) are described below:

### **Adult, Social Care & Health:**

Project	Real Variance £m	Rephasing Variance £m	Detail
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#### Major variances to report:

There are no major variances to report.

## Children, Young People &amp; Education:

Project	Real Variance £m	Rephasing Variance £m	Detail
<u>Major Variances to Report:</u>			
Basic Need Kent Commissioning Plan 2017	3.0	-7.5	<p>The real variance is due to:</p> <ul style="list-style-type: none"> <li>-£2.7m Deal School and -£1m Oakley Satellite now being reported under High Needs Provision 22-24.</li> <li>+£0.5m Ebbsfleet Green Primary – correction of prior years costs.</li> <li>+£0.2m Sunny Bank Primary due to additional works agreed to finalise the project.</li> <li>+£0.3m Westlands School, a contribution was made to the school for early works prior to the basic needs project.</li> <li>-£0.3m Tunbridge Wells Boys Grammar – project is complete.</li> <li>+£6.2m correction to overall budget due to funding re Royal School for the Deaf inadvertently added back twice into basic need, which was highlighted during the 21-22 closure of accounts.</li> </ul> <p>Rephasing due to:</p> <ul style="list-style-type: none"> <li>-£3.8m Meopham School – the original costs were high. A contract has only recently been awarded following a re-tendering process.</li> <li>-£3.6m Thamesview School due to a delay going out to tender due to a change in moving from SCAPE framework to the Kent Framework, and high costs including inflation.</li> </ul>
Basic Need Kent Commissioning Plan 2018	-1.3	-2.7	<p>The real variance is due to:</p> <ul style="list-style-type: none"> <li>-£ 1.2m Garlinge Primary now being reported under the High Needs Provision line,</li> <li>+£0.8m Tunbridge Wells Boys Annex where the previous forecast was incorrect, and additional works were carried out which are to be funded from Community Infrastructure Levy (CIL).</li> <li>-£1.0m Simon Langton Boys – the school has now met the additional contractor costs for additional works requested by the school.</li> </ul> <p>The main rephasing variance is due to:</p> <ul style="list-style-type: none"> <li>-£2.4m Dartford Bridge Primary – offices within the school site are being used by other services and need to be vacated before the expansion can proceed,</li> <li>-£0.5m Isle of Sheppey Special School – this is a DfE managed project.</li> </ul>

Basic Need Kent Commissioning Plan 2019	0.3	-21.8	<p>Real overspend due to:</p> <ul style="list-style-type: none"> <li>+£0.7m Towers School – previous forecast too low but the revised amount is still within the amount agreed in the decision report.</li> <li>+£0.4m Whitstable &amp; Seasalter Junior which includes improvement and modernisation works from Annual Planned Enhancement.</li> <li>-£0.5m Nexus Special School now being reported under High Needs Provision 2022-24.</li> <li>-£0.3m Teynham Primary School a change of scope led to redesign and a new contractor being appointed.</li> </ul> <p>Rephasing is due to:</p> <ul style="list-style-type: none"> <li>-£4.0m Highstead Grammar – this is a school managed project.</li> <li>-£3.9m Borden Grammar due to a review of design required.</li> <li>-£3.1m Chilmington Green Secondary – initial service installation works have not yet been started.</li> <li>-£1.2m Maidstone Girls Grammar- the costs came in high and the quantity surveyor is now reviewing the project which has delayed works.</li> <li>-£1.5m Cable Wharf Primary due to a replacement school for Rosherville which has been selected under the school rebuild programme. KCC are to add just 1FE.</li> <li>-£10.4m relates to five school managed projects where delivery timescales are not in KCC control: Highstead Grammar, Queen Elizabeth’s Grammar, The Sittingbourne School, Westlands School and Fulston Manor School.</li> </ul>
Basic Need Kent Commissioning Plan 2020 (2021-25)	-3.5		<p>The real variance is due to:</p> <ul style="list-style-type: none"> <li>-£0.5m Dover Christ Church as places are not needed until 2028-29 so it has been removed.</li> <li>-£2.4m St Mary of Charity Primary where places are not needed until 2026.</li> <li>-£0.5m Guston CEPS as places are not needed until 2027-30.</li> </ul>
Basic Need Kent Commissioning Plan 2021 (2022-26)		-£5.2	<p>The rephasing variance is due to project lead times, planning issues and the signing of funding agreements.</p>
Overall Basic Need Programmes			<p>Across the basic need programmes over the next three years, there is a forecast in excess of current budget of approximately £14m. Of this, £10.4m is due to forecast inflation pressures which are expected to materialise in 2023-24 and 2024-25.</p> <p>An additional £7.5m of banked developer contributions which were not included in the budget have been applied as funding in 2022-23. This additional funding has been switched with prudential funding which has therefore been reduced by £7.5m. The overall programme and its presentation will be reviewed during 2023-24 to identify how the forecast overspend will be addressed and to provide greater transparency of variances at project level.</p>

High Needs Provision	0.2	-1.1	<p>The real variance is made up of:          +£0.4m Canterbury Academy – tenders are higher than expected due to the requirement of a steel frame,          +£0.1m Parkside Primary – design changes have increased costs,          -£0.3m St Nicholas SRP – works completed under budget.          The real variance in 22-23 will be funded by High Needs Provision grant.</p> <p>The main element of rephasing variance relates to:          -£0.8m Cherry Orchard – this is a school managed project and KCC has no control over timescales.</p>
High Needs Provision 22-24	2.9		A number of projects previously reported in Basic Need are now being reported in High Needs. This primarily relates to Deal Special School +£2.7m.
School Roofs		-2.5	Rephasing: Birchington CEPS has been selected under the school rebuild programme. The delivery date is currently unknown. Confirmation that no KCC funding is required is pending.
Nest 2	-1.6		The project is no longer going ahead due to insufficient funding.
Family Hubs and Start for Life Programme	0.1		Grant funding is provided for this new joint programme by the Department for Education and the Department of Health and Social Care.
Annual Planned Enhancement	0.6		Real variance funded by schools' condition allocation grant. This includes budget adjustments between other budget lines to cover maintenance works.
Modernisation Programme	0.1		Real variance funded by schools' condition allocation grant.

## Growth, Environment & Transport:

Project	Real Variance £m	Rephasing Variance £m	Detail
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### Major Variances to Report:

#### Highways and Transportation:

Project	Real Variance £m	Rephasing Variance £m	Detail
Highways Asset Management and Programme of Urgent Safety Critical Works			The Highways Asset Management and Programme of Urgent Safety Critical Works is made up of many different budget lines, on some of which there are significant variances which are explained below:
Original variance position	17.8	-25.5	
Revised variance position having covered overspends	-0.9	-6.8	<p>Pothole Blitz – this has overspent by £8.1m in 2022-23 due to there being no budget identified for this programme of works when the capital programme was approved. This has been funded from what would have been rephasing on Structures which will need to be reimbursed as the works on structures were only delayed to allow sufficient engineering and design, as well as conducting the works in dry weather.</p> <p>Thanet Way – overspend of £1.5m due to emergency works. This again, is funded from what would have been rephasing on Structures.</p> <p>Resurfacing – this has overspent by £7.9m, due to: double-digit inflation (plus no inflation uplift on Department of Transport grant funding, nor KCC funding), additional costs for inspectors, emergency works in Tenterden, and the purchase of steel piling and construction of Boughton Hill. This has been funded by bringing forward part of the 2023-24 resurfacing budget.</p> <p>Structures – before funding overspends there was rephasing of £17.3m: £3.4m of which relates to challenge fund grant and the rest is due to a lack of Senior Resource in the Structures Operation Team due to the inability to recruit specialist staff and rolling forward funds due to the scale of some projects and lead in time for design, tendering and commissioning. There are also delays with contractor delivery times. However the rephasing has had to be used to fund overspends on Pothole Blitz (£8.1m), Thanet Way (£1.5m) and Thanet Parkway (£1.2m). This has resulted in a revised roll forward against Structures of £6.5m which will have an impact on the 2023-24 budget.</p> <p>The overspends on both this budget line and Thanet Parkway have resulted in reduced roll forwards of £10.8m and a reduction to the overall Highways Asset Management and Programme of Urgent Safety Critical Works budget of £7.9m in 2023-24.</p>

Dover Bus Rapid Transit		-10.3	The profiling of the scheme has been updated to reflect the latest works programme from Colas and has resulted in rephasing following slow mobilisation. This is fully grant funded.
Fastrack Full Network		-8.8	Delays to the Preconstruction stage and a review of the ability of a contractor to deliver the works has prevented the start of the tunnel works. The project costs have increased significantly, particularly due to inflation pressures, and are now beyond the available budget. A review has begun to determine if further funding is available from external partners to provide the required budget.
Bearsted Road (National Productivity Investment Fund) – Kent Medical Campus	1.0	-8.5	Significant challenges have been encountered during the design phase which has delayed the programme and contract award. The current profiling reflects expected construction to commence in January 2023 (delayed from April and then August 2022), however since the original pricing of the contract, there have been significant increases in construction costs, notably due to increases in energy and fuel prices and on top of this inflation costs have increased significantly along with changes to red diesel tax and National Insurance increases. Until the price and programme is agreed there could be further changes to the profiling and the overall cost The overspend is due to delays and loss of income due to COVID.
Zero Emission Bus Regional Areas (ZEBRA)		-8.5	The procurement timeframe for the electric buses was extended by a month to allow bidders more time to prepare what are considered very complex bids, this has subsequently pushed the spend to 23/24.
A299 Bluebell Hill M2 and M20 Interchange Upgrades		-4.4	This project is awaiting commitment of funding from the Department for Transport therefore it has been profiled across future years.
Dartford Town Centre		-4.2	The project has been delayed due to partner project management changes, that are now resolved, therefore budget has been reprofiled to 2023/24.



Green Corridors	0.1	-3.6	<p>The rephasing is due to the construction of the three largest sites (sites 2, 6, 8 and 11) will span 2022/23 and 2023/24 financial years. The construction periods have been delayed so that the sites can be procured together and constructed by a single contractor. Other works nearby mean that the construction of these sites cannot begin before January 2023 due to road space availability and procurement timescales.</p> <p>The real variance is due to £0.1m of grant being transferred from the external schemes budget in order for further sites to be progressed within this scheme.</p>
Sturry Link Road		-3.6	<p>Delays in appointing the principal contractor and the associated development delivering a portion of the Sturry link Road has resulted in reprofiling to future years.</p>
Government Transition Works	3.5	-3.5	<p>The real variance relates to additional funding received to implement the works at Sevington. Final costs are awaited to establish if any grant is required to be repaid to the funder. This is fully grant funded.</p>
Housing Infrastructure Fund – Swale		-3.4	<p>The rephasing is due to reprogramming of the Key Street works avoiding the M2 Junction 5 traffic management issues. This will be approximately an 8-month delay. There is also an approximate 3-month delay to the Grovehurst Road contract award.</p>
Thanet Parkway	2.1		<p>The costs in excess of budget have started crystallising in the 2022-23 financial year. The £2.1m overspend has been funded from additional funding from Get Building Fund (£0.875m) and the remainder (£1.2m) from rephasing on structures within the Highways Asset Management and Programme of Urgent Critical Safety Works budget line. An estimate of overspend has been calculated at £5.4m however costs are still yet to be confirmed by Network Rail.</p>
Dover Inter Border facility	-1.0	-2.6	<p>The real variance is due to adjusted funding from various grant providers. The rephasing of grant to 2023-24 is required to complete the scheme. Any remaining funds will need to be repaid to the funder once the scheme has completed.</p>
Urban Traffic Management Control		-2.5	<p>The rephasing is due to three junctions in Dartford being postponed until the Dartford Town Centre Scheme progresses.</p>

Bath Street Fastrack		-2.4	The rephasing was due to design delays due to statutory undertaking requirements. The construction contract has now been awarded in February 2023.
Integrated Transport Schemes	0.5	-2.1	The real variance is due to a number of additional schemes for which there is additional external funding. The rephasing is due to staff vacancies, bad weather conditions and inability to book road space due to other schemes progressing. Increased costs due to double-digit inflation have also caused delays as new quotes have had to be provided from sub-contractors and alternative funding secured.
Kent Active Travel Fund Phase 2		-1.8	KCC were not able to construct 4 of the 5 active travel tranche 2 funded schemes during 2022-23 due to lack of support at consultation stage by the community and local Councillors for the initial designs. A change control request for the 4 schemes delayed was sent to Active Travel England (ATE) by KCC which has now been agreed.
Faversham Swing Bridge		-1.8	There are ongoing discussions with Peel Ports relating to this project.
LED Conversion		-1.4	Re-phasing is required as the budget is to convert newly adopted assets to LED where the approved design was prior to the LED conversion project. The date for adopting new developments is an unknown quantity, therefore the carry forward reflects that fewer assets have been adopted and converted this year than expected.
A28 Chart Road, Ashford		-1.4	The profile has been updated on the current assumption that construction will now start in March 2024. However, this is still subject to the bond being provided by the developer for KCC to forward fund the project. A review and update of the design is being carried out which, once complete, will allow a full review of project costs to be undertaken. This is all due to be funded from developer contributions.
Kent Active Travel Fund Phase 3		-1.2	The areas covered by this grant are Herne Bay Seafront and Sevenoaks Urban area. Timeframes suggest £1.2m of the funding received will be in contract by the end of this financial year but spend will incur in 2023-24, hence the rephasing.

Kent Thameside Strategic Transport Programme (STIPS)	0.7	-1.2	The real variance is due to £0.2m grant funding from this programme being returned from an underspend on Rathmore Road as this project is now almost complete. £0.5m is being refunded from Kent Thameside LSTF. This grant is specific to this programme. This grant and S106s rephased will be used towards the Thamesway part of the programme that is being progressed in 2023/24.
Kent Thameside LSTF – Integrated Door to Door Journeys	-0.7		Gravesend Bus Hub is £0.7m underspent due to the tender cost being lower than the pre-tender estimate and the construction risk allowance for the project was only partially realised. We also had reductions in Statutory Undertakers costs following the on-site review of the proposed diversionary works. The grant has been passed back to the STiPS programme and the revenue will not be drawn from the Fastrack reserve.
A226 St Clements Way	-0.2		The defects period of the main works has been completed and retention has been released. An allowance has been held back this year to complete some minor works and for landscape works. The underspend is to be released back to the Strategic Transport Infrastructure Programme (formerly known as Kent Thameside Strategic Transport Programme) as these are the conditions of the funding.
Rathmore Road Link)	-0.2		This project is almost complete. The £0.2m underspend is transferred back to the Kent Thameside Strategic Transport (STIPS) budget line as this is specific grant for that programme.
Folkestone – A Brighter Future	0.1		This is a new project that KCC are delivery on behalf of Folkestone and Hythe District Council. Using Levelling Up funding awarded to Folkestone & Hythe District Council it seeks to ‘level up’ Folkestone’s town centre by supporting active travel, creating a high-quality environment that supports civic pride and reverses years of disparity in investment by transforming the fortunes of the town’s primary retail areas. The real variance is due to the grant not yet being in the cash limits.
<b><u>Growth &amp; Communities</u></b>			
Kent & Medway Business Fund		-5.4	Rephasing is due to profiling now in line with anticipated loan applications and approvals.

Digital Autopsy (DA)		-2.9	The rephasing is due to the project tender (ITT) for the DA and body store delivery failing to identify sufficient interest to build and run the facility. The project is now looking at alternative options to bring in the necessary providers. Given the amount of time this will take to bring forward, the capital spend has been deferred as the capital element can only be entered into at the same time as the revenue contracts to ensure the project is de-risked.
Innovation Investment Initiative (i3)		-2.6	Due to the launch of the new Kent and Medway Business Fund scheme and the time constraints this has placed on the team it is not possible to also promote the i3 scheme this year so any forecasted expenditure has been pushed back to future years.
Kent Empty Property Initiative	2.0	-0.6	The real variance is due to additional loans expected to be issued, to be funded by additional grant and external funding.
Kent Broadband Voucher Scheme		-1.3	The forecasting for this project is inherently difficult due to it being a demand-led scheme. A revised profile has now been agreed.
Broadband Contract 2		-1.3	This has been rephased in line with an expected invoice due for 2023-24 from BDUK.
Public Rights of Way	1.0	-1.1	The real and rephasing variance reflects additional funds (mainly developer contributions and external fundings) received for future projects.
Kent & Medway Business Fund – Small Business Boost	0.7		This is a sub-fund of the main Kent & Medway Business Fund and is funded from the recycled loan repayments.
Javelin Way Development	0.3		The real variance is due to the increased costs of the fit out to Kent Music which is being funded by additional income from them. There have also been additional costs due to UKPN delays and the extension of time accrued by WWM because of delays to the project. This will be funded by increased income from sales values and a further grant.
Marsh Million		-0.3	The project has now come to an end and distributions will be made to the contributors of the scheme.
Kings Hill Solar Farm	0.2		Higher than anticipated costs due to double digit inflation have resulted in a forecast overspend, which will be funded from reserves.

Environment & Waste:

Folkestone & Hythe Waste Transfer Station	-4.8		The project has been delayed due to securing the funding required through the S106 development agreement from Otterpool LLP in addition to securing appropriate wider planning conditions to secure the preferred site for the scheme. Once this has been secured, a revised cost and funding profile will be established.
Leigh (Medway) Flood Storage Areas	-1.5	0.6	The funding originally allocated to this project has now been split between this and a new line – Surface Water Flood Risk Management. The real and rephasing variances reflect the amount transferred and the revised timing of expected spend.
Local Authority Treescape Fund	0.1		Additional grant has been received to fund this project.

**Chief Executive’s Department:**

Project	Real Variance £m	Rephasing Variance £m	Detail
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Major variances to report:

There are no major variances to report.

**Deputy Chief Executive's Department:**

Project	Real Variance £m	Rephasing Variance £m	Detail
<u>Major variances to report:</u>			
Modernisation of Assets	0.5	4.0	The real variance is works on projects where there has been additional funding that was not included in the cash limit e.g. £0.3m revenue contribution for Turner. Overall there has been significant spend above budgeted levels in 2022-23, which has been necessary to address category 1 and urgent works across the estate. This has resulted in £4m of funding being brought forward from the 23-24 budget, resulting in the 2023-24 budget being reduced by £4m.
Strategic Estate Programme	-10.0	-0.8	The real variance reflects the descoping of the initial stage 2 proposals to keep costs in line with the approved budget, which, alongside a delay in the release of the Masterplan, has resulted in postponement of the original planned commencement date.
Dover Discovery Centre		-4.6	The project has been rephased as there have been delays in planning approval. The forecast for this year is for design costs only.
Strategic Reset Programme		-3.0	The revised timelines for going out to Public Consultation for the Community Assets Programme has resulted in a re-phasing of the capital works for the delivery of this programme.
Live Margate		-2.1	The rephasing is in line with expected loan distributions relating to bringing properties back in use in the Margate area.
Asset Utilisation		-1.4	Feasibility consultancy works have been rephased to 2023-24.
LAN refresh	1.4		This relates to the purchase of laptops which has been funded from revenue.
Oakwood House Transformation	0.8		In reality this is not an overspend on the Oakwood House project. Costs have been identified that should have been coded to Modernisation of Assets in prior years. This has resulted in an "overspend" showing on Oakwood House, the funding for which has now been correctly allocated from the MOA 23-24 budget.

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Corporate Property Strategic Capital

-0.6

The real variance is due to lower than expected capitalised staff costs through the year.

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## 2022-23 REVENUE BUDGET PROPOSED ROLL FORWARDS

		£'m
<b>1</b>	<b>2022-23 provisional overspend</b>	<b>44.424</b>
<b>2</b>	<b>Details of committed projects where we have a legal obligation or contractual commitment:</b>	
<b>a)</b>	<b>Adult Social Care &amp; Health</b>	
i)	Various external funded projects This represents funds required to fulfil our obligation to the partnership agreements in relation to various externally funded projects.	0.056
ii)	Public Health - Various external funded projects This represents funds required to fulfil our obligation to the partnership agreements in relation to various externally funded projects.	0.017
<b>b)</b>	<b>Children, Young People &amp; Education</b>	
i)	CEC (Careers Enterprise Company) Hub Funding Committed funding from the 2021-22 school improvement grant for the delivery of a 3 year project: to cover the costs of the contract with TEP from April 2023 until August 2024	0.115
ii)	Effective Kent Project Committed funding from the 2021-22 school improvement grant for the delivery of the 3 year Effective Kent Project (this project was extended due to COVID): match funded project with EEF (originally agreed in 2019) - schemes will end for new applicants in August 2023. Costs will continue to end of training courses.	0.189
iii)	Pathways For All Committed funding from the 2021-22 school improvement grant for the delivery of the Pathways for All (Post 16 strategic priority) in 2023-24. Following the publication of the Pathways to All KCC strategic document. Costs have been incurred to support implementation of recommendations. Commissioning of independent Chair & contracted expertise to August 2023.	0.032
iv)	Regional Adoption Agency Committed for ongoing delivery of the RAA Project.	0.193
v)	Secure Accommodation Committed funding from the 2021-22 Secure Accommodation Grant to fund 5 posts for 2 years up to September 2023 to enhance resources and reduce secure remands and to improve the management of highest risk (an area of improvement from the OFSTED inspection).	0.100
vi)	BHC21 - INTERREG VA 2 SEAS externally funded project Committed match-funding for on-going project delivery	0.031
<b>c)</b>	<b>Growth, Environment &amp; Transport Directorate</b>	
i)	Various external funded projects This represents funds required to fulfil our obligation to the partnership agreements in relation to various externally funded projects.	0.747
ii)	Kent Resource Partnership KCC's element of underspend on KRP project	0.071
<b>d)</b>	<b>Chief Executive's Department</b>	
i)	Kent Safeguarding Adults Board KCC's element of underspend on project.	0.074
ii)	Kent Safeguarding Childrens Board KCC's element of underspend on project.	0.030
<b>Total of committed projects</b>		<b>1.655</b>



**3 Details of re-phasing required to continue/complete an initiative where we are not yet legally/contractually committed****£'000****a) Children, Young People & Education**

i) Pathways For All	Committed funding from the 2021-22 school improvement grant for the delivery of the Pathways for All (Post 16 strategic priority) in 2023-24. Following the publication of the Pathways to All KCC strategic document. Costs have been incurred to support implementation of recommendations. Commissioning of independent Chair (Sept 23 to Mar 24). Estimated costs for establishment and operations of working groups including project support, communications, data development, training and access	0.305
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**Total of re-phasing****0.305**

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**4 Details of Bids****£'000****a) Chief Executive's Department**

i) Combined Member Grants	Unspent Member grant from 2022/23 for allocation in 2023/24	0.726
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**Total of Bids****0.726**

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**5 Revised overspend after roll forwards****47.110**

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**6 Funded by**

i) Drawdown from Risk Reserve	(24.966)
ii) Drawdown from General Fund	(21.418)
iii) Funding for Member Grants TBC if approved	(0.726)

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**7 Revised Outturn Position****0.000**

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**APPENDIX 2  
CAPITAL REPHASING**

The tables below identify the requested roll forwards by budget line, which reflect the rephasing as described in section 11 of the report. Some of this rephasing has already been reflected as part of the 23-26 budget, therefore only the rephasing since then is to be actioned.

<b>CYPE</b>	<b>2022-23 £'000</b>	<b>2023-24 £'000</b>	<b>2024-25 £'000</b>	<b>Future years £'000</b>	<b>Total £'000</b>
School Roofs	-2,533	2,026	507		0
Basic Need KCP16	-340	340			0
Basic Need KCP17	-7,547	7,547			0
Basic Need KCP18	-2,711	-3,662	6,373		0
Basic Need KCP19	-21,845	4,154	17,691		0
Basic Need KCP21-25	-355	-1,749	2,104		0
Basic Need KCP22-26	-5,198	4,719	479		0
High Needs Provision	-1,073	1,073			0
High Needs Provision 22-24	44	8,818	4,951	-13,813	0
John Wallis Academy	-338	338			0
Management & Modernisation of Assets - Youth	-122	122			0
Special School Review Phase2	-6	6			0
					0
<b>TOTAL CYPE REPHASING</b>	<b>-42,025</b>	<b>23,734</b>	<b>32,104</b>	<b>-13,813</b>	<b>0</b>
Rephasing already actioned through Budget Build	-34,815	62,786	-8,539	-19,433	0
<b>Remaining rephasing to action from outturn</b>	<b>-7,210</b>	<b>-39,052</b>	<b>40,643</b>	<b>5,620</b>	<b>0</b>

<b>ASCH</b>	<b>2022-23 £'000</b>	<b>2023-24 £'000</b>	<b>2024-25 £'000</b>	<b>Future years £'000</b>	<b>Total £'000</b>
					0
Learning Disability Good Day Programme	-199	-616	815		0
Hedgerows	-365	365			0
<b>TOTAL ASCH REPHASING</b>	<b>-564</b>	<b>-251</b>	<b>815</b>	<b>0</b>	<b>0</b>
Rephasing already actioned through Budget Build	-692	-270	962		0
<b>Remaining rephasing to action from outturn</b>	<b>128</b>	<b>19</b>	<b>-147</b>	<b>0</b>	<b>0</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>GET - Highways &amp; Transportation</b>					
Major Schemes Prelim Design Fees	-23	23			0
Highway Major Enhancement	-6,818	6,818			0
Integrated Transport	-2,057	2,057			0
Old Schemes Residual	-293	261	21	12	0
Government Transition Works Ashford	-3,472	3,472			0
Dover IBF	-2,576	2,576			0
Kent Medical Campus (NPIF)/Bearsted Road LED	-8,526	8,514	12		0
	-1,445	1,445			0
Kent Thameside Strategic Transport (STIPS)	-1,195	1,195			0
Urban Traffic Mangement Control	-2,510	2,510			0
Rathmore Road Link	-63	87	-24		0
A226 St Clements Way	-19	29	-10		0
A28 Chart Road	-1,354	-6,870	-106	8,331	0
Maidstone Integrated Transport	-480	-843	1,323		0
M20 J4 Eastern Overbridge	-13	13			0
Sturry Link Road, Canterbury	-3,600	-3,522	-32	7,154	0
Kent Thameside LSTF - Integrated Door to Door Journeys	-73	73			0
Dartford Town Centre	-4,241	4,241			0
A2500 Lower Road Improvements	-78	78			0
Herne Relief Road	291	-80	-326	115	0
A252 Safer Rds Fund	-89	89			0
A290 Safer Rds Fund	-17	17			0
Housing Infrastructure Fund - Swale Infrastructure Projects	-3,447	3,014	112	322	0
Dover Bus Rapid Transit	-10,270	10,290	-20		0
Fastrack Full Network - Bean Road Tunnels	-8,829	7,470	1,359		0
Faversham Swing Bridge	-1,815	1,815			0
A229 Bluebell Hill M2 & M20 Interchange Upgrades	-4,442	1,510	-1,997	4,929	0
A28 Birchington, Acol and Westgate-on-Sea Relief Road	-295	-275	-26,930	27,500	0
Kent Active Travel Fund Ph2	-1,838	1,838			0
Green Corridors	-3,630	3,630			0
Bath Street Gravesend	-2,354	35	2,319		0
Trees Outside Woodlands	-20	20			0
Market Square Dover	-469	454	15		0
A228 and B2160 Junction Imps	-722	-1,259	1,981		0
Zebra Funding - electric buses and infrastructure	-8,453	8,453			0
Kent Active Travel Fund Ph3	-1,223	1,223			0
					0
<b>TOTAL HIGHWAYS &amp; TRANSPORTATION REPHASING</b>	<b>-86,458</b>	<b>60,400</b>	<b>-22,305</b>	<b>48,363</b>	<b>0</b>
Rephasing already actioned through Budget Build	-54,668	30,515	-20,229	44,383	0
<b>Remaining rephasing to action from outturn</b>	<b>-31,790</b>	<b>29,885</b>	<b>-2,076</b>	<b>3,980</b>	<b>0</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>GET - Environment &amp; Waste</b>					
Electric Vans	-239	239			0
Energy & Water Efficiency (External)	-179	179			0
Energy & Water Efficiency (KCC)	-156	156			0
Leigh Flood Storage Areas	602	-1,674	625	447	0
Surface Water Flood Risk man		-1,000	500	500	0
New Transfer station folkestone & hythe	-4,770	-4,706	9,476		0
Windmill Weatherproofing	-39	-161	200		0
Maidstone Heat Network	-76	76			0
Waste Compactor Replacement	-204	204			0
<b>TOTAL ENVIRONMENT &amp; WASTE REPHASING</b>	<b>-5,061</b>	<b>-6,687</b>	<b>10,801</b>	<b>947</b>	<b>0</b>
Rephasing already actioned through Budget Build	-4,826	-7,044	10,923	947	0
<b>Remaining rephasing to action from outturn</b>	<b>-235</b>	<b>357</b>	<b>-122</b>	<b>0</b>	<b>0</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>GET - Growth &amp; Communities</b>					
Country Parks	-41	41			0
PROW	-1,123	1,123			0
Herne Bay Library Plus	-526	26	500		0
Public Sports Facilities Improvement grants	-7	7			0
Essella Road Bridge	-144	144			0
Digital Autopsy	-2,886	2,886			0
Village Halls	42	-42			0
Broadband Contract 2 Superfast Extension Prog	-1,349	1,349			0
I3	-2,635	-1,596	600	3,631	0
Kent & Medway Business Fund	-5,403	-4,842	-5,918	16,163	0
Kent Empty Property Initiative	-637	637			0
Kent Broadband Voucher Scheme	-1,348	-1,000	546	1,802	0
Marsh Million	-43	43			0
TW Cultural Hub	-199	199			0
Kent Working Spaces	-175	175			0
					0
					0
<b>TOTAL GROWTH &amp; COMMUNITIES REPHASING</b>	<b>-16,474</b>	<b>-850</b>	<b>-4,272</b>	<b>21,596</b>	<b>0</b>
Rephasing already actioned through Budget Build	-12,979	-3,083	-3,560	19,622	0
<b>Remaining rephasing to action from outturn</b>	<b>-3,495</b>	<b>2,234</b>	<b>-712</b>	<b>1,974</b>	<b>0</b>

	2022-23	2023-24	2024-25	Future years	Total
DCED	£'000	£'000	£'000	£'000	£'000
MOA	3,992	-2,906	-1,778	692	0
Asset Utilisation	-1,390	1,390			0
Dover Discovery Centre	-4,593	1,681	2,912		0
LIVE Margate	-2,113	2,113			0
Strategic Estate Programme	-807	-13,431	9,737	4,501	0
Strategic Re-Set Programme	-3,000	-2,000	5,000		0
<b>TOTAL DCED REPHASING</b>	<b>-7,911</b>	<b>-13,153</b>	<b>15,871</b>	<b>5,193</b>	<b>0</b>
Rephasing already actioned through Budget Build	-8,020	-11,580	19,600	0	0
<b>Remaining rephasing to action from outturn</b>	<b>109</b>	<b>-1,573</b>	<b>-3,729</b>	<b>5,193</b>	<b>0</b>

	2022-23	2023-24	2024-25	Future years	Total
CED	£'000	£'000	£'000	£'000	£'000
Feasibility Fund	-245	-414	137	522	0
PIF	-170	170			0
<b>TOTAL CED REPHASING</b>	<b>-415</b>	<b>-244</b>	<b>137</b>	<b>522</b>	<b>0</b>
Rephasing already actioned through Budget Build	-150	150			0
<b>Remaining rephasing to action from outturn</b>	<b>-265</b>	<b>-394</b>	<b>137</b>	<b>522</b>	<b>0</b>

**GRAND TOTAL**

<b>TOTAL REPHASING</b>	<b>-158,908</b>	<b>62,949</b>	<b>33,151</b>	<b>62,808</b>	<b>0</b>
Total Rephasing already actioned through Budget Build	-116,150	71,473	-843	45,520	0
<b>Total Remaining rephasing to action from outturn</b>	<b>-42,758</b>	<b>-8,524</b>	<b>33,994</b>	<b>17,288</b>	<b>0</b>

### APPENDIX 3

#### CAPITAL CASH LIMIT CHANGES

To reflect revised funding/phasing since budget

The tables below reflect changes and timing in available funding, such as additional grant and external funding, since the 2023-24 budget was agreed.

	2022-23	2023-24	2024-25	Future years	Total
CYPE	£'000	£'000	£'000	£'000	£'000
Annual Planned Enhancement	245	4,196	-5,036	8,000	7,405
Modernisation Prog	164	1,457	-1,418	2,000	2,203
Basic Need KCP16	-192	14	0	0	-178
Basic Need KCP17	861	-2,228	1,006	0	-361
Basic Need KCP18	-1,362	1,548	0	0	186
Basic Need KCP19	-6,273	-1,083	8,781	0	1,425
Basic Need KCP21-25	-1,443	2,692	-1,889	0	-640
Basic Need KCP22-26	2,806	-1,684	-1,265	0	-143
Basic Need KCP23-27	-244	-6,163	-1,321	7,259	-468
Barton Court Free School	4	0	0	0	4
School Roofs	0	-939	0	0	-939
High Needs Provision	-151	123	0	0	-27
High Needs Provision 22-24	3,251	-45	0	0	3,206
John Wallis Academy	0	300	0	0	300
Priority School Build Programme	5	0	0	0	5
DfE Fully Funded Projects	9	0	0	0	9
Special Schools review phase 2	-31	0	0	0	-31
Family Hubs and Start for Life Programme	120	18	0	0	138
Nest 2	-1,550	0	0	0	-1,550
<b>Total Other Cash Limit Changes</b>	<b>-3,779</b>	<b>-1,794</b>	<b>-1,142</b>	<b>17,259</b>	<b>10,544</b>

	2022-23	2023-24	2024-25	Future years	Total
ASCH	£'000	£'000	£'000	£'000	£'000
Home Support Fund	-15	0	0	0	-15
LD Good Day Programme	-11	-393	411	0	7
Developer Funded Community Schemes	13	0	0	0	13
Community Sexual Health Services	-148	20	0	0	-128
<b>Total Other Cash Limit Changes</b>	<b>-161</b>	<b>-373</b>	<b>411</b>	<b>0</b>	<b>-123</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>GET - Highways &amp; Transportation</b>					
Major Schemes Prelim Design Fees	9	0	0	0	9
Highway Major Enhancement	-7,673	5,320	4,772	0	2,419
Integrated Transport Schemes	-248	-548	0	0	-796
Old Schemes Residual	25	0	0	0	25
Government Transition Works Ashford	1,490	0	0	0	1,490
Dover IBF	-1,677	0	0	0	-1,677
Kent Medical Campus (NPIF)/Bearsted Road	-407	0	0	0	-407
Street Lighting Concrete Column Replacment	-12	0	0	0	-12
Thanet Parkway Railway Station	-3,300	-50	0	0	-3,350
Kent Thameside Strategic Transport (STIPS)	712	0	0	0	712
Rathmore Road Link	-200	0	0	0	-200
A226 St Clements Way	-28	18	10	0	0
M20 J4 Eastern Overbridge	-95	0	0	0	-95
Kent Strategic Congestion Management across growth areas	-76	0	0	0	-76
Kent Thameside LSTF - Integrated Door to Door Journeys	-722	0	0	0	-722
Trees Outside Woodlands	-20	0	0	0	-20
Folkestone - Brighter Futures	104	23	0	0	127
National Bus Strategy - Bus Service Improvement Plan	0	12,455	0	0	12,455
Green Corridors	149	0	0	0	149
<b>Total Other Cash Limit Changes</b>	<b>-11,969</b>	<b>17,218</b>	<b>4,782</b>	<b>0</b>	<b>10,031</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>GET - Environment &amp; Waste</b>					
Energy & Water Efficiency (External)	0	3	3	6	13
Energy & Water Efficiency (KCC)	0	3	3	11	18
Surface Water Flood Risk management	-80	80	0	500	500
Windmill Weatherproofing	6	7	0	0	13
Treescape Fund	115	1	0	0	116
New Transfer Station Folkestone & Hythe	0	-122	122	0	0
					0
<b>Total Other Cash Limit Changes</b>	<b>41</b>	<b>-27</b>	<b>129</b>	<b>517</b>	<b>660</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>GET - Growth &amp; Communities</b>					
Country Parks	-36	0	0	0	-36
PROW	964	0	0	0	964
Digital Autopsy	0	1	0	0	1
KSS Equipment/vehicles	12	0	0	0	12
Southborough	36	0	0	0	36
Javelin Way	233	244	-142	-334	1
Kent & Medway Business Fund - Recovery loans	-1	0	0	0	-1
KMBF Small Business Boost	743	0	0	0	743
Kent Empty Property Initiative	-213	-750	0	0	-963
Marsh Million	-39	39	0	0	0
Kings Hill Solar Farm	-350	298	0	0	-52
Turner	-3	0	0	0	-3
<b>Total Other Cash Limit Changes</b>	<b>1,346</b>	<b>-168</b>	<b>-142</b>	<b>-334</b>	<b>702</b>



	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>DCED</b>					
MOA	121	-960	0	0	-839
Live Margate	-15	0	0	0	-15
MOA plus	-1	0	0	0	-1
Disposal costs	-7	0	0	0	-7
Lan Refresh	1,394	0	0	0	1,394
The Royal School of Deaf	53	0	0	0	53
Corporate Property Strategic Capital	-625	0	0	0	-625
Oakwood House	832	128	0	0	960
<b>Total Other Cash Limit Changes</b>	<b>1,752</b>	<b>-832</b>	<b>0</b>	<b>0</b>	<b>920</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>CED</b>					
					0
<b>Total Other Cash Limit Changes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

	2022-23 £'000	2023-24 £'000	2024-25 £'000	Future years £'000	Total £'000
<b>Total Other Cash Limit Changes</b>	<b>-12,770</b>	<b>14,024</b>	<b>4,038</b>	<b>17,443</b>	<b>22,734</b>

## Appendix 4 – 2022-23 Reserves Provisional Outturn Position

	Balance as at 1 April 2023 £m	Contribution to/(from) Reserve £m	Balance at 31 March 2023 £m
<b>General Fund (GF) Balance</b>	56.2	(0.1)	56.1
Budgeted contribution to/(from) in MTFP		2.9	2.9
Drawdown to fund 2023-24 overspend		(21.4)	(21.4)
	<b>56.2</b>	<b>(18.6)</b>	<b>37.6</b>
<b>Earmarked reserves:</b>			
Vehicle, Plant & Equipment (VPE)	18.7	1.5	20.2
Smoothing	124.7	(15.5)	109.2
Major Projects	62.3	6.6	68.9
Partnerships	26.3	5.1	31.4
Grant/External Funds	79.1	(25.9)	53.2
Departmental Under/Overspends	8.4	(5.8)	2.6
Insurance	13.8	(0.5)	13.3
Public Health	16.8	0.1	16.9
Trading	1.2	(0.1)	1.1
Special Funds	0.6	0.1	0.7
<b>Total Earmarked Reserves</b>	<b>351.9</b>	<b>(34.4)</b>	<b>317.5</b>
<b>Total GF and Earmarked Reserves</b>	<b>408.1</b>	<b>(53.0)</b>	<b>355.1</b>

	Balance as at 1 April 2022 £m	Contribution to/(from) Reserve £m	Balance at 31 March 2023 £m
<b>Schools Reserves</b>			
School delegated revenue budget reserve - committed	21.8	(2.8)	19.0
School delegated revenue budget reserve - uncommitted	39.3	2.5	41.8
Community Focussed Extended Schools Reserves	0.2	0.1	0.3
<b>Total School Reserves</b>	<b>61.3</b>	<b>(0.2)</b>	<b>61.1</b>

## DSG Adjustment Account - Unusable Reserve

	Balance as at 1 April 2022 £m	Contribution to/(from) Reserve £m	Balance at 31 March 2023 £m
<b>Unallocated Schools Budget</b>	<b>(97.6)</b>	<b>36.3</b>	<b>(61.3)</b>

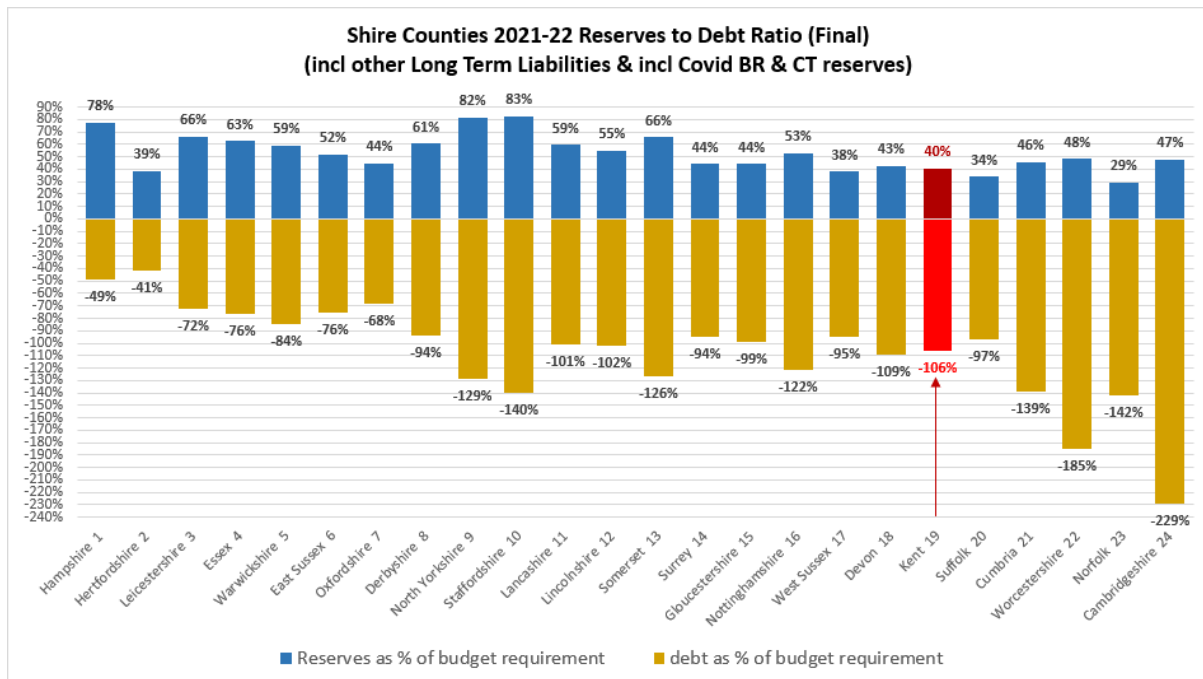
The General Fund Reserve was increased by £2.9m as agreed by County Council in the 2022-23 MTFP. However, £21.4m has been drawn down to help fund the revenue outturn position.

The net reduction in earmarked reserves is mainly due to the use of the Risk Reserve (£25m) within the smoothing category to help balance the revenue outturn position and the required transfer of £17m to the DSG adjustment account, of which more details are provided in the paragraph below.

The DSG Adjustment Account deficit has decreased following the receipt of £56.3m from the Department of Education (DfE), as an agreed contribution towards the historical deficit. As part of the agreement with the DfE, the authority has contributed £17m in 2022-23 which has been transferred from Earmarked Reserves. More details can be found in Section 10.

Following the completion of the analysis of the final 2021-22 Revenue Outturn data we have been able to calculate our Chartered Institute of Public Finance and Accountancy (CIPFA) resilience index.

On the face of it KCC's resilience appears to have deteriorated in 2021-22 compared to other councils, particularly the levels of reserves as a proportion of net revenue budget as shown in the table below. However, the Revenue Outturn data from which this is drawn is particularly complex and potentially inconsistent following the Covid-19 pandemic and the payment of grants intended to be used for more than one year (this has been noted by CIPFA).



Within the data there are some significant anomalies that are difficult to unpick largely due to different treatment of Covid monies between individual authorities and therefore caution should be exercised in relation to drawing meaningful conclusions from the reserves to debt analysis shown below. Six counties show no Covid spend in 2021-22. Most other counties are showing significant additional Covid spend in disbursements to providers in both 2020-21 and 2021-22. A revised position will be presented in the quarterly finance monitoring report to Cabinet once further analysis has been completed.

The resilience index measures changes in reserves over 3 years to iron out anomalies and on this measure, we are positioned around the middle of county councils (albeit our levels of reserves as % of net revenue budget are at the low end of the range).

On the CIPFA resilience measures of revenue spending we are around the average of county councils on the ratio of social care spending compared to the rest of council services, but we are slightly lower on the levels of fees and charges as a proportion of revenue spending (although we have agreed a new policy in relation to discretionary fees aimed at improving transparency over decisions on fee charges).

Overall, this mix of potential anomalies in both changes in reserves and changes in spending makes it difficult to draw any firm conclusions on relative resilience. KCC reserves remain at the low end of the spectrum compared to other councils (even before the drawdowns to fund 2022-23 outturn) and we need to continue to take proactive steps as part of the annual review to ensure our reserves remain adequate.

### Appendix 3 - Monitoring of Prudential Indicators as at 31 March 2023

The prudential indicators consider the affordability and impact of capital expenditure plans, in line with the prudential code. All indicators are within the set limits at the start of the year which is a positive outcome.

#### Prudential Indicator 1 : Estimates of Capital Expenditure (£m)

	21-22 Actuals	22-23 Budget	22-23 Actual
Total	335.3	339.3	235.30

#### Prudential Indicator 2: Estimate of Capital Financing Requirement (CFR) (£m)

The CFR is the total outstanding capital expenditure not yet financed by revenue or capital resources. It is a measure of the Council's underlying borrowing need.

	21-22 Actuals	22-23 Budget	22-23 Actual
Total CFR	1,294.10	1,364.00	1,292.42

#### Prudential Indicator 3: Gross Debt and the Capital Financing Requirement (£m)

Projected levels of the Authority's total outstanding debt (which comprises borrowing, PFI liabilities, leases and transferred debt) are shown below, compared with the CFR.

	21-22 Actuals	22-23 Budget	22-23 Actual
Other Long-term Liabilities	232.07	235.80	222.40
External Borrowing	825.97	802.50	802.47
<b>Total Debt</b>	<b>1,058.04</b>	<b>1,038.30</b>	<b>1,024.87</b>
Capital Financing Requirement	1,294.10	1,364.00	1,292.42
Internal Borrowing	236.06	325.70	267.55

#### Prudential Indicator 4 : Authorised Limit and Operation Boundary for External Debt (£m)

The Authority is legally obliged to set an affordable borrowing limit (the authorised limit for external debt). A lower "operation boundary" is set should debt approach the limit.

	21-22 Actuals	22-23 Limit	22-23 Actual
Authorised Limit - borrowing	826	876	802
Authorised Limit - PFI and leases	232	245	222
<b>Authorised Limit - total external debt</b>	<b>1,058</b>	<b>1,121</b>	<b>1,024</b>
Operational Boundary - borrowing	826	851	802
Operational Boundary - PFI and leases	232	245	232
<b>Operation Boundary - total external debt</b>	<b>1,058</b>	<b>1,096</b>	<b>1,034</b>

#### Prudential Indicator 5: Proportion of Finance Costs to Net Revenue Stream (%)

Financing costs comprise interest on loans and minimum revenue provision (MRP) and are charged to revenue. This indicator compares the net financing costs of the Authority to the net revenue stream.

	21-22 Actual	22-23 Budget	22-23 Actual
Proportion of net revenue stream	6.18%	9.06%	8.40%

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From: **Sue Chandler, Cabinet Member for Integrated Children's Services.**

**Sarah Hammond, Corporate Director of Children, Young People and Education**

To: **Cabinet – 29 June 2023**

Subject: **Decision: 23-00035 - Care Leavers Covenant**

Past Pathway of Report: **Corporate Parenting Panel, Children's, Young People and Education Cabinet Committee**

Future Pathway of Report: **Cabinet and County Council**

Classification: **Unrestricted**

**Summary:** This is a proposal for Kent County Council to become signatories of the Care Leavers Covenant. As part of this process, the 18+ Care Leavers Service have sought the views of the Young Adult Council, who are in support of this.

**Recommendation(s):**

Cabinet is asked to agree:

- (a) That KCC becomes a signatory to the Care Leavers Covenant
- (b) To delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children's Services and impacted Portfolio holders, to take other relevant actions as necessary to implement the decision.

## **1. Introduction to the Care Leavers Covenant**

- 1.1 The Care Leavers Covenant was established in 2016, run by Spectra on behalf of the Department for Education. It is a national inclusion programme which supports care experienced young people to live independently.
- 1.2 The Care Leavers Covenant is accessible to both private and public companies and agencies e.g., charities, businesses, and Local Authorities, to sign up and commit to providing opportunities to care experienced young adults.
- 1.3 Should Kent County Council become a signatory, they would take a 'whole council approach' in supporting the needs and progress of the young adults they are a Corporate Parent for. This means the whole of KCC will accept responsibility for its support provided to our young adults who are Care Leavers. As of 20<sup>th</sup> March 2023, we have 2051 young adult care leavers aged 18-25 years. "Under the Government's principles for corporate parenting all departments in local authorities are asked to recognise their role as a corporate parent and to look at the support and service they provide for care leavers". An example of this, is asking that all departments appoint a Care Leaver champion,

who can represent their departments and make decisions around potential pledges and opportunities for our care experienced young adults.

1.4 The 'mission' of the Care Leavers Covenant is to set out five outcomes which it asks those signing up to make commitments and pledges to, so young adults who are care experienced:

- Are better prepared to live Independently
- Have improved access to Education, Employment and Training
- Experience stability in their lives and feel secure
- Have improved access to health support
- Achieve financial stability

1.5 Specific to the whole council approach is the following five-part strategy:

- Awareness raising across all directorates within KCC, partner agencies and local businesses/organisations
- Council tax exemptions
- Training and employment opportunities both within the Local Authority and externally
- Social value policy
- Economic development

## **2. Background**

2.1 The 18+ Care Leavers Service is looking to develop a range of practical support available to care experienced young adults across a range of dimensions; to help with developing and promoting their independent life skills.

2.2 By encouraging this, the 'whole local authority' or 'whole council approach' will help put care experienced young adults at the centre of KCC's recruitment, training, and work experience opportunities. This will eventually become more than an Integrated Children's Services responsibility, but every directorate will be committing to our young people, helping them find and develop to their full potential.

2.3 KCC already have several initiatives supporting its care leavers which constitutes the working commitments contributing to the initiatives one would expect to see as a signatory to the Care Leavers Covenant. An example of these initiatives are our Council Tax offer and Rent Guarantor Scheme and the provision of Apprenticeships<sup>1</sup>.

2.4 KCC's 18+ Care Leavers Services' Local Offer is an example of how KCC are close to meeting the commitments expected as a signatory to the Care Leavers Covenant. However, this must go beyond the confines of Integrated Children's Services if we are to achieve the commitment needed in the signing up to the Covenant.

## **3. What this means and Implications for KCC Services:**

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<sup>1</sup> Currently, apprenticeships have been mainly limited to the 18+ Care Leavers Service and the Virtual School Kent.



- 3.2 For the Council, adoption of the Care Leaver Covenant is a commitment to the principles of accepting a whole council approach to Corporate Parenting on behalf of all departments across the Local Authority. In practice this may mean being part of a process that reviews such things as the Local Offer and helps the Children in Care and Care Leavers service improve its offer to Care Leavers and provides the political ambition and authority to do so.
- 3.3 For Elected Members, the signing of the Care Leaver Covenant is a confirmation of their political commitment to be the best corporate parents they can be for our Children in Care and Care Leavers. It will secure individual responsibility and accountability to be part of a process that looks at how they can individually contribute to the collective response and act as champions for care leavers when making decisions about the direction of the Local Authority. In practical terms this may mean championing care leavers causes with other organisations using their political influence, such as with the District Borough Councils for housing needs or Health Authorities. This individual Member responsibility sits alongside the established Executive responsibility and accountability for the Strategic management and policy decision-making for the relevant services across the Cabinet portfolios.
- 3.4 For Officers, it means promoting the Care Leaver Covenant across all KCC departments and identifying how they can provide meaningful opportunities and improved life chances for children in care and care leavers for whom the Local Authority is the Corporate Parent. This could include work experience, mentoring or apprenticeships across all departments.
- 3.5 For KCC services, it means identifying Care Leaver Champions within each service, who can coordinate opportunities and pledges of support, to liaise with the 18+ Care Leavers Service as a central point, to be able to match young adults to those opportunities available. All KCC services would need to actively promote their role as a Corporate Parent and ensure priority is given to care leavers for any opportunities within their departments. For example, giving priority to care leavers for apprenticeships and providing additional support to them with interviews for job opportunities. KCC already have in place, priority interviews for our care leavers, where they are appropriately qualified or experienced for the job vacancy. Signing up to the Covenant, would mean all services going the extra mile as a Corporate Parent to secure opportunities for our young adults to support them to reach their full potential. The coordination of the offers as part of the Care Leavers Covenant will be managed and overseen by the Heads of Service and leadership team within the 18+ Care Leavers Service. The service has two specialist Education, Training and Employment (ETE) workers, so there will be no additional staff resource required for the coordination and implementation of this work.
- 3.6 A recommendation for the whole council approach would be for Elected Members, Senior Leaders, and Officers, to form a cross department working group to address the recommendations in the Care Leavers Covenant guide and expand our existing Care Leavers Local Offer to include all KCC departments.

3.7 Where significant service developments or changes in future are proposed or developed in response to activity progressed under the Covenant, normal decision-making process would be required to consider and approve them before any implementation.

#### 4. Care Leaver Covenant Feedback from our young people

4.1 At the Young Adult Council (YAC) meeting on Thursday 7<sup>th</sup> April 2022, there was a general agreement that Kent County Council should sign up to the Care Leavers' Covenant. Several young adult members were surprised KCC was not already a signatory, saying things like, 'Why aren't we a part of this already?'

4.2 The group liked the idea that by signing up, the council would be making a 'whole' council promise and further emphasising that everyone who works for KCC has a Corporate Parenting responsibility. They also thought that it was a good way to hold the Local Authority to account and ensure that promises to care leavers are clear and transparent.

4.3 The young people were shown the briefing document and looked at the Care Leavers Covenant website. In addition to looking at the opportunities available to care leavers on the website, they also discussed what it would mean for Kent County Council to support the Covenant with the '5 Part Strategy'.

4.4 Quotes from our young adults:

- *'Everyone in KCC should have the same priorities and be following the same obligations to support care leavers. It's then less limiting to us as care leavers if every team is treating us the same'*
- *'Everyone has responsibility for care leavers and this commitment would make us feel valued'*
- *'Services like Transport could be doing more for care leavers with bus and train passes and making them more available for care leavers.'*
- *'More care experienced staff in KCC mean that children in care will have more faith in services'*
- *'Young care leavers don't always have the same network as other young people to help them into work; the council should be helping us instead'*
- *'Other services should prioritise care leavers too such as children's centres and youth centres.'*
- *'We need to make sure that everyone is aware of care leaver entitlements, and we need to make sure that ALL staff know what it means to be a child in care or care leaver'*
- *"Signing up to the covenant shows a care experienced young person that they are important, taken seriously and have opportunities."*

4.5 YAC expressed that KCC is already taking some great steps to support care leavers but a signed commitment for a 'whole council approach' would allow 18+ Care Leavers Service to challenge other departments within KCC and go to

Local Businesses to secure support from them too. All agreed that there should be more apprenticeships, work experience opportunities and job roles for care leavers across KCC and not restricted to children's services. They thought it was important that services were actively seeking to recruit care leavers and thinking about how best to support them to be successful. They also thought there should be more career progression opportunities for care leavers after their apprenticeship or first role within KCC.

## **5. Financial Implications**

- 5.1 There are no financial implications for the delivery of the services that will implement the covenant, it will not require any additional staff resource. One of the aims of the covenant is to improve the financial security for care leavers, by maximising their opportunities to secure employment.
- 5.2 As per the overview, subsequent service development arising from the activity under the Covenant would be subject to separate decision-making with full consideration of any relevant financial implications.

## **6. Legal Implications**

- 6.1 There are no specific legal implications, the Care Leavers Covenant will give a framework to KCC by which to formalise the opportunities it offers to our young adults who are care experienced. It is not a statutory legal requirement or obligation for the organisation to be a signatory to the covenant. If agreed, this would become part of the Care Leavers Local Offer, which is a published document as part of our Corporate Parenting Responsibilities.
- 6.2 As per the overview, subsequent service development arising from the activity under the Covenant would be subject to separate decision-making with full consideration of any relevant legal implications.

## **7. EQIA**

- 7.1 The proposed Care Leavers Covenant will have positive impact across all protected characteristics as it will provide a firm declaration and commitment from KCC to adoption of "whole council approach" to promote inclusive approach for care experienced young adults for their economic growth and independence, community cohesion and overall wellbeing.
- 7.2 It is anticipated that this proposal will not have any adverse negative impact on the protected characteristics of our children in care and care leavers that KCC have responsibility for and aim to promote overall fairness.

## **8. Data Protection implications**

- 8.1 The DPO confirmed that this decision did not require a DPIA.

## **9. Next Stages if KCC agree to a "Whole council approach"**

- Awareness raising across both the Local Authority and partner authorities such as District Councils, health authorities and the DWP. The development of a network of champions across all departments for care experienced adults.
- Exploring Council Tax exemptions, with the 12 District Councils to achieve an exemption for all Kent care leavers up to the age of 25 years, as Medway are now offering this to all care leavers living within their boundary. Kent currently only has one district council who have a council tax offer for Kent Care leavers aged 22-25 years, which is the Folkestone and Hythe district. The aim would be to get the agreement from all 12 districts. Currently KCC pays the council tax on behalf of our Kent care experienced young adults, where there is a liability up to the age of 21 years.
- Training and employment opportunities within both the Local Authority and with commissioned services and local businesses. Including offers within the Social Value aspects of contracts, to ensure that meaningful offers of work, apprenticeship, internships, and work experience for care leavers are a standard part of procurement practices.
- Economic development with local employer groups and other partners to set and meet ambitious targets to increase the number, range and take up of Employment, Education and Training opportunities for care leavers. KCC could host annual, social-value events for local businesses aimed at connecting them to our young adults and promotion of the Care Leaver Covenant.
- Working together to enhance local offers and joining to promote and roll out the Care Leaver Covenant will further develop and strengthen the 'universal family'. This will ensure that care leavers can say to us that they enjoyed, and had their lives improved, by their experiences and that we can say to ourselves, at the very least, we did what we would do for our own children.

## **10. Conclusion**

- 10.1 KCC has one of the largest care leaver populations in the country with over 2,000 young adults aged 18-25 years who are care experienced. The Covenant gives a clear framework developed collaboratively with young people to prioritise which support is best for them. By signing this Covenant, KCC will provide a clear declaration of its commitment to our care leavers and increase the access to opportunities across the full spectrum of KCC departments.
- 10.2 KCC becoming a signatory will provide the 18+ Care Leavers Service with an opportunity to talk to partners and local businesses to ask them to offer similar commitments and opportunities to KCC's care leavers which would help improve the lives of our young adults. It is more difficult to get further signatories and commitments, all the time KCC are not signed up to the Covenant.
- 10.3 The signing of the covenant is about formalising our current offers, by promoting the Care Leaver Covenant across all KCC departments and

identifying how they can provide meaningful opportunities and improved life chances for children in care and care leavers for whom the Local Authority is the Corporate Parent. This may include work experience, mentoring or apprenticeships across all departments. KCC already gives priority interviews for apprenticeships and job vacancies to care leavers – we are not asking for this to change, rather promoting this across KCC asking members to support taking a “whole council approach” and the signing of the covenant formalising our existing Local Offer.

- 10.4 It is recommended that KCC becomes a signatory to the Care Leaver Covenant because it will confirm its commitment to the young people for whom it is a Corporate Parent. This has been endorsed by the Corporate Parenting Panel on 27<sup>th</sup> July 2022.

#### **11. Recommendation(s):**

Cabinet is asked to agree:

- (a) That KCC becomes a signatory to the Care Leavers Covenant
- (b) To delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children’s Services and impacted Portfolio holders, to take other relevant actions as necessary to implement the decision.

#### **12. Background Documents**

**Care Leavers Covenant - A whole Council Approach  
Social Worker Toolkit**

#### **13. Contact details**

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

**Cabinet**

**DECISION NO:**

**23/00035**

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

## **Key decision: YES / NO**

*Key decision criteria. The decision will:*

- a) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
- b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
  - the adoption or significant amendment of major strategies or frameworks;
  - significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

## **Subject Matter / Title of Decision**

**Care Leavers Covenant**

## **Decision:**

Cabinet, agree to:

- (a) KCC becomes a signatory to the Care Leavers Covenant
- (b) To delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children's Services and impacted Portfolio holders, to take other relevant actions as necessary to implement the decision

## **Reason(s) for decision:**

### **Background**

The Care Leavers Covenant was established in 2016, run by Spectra on behalf of the Department for Education. It is a national inclusion programme which supports care experienced young people to live independently.

The Care Leavers Covenant is accessible to both private and public companies and agencies e.g., charities, businesses, and Local Authorities, to sign up and commit to providing opportunities to care experienced young adults.

For the Council, adoption of the Care Leaver Covenant is a commitment to the principles of accepting a whole council approach to Corporate Parenting on behalf of all departments across the Local Authority. In practice this may mean being part of a process that reviews such things as the Local Offer and helps the Children in Care and Care Leavers service improve its offer to Care Leavers and provides the political ambition and authority to do so.

For Elected Members, the signing of the Care Leaver Covenant is a confirmation of their political commitment to be the best corporate parents they can be for our Children in Care and Care Leavers. It will secure individual responsibility and accountability to be part of a process that looks at

how they can individually contribute to the collective response and act as champions for care leavers when making decisions about the direction of the Local Authority.

For Officers, it means promoting the Care Leaver Covenant across all KCC departments and identifying how they can provide meaningful opportunities and improved life chances for children in care and care leavers for whom the Local Authority is the Corporate Parent. This could include work experience, mentoring or apprenticeships across all departments.

For KCC services, it means identifying Care Leaver Champions within each service, who can coordinate opportunities and pledges of support, to liaise with the 18+ Care Leavers Service as a central point, to be able to match young adults to those opportunities available. All KCC services would need to actively promote their role as a Corporate Parent and ensure priority is given to care leavers for any opportunities within their departments.

#### Financial Implications

There are no financial implications for the delivery of the services that will implement the covenant, it will not require any additional staff resource. One of the aims of the covenant is to improve the financial security for care leavers, by maximising their opportunities to secure employment.

As per the overview, subsequent service development arising from the activity under the Covenant would be subject to separate decision-making with full consideration of any relevant financial implications.

#### Legal implications

There are no specific legal implications, the Care Leavers Covenant will give a framework to KCC by which to formalise the opportunities it offers to our young adults who are care experienced. It is not a statutory legal requirement or obligation for the organisation to be a signatory to the covenant. If agreed, this would become part of the Care Leavers Local Offer, which is a published document as part of our Corporate Parenting Responsibilities.

As per the overview, subsequent service development arising from the activity under the Covenant would be subject to separate decision-making with full consideration of any relevant legal implications.

#### Equalities implications

The proposed Care Leavers Covenant will have positive impact across all protected characteristics as it will provide a firm declaration and commitment from KCC to adoption of “whole council approach” to promote inclusive approach for care experienced young adults for their economic growth and independence, community cohesion and overall wellbeing.

It is anticipated that this proposal will not have any adverse negative impact on the protected characteristics of our children in care and care leavers that KCC have responsibility for and aim to promote overall fairness.

Other Alternatives Considered and risks if decision isn't taken.

#### 8. Data Protection implications

The DPO confirmed that this decision did not require a DPIA

#### **Cabinet Committee recommendations and other consultation:**

The Children's and Young People Cabinet Committee considered the decision on 16 May 2023

#### **Any alternatives considered and rejected:**

KCC has one of the largest care leaver populations in the country with over 2,000 young adults aged 18-25 years who are care experienced. The Covenant gives a clear framework developed collaboratively with young people to prioritise which support is best for them. By signing this



Covenant, KCC will provide a clear declaration of its commitment to our care leavers and increase the access to opportunities across the full spectrum of KCC departments.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:** None

.....  
signed

.....  
date

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## EQIA Submission – ID Number

### Section A

**EQIA Title**

Care Leavers Covenant

**Responsible Officer**

Nimesh Patel - CY SCS

**Type of Activity****Service Change**

No

**Service Redesign**

No

**Project/Programme**

No

**Commissioning/Procurement**

No

**Strategy/Policy**

Strategy/Policy

**Details of other Service Activity**

No

**Accountability and Responsibility****Directorate**

Children Young People and Education

**Responsible Service**

18+ Care Leaving Service/Corporate Parenting of Integrated Children's Services

**Responsible Head of Service**

Nimesh Patel - CY SCS

**Responsible Director**

Caroline Smith - CY SCS

**Aims and Objectives**

This is a proposal for Kent County Council to become signatory of the Care Leavers Covenant. As part of this process, the 18+ Care Leavers Service have sought the views of the Young Adult Council and Corporate Parenting Panel, who are in support of this.

The Care Leavers Covenant was established in 2016, run by Spectra on behalf of the Department for Education. It is a national inclusion programme which supports care experienced young people to live independently.

The Care Leavers Covenant is accessible to both private and public companies and agencies e.g., charities, businesses, and Local Authorities, to sign up and commit to providing opportunities to care experienced young adults.

Should Kent County Council become a signatory, they would take a 'whole council approach' in supporting the needs and progress of the young adults they are a Corporate Parent for. This means the whole of KCC will accept responsibility for its support provided to our young adults who are Care Leavers. As of 20th March 2023, we have 2051 young adult care leavers aged 18-25 years. "Under the Government's principles for corporate parenting all departments in local authorities are asked to recognise their role as a corporate parent and to look at the support and service they provide for care leavers". An example of this, is asking that all departments appoint a Care Leaver champion who can represent their departments and make

decisions around potential pledges and opportunities for our care experienced young adults.

The 'mission' of the Care Leavers Covenant is to set out five outcomes which it asks those signing up to make commitments and pledges to, so young adults who are care experienced:

- Are better prepared to live Independently
- Have improved access to Education, Employment and Training
- Experience stability in their lives and feel secure
- Have improved access to health support
- Achieve financial stability

At the Young Adult Council (YAC) meeting on Thursday 7th April 2022, there was a general agreement that Kent County Council should sign up to the Care Leavers' Covenant.

The group liked the idea that by signing up, the council would be making a 'whole' council promise and further emphasising that everyone who works for KCC has a Corporate Parenting responsibility. They also thought that it was a good way to hold the Local Authority to account and ensure that promises to care leavers are clear and transparent.

The young people were shown the briefing document and information available on the Care Leavers Covenant website. In addition to looking at the opportunities available to care leavers on the website, they also discussed what it would mean for Kent County Council to support the Covenant with the '5 Part Strategy'.

YAC expressed that KCC is already taking some great steps to support care leavers but a signed commitment for a 'whole council approach' would allow 18+ Care Leavers Service to challenge other departments within KCC and go to Local Businesses to secure support from them too. All agreed that there should be more apprenticeships, work experience opportunities and job roles for care leavers across KCC and not restricted to children's services. They thought it was important that services were actively seeking to recruit care leavers and thinking about how best to support them to be successful. They also thought there should be more career progression opportunities for care leavers after their apprenticeship or first role within KCC.

KCC has one of the largest care leaver populations in the country with over 2,000 young adults aged 18-25 years who are care experienced. The covenant gives a clear framework developed collaboratively with young people to prioritise which support is best for them. By signing this Covenant, KCC will provide a clear declaration of its commitment to our care leavers and increase the access to opportunities across the full spectrum of KCC departments.

KCC becoming a signatory will provide the 18+ Care Leavers Service with an opportunity to talk to partners and local businesses to ask them to offer similar commitments and opportunities to KCC's care leavers which would help improve the lives of our young adults. It is more difficult to get further signatories and commitments, all the time KCC are not signed up to the Covenant.

It is recommended that KCC becomes a signatory to the Care Leaver Covenant because it will confirm its commitment to the young people for whom it is a Corporate Parent. This has been endorsed and AGREED by the Corporate Parenting Panel on 27th July 2022.

## Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes
<b>It is possible to get the data in a timely and cost effective way?</b>
Yes
<b>Is there national evidence/data that you can use?</b>
Yes
<b>Have you consulted with stakeholders?</b>
Yes
<b>Who have you involved, consulted and engaged with?</b>
<p>Consultation has taken place with the following services, meetings, and personnel:</p> <p>Care experienced service users of Young Adults Council (YAC),  Service Managers, 18+ Care Leavers Service,  Senior Managers in CYPE,  DivMT meeting,  CMT meeting,  Members in Corporate Parenting Panel  External organisation such as Spectra</p>
<b>Has there been a previous Equality Analysis (EQIA) in the last 3 years?</b>
No
<b>Do you have evidence that can help you understand the potential impact of your activity?</b>
Yes
<b>Section C – Impact</b>
<b>Who may be impacted by the activity?</b>
<b>Service Users/clients</b> Service users/clients
<b>Staff</b> Staff/Volunteers
<b>Residents/Communities/Citizens</b> Residents/communities/citizens
<b>Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?</b>
Yes
<b>Details of Positive Impacts</b>
<p>For the Council, adoption of the Care Leaver Covenant is a commitment to the principles of accepting a whole council approach to Corporate Parenting on behalf of all departments across the Local Authority. In practice this may mean being part of a process that reviews such things as the Local Offer and helps the Children in Care and Care Leavers service improve its offer to Care Leavers and provides the political ambition and authority to do so.</p> <p>For Elected Members, the signing of the Care Leaver Covenant is a confirmation of their political commitment to be the best corporate parents they can be for our Children in Care and Care Leavers. It will secure individual responsibility and accountability to be part of a process that looks at how they can individually contribute to the collective response and act as champions for care leavers when making decisions about the direction of the Local Authority. In practical terms this may mean championing care leavers causes with other organisations using their political influence, such as with the District Borough Councils or Health Authorities.</p> <p>For Officers, it means promoting the Care Leaver Covenant across all KCC departments and identifying how they can provide meaningful opportunities and improved life chances for children in care and care leavers for whom the Local Authority is the Corporate Parent. This could include work experience, mentoring or</p>

apprenticeships across all departments.

For KCC services, it means identifying Care Leaver Champions within each service, who can coordinate opportunities and pledges of support, to liaise with the 18+ Care Leavers Service as a central point, to be able to match young adults to those opportunities available. All KCC services would need to actively promote their role as a Corporate Parent and ensure priority is given to care leavers for any opportunities within their departments. For example, giving priority to care leavers for apprenticeships and providing additional support to them with interviews for job opportunities. KCC already have in place, priority interviews for our care leavers, where they are appropriately qualified or experienced for the job vacancy. Signing up to the Covenant, would mean all services going the extra mile as a Corporate Parent to secure opportunities for our young adults to support them to reach their full potential. The coordination of the offers as part of the Care Leavers Covenant will be managed and overseen by the Heads of Service and leadership team within the 18+ Care Leavers Service. The service has two specialist Education, Training and Employment (ETE) workers, so there will be no additional staff resource required for the coordination and implementation of this work.

A recommendation for the whole council approach would be for Elected Members, Senior Leaders, and Officers, to form a cross department working group to address the recommendations in the Care Leavers Covenant guide and expand our existing Care leavers Local Offer to include all KCC departments.

Financial Implications: -

There are no financial implications for the delivery of the services that will implement the covenant, it will not require any additional staff resource. One of the aims of the covenant is to improve the financial security for care leavers, by maximising their opportunities to secure employment.

Legal Implications: -

There are no specific legal implications, the Care Leavers Covenant will give a framework to KCC by which to formalise the opportunities it offers to our young adults who are care experienced. It is not a statutory legal requirement or obligation for the organisation to be a signatory to the covenant. If agreed, this would become part of the Care Leavers Local Offer, which is a published document as part of our Corporate Parenting Responsibilities.

Analysis:

The proposed Care Leavers Covenant will have positive impact across all protected characteristics as it will provide a firm declaration and commitment from KCC to adoption of “whole council approach” to promote inclusive approach for care experienced young adults for their economic growth and independence, community cohesion and overall wellbeing.

It is anticipated that this proposal will not have any adverse negative impact on the protected characteristics of our children in care and care leavers that KCC have responsibility for and aim to promote overall fairness.

## Negative impacts and Mitigating Actions

### 19.Negative Impacts and Mitigating actions for Age

#### Are there negative impacts for age?

No

#### Details of negative impacts for Age

Not Applicable

<b>Mitigating Actions for Age</b>
Not Applicable
<b>Responsible Officer for Mitigating Actions – Age</b>
Not Applicable
<b>20. Negative impacts and Mitigating actions for Disability</b>
<b>Are there negative impacts for Disability?</b>
No
<b>Details of Negative Impacts for Disability</b>
Not Applicable
<b>Mitigating actions for Disability</b>
Not Applicable
<b>Responsible Officer for Disability</b>
Not Applicable
<b>21. Negative Impacts and Mitigating actions for Sex</b>
<b>Are there negative impacts for Sex</b>
No
<b>Details of negative impacts for Sex</b>
Not Applicable
<b>Mitigating actions for Sex</b>
Not Applicable
<b>Responsible Officer for Sex</b>
Not Applicable
<b>22. Negative Impacts and Mitigating actions for Gender identity/transgender</b>
<b>Are there negative impacts for Gender identity/transgender</b>
No
<b>Negative impacts for Gender identity/transgender</b>
Not Applicable
<b>Mitigating actions for Gender identity/transgender</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Gender identity/transgender</b>
Not Applicable
<b>23. Negative impacts and Mitigating actions for Race</b>
<b>Are there negative impacts for Race</b>
No
<b>Negative impacts for Race</b>
Not Applicable
<b>Mitigating actions for Race</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Race</b>
Not Applicable
<b>24. Negative impacts and Mitigating actions for Religion and belief</b>
<b>Are there negative impacts for Religion and belief</b>
No
<b>Negative impacts for Religion and belief</b>
Not Applicable
<b>Mitigating actions for Religion and belief</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Religion and Belief</b>
Not Applicable
<b>25. Negative impacts and Mitigating actions for Sexual Orientation</b>

<b>Are there negative impacts for Sexual Orientation</b>
No
<b>Negative impacts for Sexual Orientation</b>
Not Applicable
<b>Mitigating actions for Sexual Orientation</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Sexual Orientation</b>
Not Applicable
<b>26. Negative impacts and Mitigating actions for Pregnancy and Maternity</b>
<b>Are there negative impacts for Pregnancy and Maternity</b>
No
<b>Negative impacts for Pregnancy and Maternity</b>
Not Applicable
<b>Mitigating actions for Pregnancy and Maternity</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Pregnancy and Maternity</b>
Not Applicable
<b>27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships</b>
<b>Are there negative impacts for Marriage and Civil Partnerships</b>
No
<b>Negative impacts for Marriage and Civil Partnerships</b>
Not Applicable
<b>Mitigating actions for Marriage and Civil Partnerships</b>
Not Applicable
<b>Responsible Officer for Marriage and Civil Partnerships</b>
Not Applicable
<b>28. Negative impacts and Mitigating actions for Carer's responsibilities</b>
<b>Are there negative impacts for Carer's responsibilities</b>
No
<b>Negative impacts for Carer's responsibilities</b>
Not Applicable
<b>Mitigating actions for Carer's responsibilities</b>
Not Applicable
<b>Responsible Officer for Carer's responsibilities</b>
Not Applicable



**From: Derek Murphy, Cabinet Member for Economic Development**

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

**To: Cabinet - 29 June 2023**

**Subject: Decision number - Adoption of the KCC Developer Contributions Guide**

**Key decision: 23/00041**

**Classification: Unrestricted**

**Past Pathway of report: Growth, Economic Development Committee 16<sup>th</sup> May 2023.**

**Future Pathway of report: For Cabinet Member Decision**

**Electoral Division: County Wide**

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

**Recommendation(s):**

Cabinet is asked to consider and endorse or make recommendations to the Cabinet Member for Economic Development on the proposed decision to:

- (i) proceed with formal adoption of the updated Developer Contributions Guide;
- (ii) approve the service standards and methodology for calculating development mitigation contained within;
- (iii) delegate to the Director of Growth and Communities to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request,
- (iv) delegate to the Director of Growth and Communities to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision; and

(v) to confirm the use of the BCIS All-In Tender price index (or ROADCON where required by Public Rights of Way or Highways), with the base date for indexation set at Quarter 1 2022 (for quoted rates) as shown at Appendix 1.

## 1. Introduction

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

## 2. Draft Developer Contributions Guide Consultation

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

Said, We Did' report can be found at **Appendix 3**. The range of responses generally covered the following themes;

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

2.4 A number of amendments have been made in acknowledgement and acceptance of the comments received and are included in the proposed final version of the Developer Contributions Guide. The amended version of the Guide can be seen at **Appendix 4** of this report. Any amendments made to the Guide and responses to comments are available within the You Said, We Did document.

2.5 The main areas that required greater consideration following the consultation were application thresholds for seeking contributions; discounts for Affordable Housing; and the monitoring fee that KCC seeks for managing, monitoring and processing incoming contributions. The following paragraphs take each of these three subject matters in turn.

2.6 Application thresholds for seeking contributions. Comments have been made to consider a reduction to the current and proposed KCC threshold to seek contributions on developments only over 10 dwellings or over site sizes of 0.5Ha. The comments reflect concern that the cumulative impacts of smaller development on KCC services is not accounted for. The Guide has consequently been amended to include development of over 10 dwellings unless the Planning Authority is agreed that KCC may seek for applications of a lower number. Two planning authorities are known to have policy (with a further one planning to adopt policy) that would not support KCC seeking contributions from developments of fewer than 10 dwellings. This is within their gift as the planning authority. In addition, five LPAs are Community Infrastructure Levy (CIL) charging authorities, which seeks CIL from all developments, irrespective of size and therefore where the threshold is a moot point. The justification for retaining the threshold at 10 (or above) dwellings or a site size of 0.5Ha is twofold. 1.) Cost benefits - The cost of requesting, monitoring, and spending lower value contributions could outweigh or at least significantly reduce the income ultimately received. Analysis of KCC data regarding developments under 10 dwellings (since 2017) shows a 33% success rate in securing contributions. 2.) Smaller sites are generally less viable or developed by Small to Medium Enterprises (SMEs) and therefore may have a disproportionate financial impact upon them. It is also often the case that developments of fewer than 10 dwellings are re-purposing brown field sites. These will generally be less viable adding to concerns that seeking contributions for them would involve disproportionate levels of KCC resources required in negotiation and/or for legal dispute.

- 2.7 Discounts on Affordable Housing (AH). Comments were made challenging the necessity of KCC seeking contributions on AH schemes, primarily on the premise that Affordable Housing occupants would be required to meet criteria demonstrating that they are already from the local area. As such they could not be categorised as new households placing additional impacts upon KCC services. In response, officers are of the opinion that it is not obvious that new AH does not increase pressure on local infrastructure. Some infrastructure is very specific to the immediate location, and in all cases, there is the potential for existing accommodation in the district to be backfilled by new residents in the district. Therefore, AH housing increases, directly or indirectly, pressure on infrastructure. Assessment of district/borough criteria enabling access to AH varies across the county and can include an employment link rather than existing residency within the district. Tenants may not therefore be living within the district when they access AH and are therefore additional to the district's existing population. Research undertaken across other county councils shows that the overwhelming majority do not offer discounts on AH. The Guide is, therefore, consistent with others' approach.
- 2.8 KCC's Monitoring Fee. The draft Guide included a proposed contribution of £500 per trigger within a s106 agreement, to cover the administrative costs of managing, monitoring, and processing incoming contributions. The legitimacy of that fee was questioned along with concerns that a "one size fits all" approach would be disproportionate for smaller development. Whilst it is accepted that the LPAs carry out their own monitoring as the statutory authority for the service contributions requested, KCC also carries out its own monitoring of development progress, housing completions/occupations and obligation triggers. This information assists with the planning and delivery of infrastructure projects in a timely manner and also with ensuring that KCC receives contributions as agreed. KCC also has a statutory responsibility to produce an annual Infrastructure Funding Statement (IFS), requiring significant record keeping. Further work has been carried out in response to consultees' feedback to re-calculate a monitoring fee. This has now been benchmarked against other council and county councils' monitoring fees. As a result, the monitoring fee has been amended to a proposed £300 per trigger for any agreement that includes contributions towards KCC infrastructure. The trigger point for collecting the monitoring fee has also been pushed back from "completion of the agreement" to "commencement of the development". This amendment is to address concerns raised in the consultation made that some applications never proceed and as such do not require monitoring. With regards to the concerns on the value being disproportionate for smaller applications it was considered that costs could be managed by reducing the number of triggers in an agreement but that the cost of monitoring is still required to be covered irrespective of the size of the application.
- 2.9 Any changes that have been made to the Guide in response to the consultation have been discussed and agreed with the individual KCC service areas.
- 2.10 The KCC Development Investment Team has also committed to arranging further meetings with officers from some Planning Authorities who sought

further information regarding the methodologies for calculating certain contributions.

- 2.11 Following the discussion and recommendations of Cabinet, the proposed decision to adopt the Guide will be handed to the Cabinet Member for Economic Development for approval on behalf of the council.

### **3. Financial Implications**

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

- 3.5 Excluding the accountable Head of Service (whose salary is paid from a different budget line) the staffing revenue implications of operating the Development Investment Team (DIT) that secures development contributions is £410,995.89 (net cost) per annum. The team is funded through KCC's core revenue budget, and through income. The team demonstrates significant value for money operating at just 0.9% of the £47m developer contributions received last year. The £300 monitoring fee and other income revenue secured through financial undertakings to cover officer time to negotiate and review s106 agreements play an additional but important part in helping to reduce those revenue costs.
- 3.6 The proposed Record of Decision confirms the use of the BCIS All-In Tender price index, with a base date of Q1 2022. This date is fixed to that time due to the publicly consulted Guide containing contribution figures calculated at that point. The index reflects the current position that most contracts KCC awards for infrastructure delivery will be through a tendered procurement process.
- 3.7 The process of updating the Guide included updating the methodologies and costs associated with current delivery models. Some areas such as Adult Social Care, Community Learning and Integrated Childrens Services are now delivered through a combination of outreach and fixed infrastructure delivery and the updated Guide costs reflect that change. Overall, the newly proposed costs per new dwelling are comparable (within 3%) to those being sought prior to the review of the Guide and adjusted for inflation only.

#### **4. Legal Implications**

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

infrastructure, health, air quality improvements, carbon offsetting and nutrient neutrality.

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

## **5. Equalities Implications**

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

## **6. Other Corporate Implications**

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

## **7. Governance**

- 7.1 The reported item is brought to Cabinet with a view to the Cabinet Member for Economic Development making a formal decision to adopt the Guide as policy. The draft version of the Guide had previously been presented to Cabinet for approval of the now completed public consultation.
- 7.2 The proposed decision would provide delegated authority to the Director of Growth and Communities for two areas;
- i.) to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request.
  - ii.) to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision.

## **8. Conclusions**

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

## 9. Recommendation(s)

### 10.1 Recommendation(s):

Cabinet is asked to consider and endorse or make recommendations to the Cabinet Member for Economic Development on the proposed decision to:

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

## 11. Background Documents

Appendix 1, Record of Decision  
Appendix 2, Consultation Summary Report  
Appendix 3, You Said, We Did Report  
Appendix 4, Proposed KCC Developer Contributions Guide  
Appendix 5, Equalities Impact Assessment

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

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# KENT COUNTY COUNCIL –PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

**Derek Murphy, Cabinet Member for Economic Development**

**DECISION NO:**

23/00041

**For publication**

**Key decision: YES**

**Subject Matter / Title of Decision:****Decision:**

As Cabinet Member for Economic Development, I agree to:

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

**Reason(s) for decision:**

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

**Cabinet Committee recommendations and other consultation:**

The proposed decision was considered and endorsed by Members of the Growth, Economic Development and Communities Cabinet Committee at their meeting on 16 May.

**Any alternatives considered and rejected:**

**Do Nothing** - However, increasing challenges from developers and LPA's would have resulted in increased revenue and legal costs to KCC, requiring the county council to defend contributions being sought using outdated guidance, and in some instances, insufficient mitigation towards the impact upon KCC services.

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

.....  
signed

.....  
date



# KENT COUNTY COUNCIL DEVELOPER CONTRIBUTIONS GUIDE CONSULTATION REPORT

PREPARED BY LAKE MARKET RESEARCH



## CONTENTS

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Executive summary of response to main guide	6
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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.



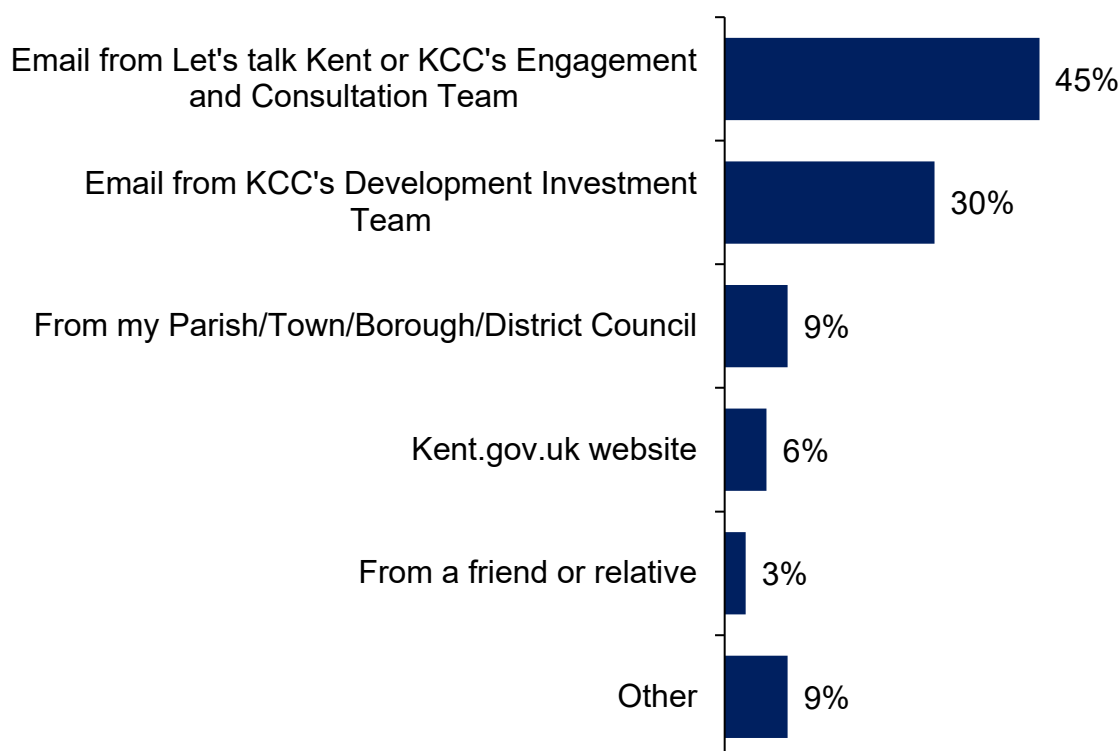
- 4 out of 6 consultees responding indicated they agree with KCC's approach to proportionate land contributions.
- All 3 consultees responding think KCC's policy on seeking bonds is reasonable.
- 5 out of 10 consultees responding indicated they agree with KCC's approach to viability reviews set out in 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

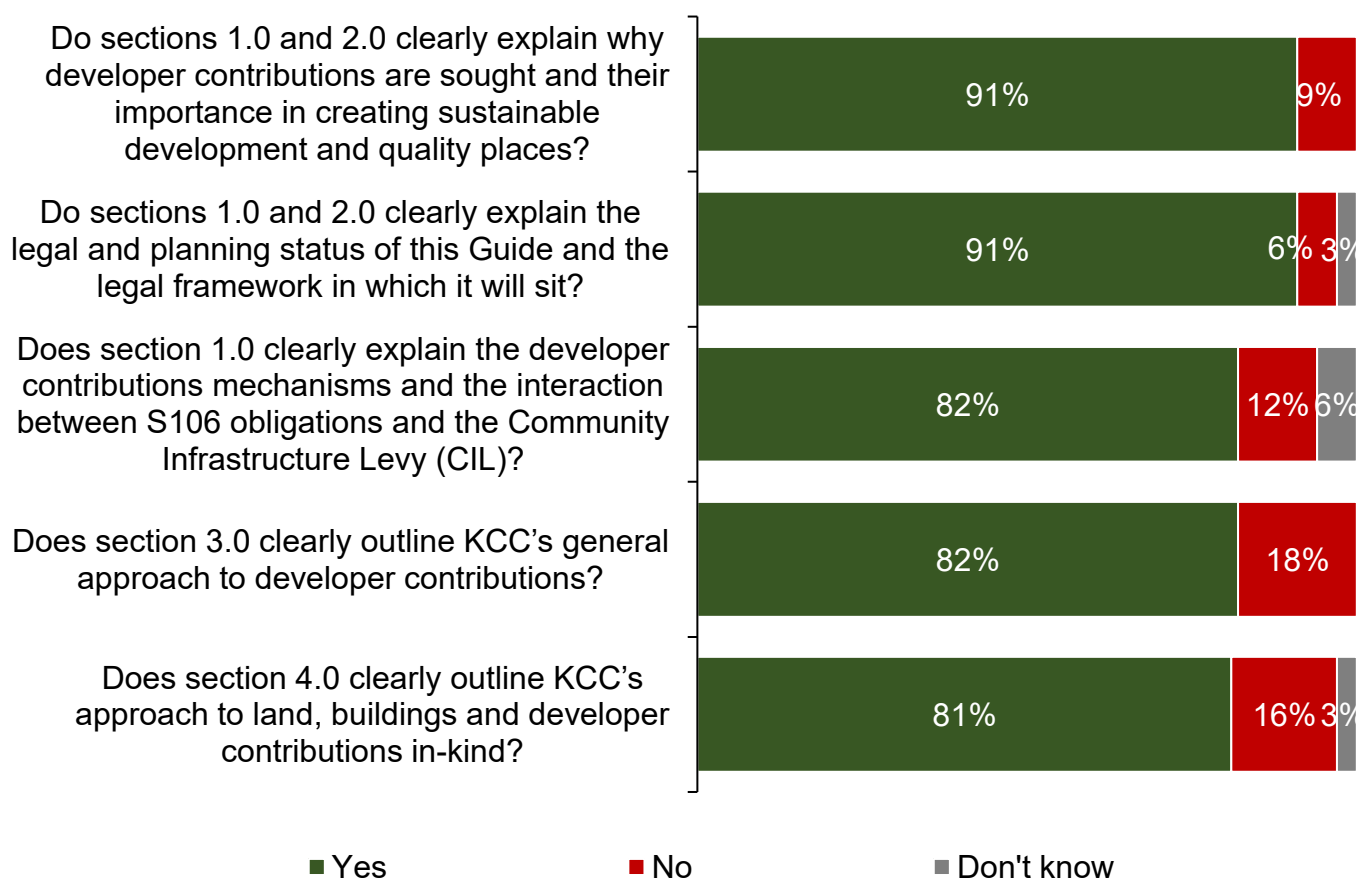
This section of the report summarises feedback from consultees for each section of the main document.

## 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)

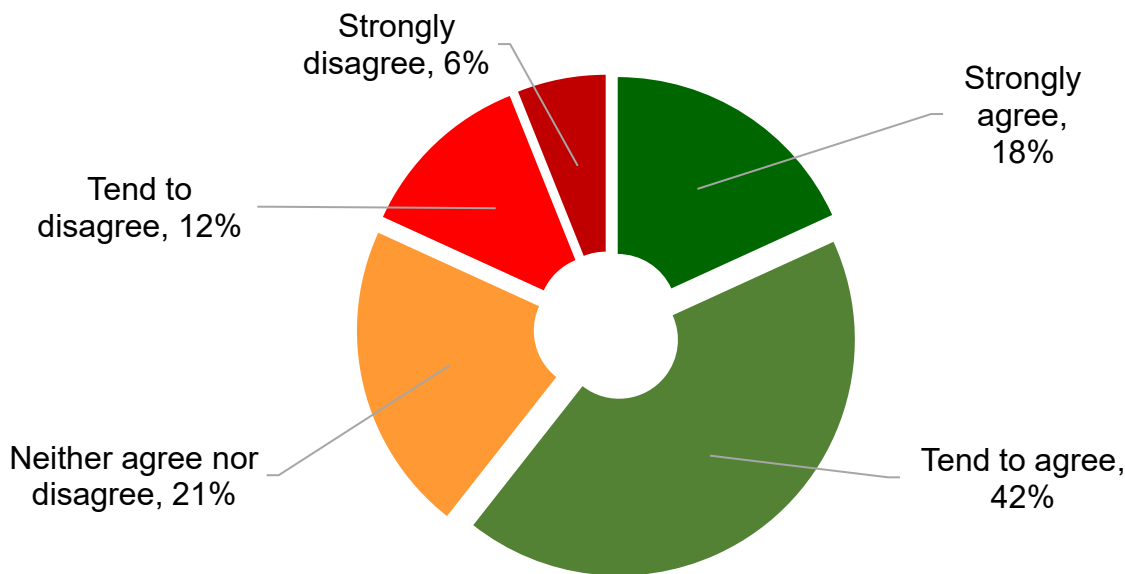


PERCEPTIONS OF APPROACH TO LAND, BUILDINGS AND DEVELOPER CONTRIBUTIONS IN-KIND

- 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)

---

**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

---

**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.



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# “You Said, We Did”

## How your views helped shape our Developer Contributions Guide

# “You Said, We Did” - How your views helped shape our Kent Developer Contributions Guide

## 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](http://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
<b>Viability</b>	
<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 <a href="https://www.gov.uk/guidance/viability">https://www.gov.uk/guidance/viability</a></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 &amp; Archaeology and Flood Risk Management &amp; 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><b>Policy</b></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><b>Monitoring Arrangements</b></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><b>Influencing s106/CIL Spend</b></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>

<b>Other Funding Sources</b>	
<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>
<b>What else should be included in the Guide?</b>	
<p>Responses included:</p> <ul style="list-style-type: none"> <li>• health care facilities</li> <li>• places of worship</li> <li>• green infrastructure</li> <li>• children’s play areas</li> <li>• not building on flood plains</li> <li>• specific technical appendix for cycleways</li> <li>• more information on how contributions will contribute to the county’s net zero challenges</li> <li>• specific attention to ‘footway’ requirements</li> <li>• contributions for rural areas</li> <li>• infrastructure should be more detailed, what specific types of infrastructure are be considered?</li> </ul>	<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 <a href="#">Framing Kent's Future 2022-2026</a>, 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>
<b>Timing of Guide Consultation</b>	
<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>

<b>Contributions</b>	
<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, <a href="#">'Framing Kent's Future 2022-2026'</a>.</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>

<b>Thresholds for Seeking Contributions / Discounts Applied</b>	
<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 &amp; 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 m<sup>2</sup> Gross Internal Area (GIA).</p> <p>The NDSS for a 1 bed 2-person dwelling is 50 + 1.5 (storage) m<sup>2</sup> GIA for a single storey dwelling and 58 + 1.5 (storage) m<sup>2</sup> 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><b>Methodologies</b></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 &amp; 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><b>Land Apportionment and Recompense</b></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><b>Planning Performance Agreements (PPA)</b></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><b>Transparency of Spend/Infrastructure Funding Statements (IFS)</b></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><b>Triggers for Payments</b></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><b>Technical Appendix 1 - Adult Social Care (ASC)</b></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><b>Technical Appendix 2 - Community Learning &amp; Skills (CLS)</b></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>

<b>Technical Appendix 6 - Primary and Secondary Education</b>	
<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 <a href="#">‘Local authority school places scorecards: academic year 2020/21’</a>.</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) <a href="#">‘Local authority school places scorecards:</a></p>

	<p><a href="#">academic year 2020/21</a>' costs and the Educational Building and Development Officers Group (EBDOG) <a href="#">National Benchmarking Study 2021/22</a> (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 '<a href="#">Local authority school places scorecards: academic year 2020/21</a>' 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)			
<b>Primary New Build</b>	£27,464.00	£26,455.80	£30,094.25
<b>Primary Extension</b>	£20,992.90	£22,097.01	£23,109.40
<b>Secondary New Build</b>	£30,337.33	£32,034.35	Insufficient Data
<b>Secondary Extension</b>	£28,936.88	£30,682.05	£22,855.38
<b>SEND</b>	£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) <a href="#">‘Securing developer contributions for education’ (November 2019)</a> 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 &amp; Refurbishment builds is insufficient to draw any conclusions, the Education Building and Development Officers</p>

	<p>Group (EBDOG) <a href="#">National School Delivery Cost Benchmarking Report July 2022</a> advises an average cost of £74,920.00 per pupil (Q1 2022 Base – normalised to a common UK average price level) for Re-Build &amp; 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><b>Technical Appendix 8 - General Land Transfer Terms – School Sites</b></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><b>Technical Appendix 13 - Heritage &amp; Archaeology</b></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><b>Technical Appendix 14 – Highways and Transportation</b></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><b>Technical Appendix 15 – Integrated Children’s Services</b></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><b>Technical Appendix 16 – Libraries, Registrations &amp; Archives (LRA)</b></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><b>Appendix 17 – Public Rights of Way (PROW)</b></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"> <li>• Directly impact PROW and therefore require their diversion / extinguishment in order for the development to progress.</li> <li>• Positively impact PROW in creating new links within and to the existing PROW/ Highway network</li> <li>• Impact on visual amenity</li> <li>• Fragment the existing network.</li> <li>• Increase use / demand and therefore pressure on existing routes.</li> <li>• Suppress use as a result of increased traffic / harm to visual amenity / noise / parking.</li> </ul> <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><b>Technical Appendix 18 - Waste</b></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><b><u>Emerging Environment Bill what’s is to be recycled in future</u></b>  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"> <li>- £54.47 per dwelling for HWRC projects and</li> <li>- £129.20 per dwelling for WTS projects.</li> </ul>

	<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](https://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](https://www.kent.gov.uk/letstalk).

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KENT COUNTY COUNCIL

# Developer Contributions Guide

Consultation Draft 2022

[kent.gov.uk/developercontributionsguide](https://kent.gov.uk/developercontributionsguide)



## Foreword

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

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

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

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

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

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



Derek Murphy,

Cabinet Member for Economic Development

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## **1.0 Introduction**

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

## **1.2 The Purpose of This Guide**

- 1.2.1 Sustainable development 'meets the needs of the present, without compromising the ability of future generations to meet their own needs'<sup>1</sup>. The planning system helps to achieve it by balancing economic, social, and environmental objectives, in the public interest<sup>2</sup>. In seeking to achieve sustainable development in the public interest, the impact of growth on infrastructure is a key consideration. Kent County Council is responsible for delivering and maintaining much of the large-scale infrastructure that its residents and businesses require, such as roads, schools, waste disposal services and libraries. To promote sustainable development, this Guide sets out the developer contributions which may be required by the county council to support growth and mitigate any adverse impacts on its infrastructure. Developer contributions (Planning obligations under s106 of the Town and Country Planning Act 1990 (as amended), works under s278 of the Highways Act and contributions from the Community Infrastructure Levy (CIL)) play a key part in the delivery of sustainable development,

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

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

ensuring that infrastructure is delivered in a timely manner, and is appropriately situated and accessible. Put differently, developer contributions are needed to fund infrastructure to support growth.

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

*“Our ‘Infrastructure First’ commitment seeks to ensure that new development provides the appropriate physical and social infrastructure necessary to support new and existing communities’ quality of life”.*

- 1.2.3 Following the publication of the Levelling Up White Paper<sup>3</sup> and subsequent Levelling Up and Regeneration Bill<sup>4</sup>, significant changes may take place. Until such time as a new mechanism is enacted, the county council intends to refer to this Guidance to support requests for developer contributions.

- 1.2.4 For the purposes of formulating planning applications and their determination, this Guidance should be read alongside Development Plan Policies (Local Plans and Neighbourhood Plans) and relevant Supplementary Planning documents adopted by Kent Local Planning Authorities (LPAs). The Guide will also be used as the basis of KCC responses to proposed growth strategies in LPA development plans, providing evidence for the infrastructure delivery planning and viability assessments that underpin the Local Plan. The Guide and/or Technical Appendices will be reviewed when significant changes are made to service strategies and in evidence to support county council requirements. Significant<sup>5</sup> changes will be subject to further consultation.

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

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

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

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

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

### 1.3 The Status of This Guidance

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

### 1.4 Context - The Legal Framework

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

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

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

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

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

(The same tests are set out in Paragraph 57 of the [NPPF](#)<sup>6</sup> and the Planning Practice Guidance (PPG)).

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<sup>6</sup> Revised July 2021

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

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

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

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

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

#### 1.4.2 Community Infrastructure Levy (CIL)

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

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

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

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

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



- 1.4.3 Highways Act - s278 and s38 Agreements
- 1.4.3.1 Where works are required to mitigate the impact of growth on the public highway, KCC will normally require this to be fully funded and delivered directly by the developer under a s278 agreement with the Highway Authority. s278 agreements provide an element of security (in the form of a financial bond and a percentage of cash), should the Highway Authority need to complete works to an acceptable standard.
- 1.4.3.2 Details of any proposals must be agreed by the Highway Authority prior to planning consent being granted. Any associated works are subject to technical inspection and acceptance.
- 1.4.3.3 After considering the applicant's Transport Assessment, the Highway Authority will advise where mitigation measures are required, and the appropriate time for the works to be delivered. It will then recommend conditions to be placed on the application and the appropriate occupational trigger.
- 1.4.3.4 Under the Highways Act 1980, a s38 agreement allows KCC to take over and maintain at public expense<sup>7</sup> roads, footways, cycleways and other Highway areas and infrastructure constructed by a developer. These will usually relate to internal highways within the red-line application area of a development. As well as providing security of access to new development areas, KCC will use s38 agreements to secure vehicular or non-vehicular access through a development to connect with any existing adjacent Highways.
- 1.4.4 National Planning Policy Framework (NPPF)
- 1.4.4.1 The [National Planning Policy Framework](#) (NPPF) sets out the government's planning policies for England and how these should be applied. It must therefore be considered when preparing development plans and planning applications: paragraphs 31, 34, 55, 57 and 58 relate specifically to developer contributions and infrastructure provision.
- 1.4.5 Planning Practice Guidance (PPG)
- 1.4.5.1 [Planning Practice Guidance](#) (PPG) provides government guidance on all areas of planning and the NPPF, including developer contributions and viability ([planning obligations](#), [CIL](#) and [viability](#).) These documents should be read together.

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<sup>7</sup> Highways adoption process.

## **1.5 The Interaction Between s106 and CIL**

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

## **2.0 Kent**

### **2.1 Creating Quality Places**

2.1.1 Kent (excluding Medway) is England's largest non-metropolitan county. It has a population of 1,589,100 across 12 districts, city, and borough councils, consisting of urban, rural, and coastal communities. With this figure predicted to reach 1,913,100 by 2040, infrastructure delivery has been recognised as one of four priorities in KCC's strategy for 2022-2026: ['Framing Kent's Future'](#). As a key infrastructure provider, KCC maintains an 'infrastructure first' approach<sup>8</sup>, ensuring infrastructure is planned for, funded, and delivered in a timely manner to create sustainable places.

2.1.2 Infrastructure helps to shape and deliver quality places. For example, schools provide focus at neighbourhood centres, especially when combined with other community facilities, by enabling parents dropping children off on foot to use local retailers and coffee shops. KCC recognises the importance of engaging early and throughout the planning and decision-making processes, working with other stakeholders to deliver quality places for people living and working in Kent.

2.1.3 The county council understands that delivering sustainable infrastructure at the point of need is sometimes restricted by financial cashflows. KCC and its key stakeholders will seek to address this issue where possible through detailed master-planning of growth and places. In addition, it may be possible to bid for Government funding to 'unlock' development schemes through the early delivery of infrastructure projects. KCC will work collaboratively with the LPAs and developers to explore these areas, with the joint ambition to maximise funding opportunities for Kent through a co-ordinated strategic approach.

### **2.2 Sustainability and Climate Change**

2.2.1 In ['Framing Kent's Future'](#), KCC has prioritised the environment, sustainability and climate change. One of its four key priorities is 'Environmental Step Change'. This includes commitments to:

- Improve how KCC values and protect Kent's environment
- Take steps to achieve Kent's target of Net Zero by 2050
- Back carbon-zero energy production
- Ensure the county is well placed to adapt to climate change

2.2.2 The planning system and contributions to sustainable development through infrastructure are central to achieving specific objectives, including

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<sup>8</sup> As set out in [Framing Kent's Future – Our Council Strategy 2022-2026](#) – Priority 2: Infrastructure For Communities

significantly reducing transport emissions through road space, parking, and other initiatives, and promoting sustainable flood risk management practices in development, regeneration, and land management. This reinforces the sustainable development commitment made in the Kent Design Guide<sup>9</sup>:

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

## **2.3 Garden Communities and Large-Scale, Strategic Development**

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

2.3.2 The Town and Country Planning Association (TCPA)<sup>10</sup> describes a Garden City as '*a holistically planned new settlement which enhances the natural environment and offers high-excellence affordable housing and locally accessible work in beautiful, healthy, and sociable communities*'. The Garden City Principles are an indivisible and interlocking framework for their delivery, and include:

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

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<sup>9</sup> Currently being revised following public consultation

<sup>10</sup> <https://www.tcpa.org.uk/garden-city-principles>

and that uses zero-carbon and energy-positive technology to ensure climate resilience.

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

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

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### 3.0 **Kent County Council: Contributions**

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

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

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

## **3.2 Type and Level of Contributions**

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

## **3.3 How KCC Assesses the Impact of Each Development**

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

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

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

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

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



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

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

### 3.5 **Obsolete or Withdrawn Local Plans**

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

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

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

Before requesting a planning obligation, KCC will assess:

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

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

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

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

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

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

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

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

Discounts on contributions will be applied as follows:

- Education – no contributions for education will be requested for non-applicable dwellings, C2 dwellings and age restricted dwellings (over 55s). Rates sought are based on houses and flats.
- Integrated Children's Services – no contributions for Integrated Children's Services will be requested for non-applicable dwellings, C2 dwellings and age restricted dwellings (over 55s).
- Community Learning & Skills and Adult Social Care – discounts may be applied for C2 dwellings, depending on the type of residential facility provided.

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

Table 1 - Summary of Contributions Required by KCC Service Area as of 2022/23<sup>11</sup>  
(for full details refer to the Technical Appendices (TA))

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

<sup>11</sup> Contact KCC for the most up to date information

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

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

Please note:

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

3.8.4 This table outlines contributions that may be expected when assessing infrastructure required at the plan-making stage, and for individual planning applications. Planning obligations may be in the form of financial contributions, works, on-site provision, or land.

3.8.5 To establish how contributions are assessed, and the amount likely to be required by KCC, please refer to the Technical Appendices. Unless otherwise stated, assessment of service capacities will take place at planning application stage.

3.8.6 To establish an indication of contributions requested by KCC, the dwelling number and housing mix can be entered in Technical Appendix 3 – Development Contributions – Calculator.

## **4.0 Land, Buildings and Contributions In-Kind**

### **4.1 The Requirement for Land**

- 4.1.1 In some circumstances, KCC may require land to be transferred to its ownership. Examples include new or expanded schools and nurseries, buildings for community services or land to be dedicated as highway or other forms of travel infrastructure. KCC will work with LPAs and developers during the development of Local Plans, to identify and allocate sites to ensure additional infrastructure can be delivered. This will include work to establish the value of land, which will be carried out on a case-by-case basis.
- 4.1.2 For some new infrastructure relating to development, land may be required to establish a new facility on the development site itself. In other cases, it may be more appropriate to expand an existing local service.
- 4.1.3 Where infrastructure is needed to serve more than one development<sup>12</sup>, the land element may be provided by one developer on their site, with other developers making a capital contribution towards it. Developers will need to work together to agree a proportionate approach to their contribution. Each development will be considered on a site-by-site basis. Where an equalisation agreement is not forthcoming, proportionate financial contributions will be sought from the relevant developments.
- 4.1.4 Where land has been provided at nil consideration to KCC, other developments coming forward in the site's vicinity may be required to make a proportionate contribution towards the land provided by a developer (see Para 5.6 Apportionment and Land Contributions for further details).

### **4.2 Location and Suitability**

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

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<sup>12</sup> For example, where several sites have been grouped together under one strategic allocation within the local plan.

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

### **4.3 Land Transfers – Legal Agreement**

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

### **4.4 Works and Buildings – Direct Delivery**

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

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

## **5.0 Guidance applicable to all Section 106 contributors**

### **5.1 Pre-Application Advice**

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

### **5.2 Planning Performance Agreements**

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

### **5.3 S106 Legal Agreements – Unilateral and Multiparty Agreements**

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



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

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

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

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

*Contribution Payable*

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

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

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

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

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

## **5.6 Apportionment and Land Contributions**

5.6.1 The general principles underpinning apportionment are as follows:

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

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

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

## **5.7 Bonds and Guarantors**

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

## **5.8 Viability**

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

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

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

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

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

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

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

## **5.9 Viability Reviews**

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

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

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

## **5.10 Planning Appeals**

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

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

## **5.11 Procedure for the Discharge of Planning Obligations to KCC**

5.11.1 When submitting an obligation discharge request, applicants should provide sufficient information to identify the original permission. This includes the planning application reference, the date of the s106 legal agreement or subsequent deed of variation (if applicable) and the clause to which the request relates.

5.11.2 Where KCC is satisfied that the requirements of a particular clause or clauses have been complied with, the Development Investment Team will issue a formal discharge notice to the applicant and relevant LPA.

5.11.3 Applicants wishing to discharge s106 planning obligations should email: [developer.contributions@kent.gov.uk](mailto:developer.contributions@kent.gov.uk).

## **5.12 Fees, Charges and Monitoring**

### **5.12.1 S106 Legal Agreement Fees**

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

### **5.12.2 Late Payment Interest**

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

### **5.12.3 Monitoring costs**

5.12.3.1 KCC applies s106 monitoring fees under Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011. This is reflected in Planning obligations PPG - Paragraph: 036 Reference ID: 23b-036-20190901 and for CIL in the Community Infrastructure Levy Regulations 2010 (as amended).

5.12.3.2 KCC will manage and monitor each legal agreement/unilateral undertaking from the point at which it is signed. The monitoring fee will be payable where KCC is to receive contributions, with payment due on commencement of the development.

5.12.3.3 A monitoring fee of £300.00 will be payable for each payment trigger. For example, where all contributions are paid on two trigger points, this will incur two payments totalling £600.00.

#### 5.12.4 Time Limit for Spend of Contributions

5.12.4.1 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed. See also the Department for Education (DfE) guidance 'Securing developer contributions for education' published in April 2019<sup>13</sup>.

#### 5.12.5 Infrastructure Funding Statement

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

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/909908/Developer\\_Contributions\\_Guidance\\_update\\_Nov2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909908/Developer_Contributions_Guidance_update_Nov2019.pdf)

## 6.0 Contact with KCC and District Councils/Local Planning Authorities

### 6.1 Kent County Council - Contacts

Who to contact:

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

[developer.contributions@kent.gov.uk](mailto:developer.contributions@kent.gov.uk);

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

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

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

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



Dartford, Gravesham, Maidstone, Sevenoaks, Tonbridge and Malling and Tunbridge Wells	
<b>Education</b>	North Kent – <a href="mailto:ian.watts@kent.gov.uk">ian.watts@kent.gov.uk</a> ; East Kent – <a href="mailto:marisa.white@kent.gov.uk">marisa.white@kent.gov.uk</a> ; South Kent – <a href="mailto:lee.round@kent.gov.uk">lee.round@kent.gov.uk</a> ; West Kent – <a href="mailto:nicholas.abrahams@kent.gov.uk">nicholas.abrahams@kent.gov.uk</a> ;
<b>Waste</b>	<a href="mailto:wasteinfrastructure@kent.gov.uk">wasteinfrastructure@kent.gov.uk</a> ;

## 6.2 Local Planning Authorities

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

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

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

## Technical Appendix 1: Adult Social Care (ASC)

### 1. Service Overview

- 1.1 The UK is an ageing society: 25% of the population people will be over 65 by 2050, up from 19% in 2019<sup>14</sup>. Disability among working-age adults has also increased to 19%, up from 15% in 2010/11<sup>15</sup>. This means more people with complex needs requiring support from the health and social care system. This includes young people with learning and physical disabilities who are moving from Children's to Adult Services, often with significant support requirements. KCC is therefore constantly re-evaluating how its Adult Social Care (ASC) service commissions care and provides suitable accommodation.
- 1.2 ASC services comprise social work, personal care, and practical support for adults (18 years+) with a physical or learning disability, or physical or mental illness. It also includes safeguarding for those at risk of harm and abuse, and support for unpaid carers.
- 1.3 A key priority is enabling residents to live safely and independently in their own communities for as long as possible. [Making a difference every day – Our strategy for Adult Social Care 2022 to 2027](#) (April 2022) sets out KCC's ASC strategy, in conjunction with [Framing Kent's Future – Our Council Strategy 2022-2026](#), Priority 4: New Models of Care and Support.
- 1.4 Services may be delivered in people's own homes (domiciliary care), in day centres and specialist accommodation<sup>16</sup>. KCC also provides 'reablement' services to help people regain independence, aids and adaptations for people's homes, information and advice and support for family carers. Services for those unable to stay in their own homes may be provided via care homes and nursing homes ('residential care').
- 1.5 KCC has statutory responsibilities to provide Adult Social Care services under:
- Care Act 2014
  - Mental Health Act 1983

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<sup>14</sup> 'Meeting housing demand' House of Lords, Built Environment Committee 1<sup>st</sup> Report of Session 2021-2022

<sup>15</sup> Key facts and figures about adult social care, The King's Fund 2 July 2021

<sup>16</sup> For the purposes of this document, specialist accommodation is an umbrella term which includes supported living, warden assisted housing and extra care accommodation

- Mental Capacity Act 2005
  - Equalities Act 2010
  - Human Rights Act 1998
- 1.6 The overarching Care Act 2014 adds new and extends existing responsibilities, including:
- Promoting wellbeing
  - Protecting (safeguarding) adults at risk of abuse or neglect
  - Preventing the need for care and support
  - Promoting integration of care and support with health services
  - Providing information and advice

## **2. Assessing Need and Calculating Demand**

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

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

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

2.2.2 KCC will not seek contributions from:

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

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

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

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

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

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

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

Infrastructure Service Area	Number of ASC clients (2019/20)	Clients per 1,000 adult population <sup>17</sup> (2019/20) <sup>18</sup>	Clients** per Dwelling (2019/20)
*Specialist Housing <sup>19</sup>	3,007	2.40	0.44
Assistive Technology and Home Adaptation Equipment	6,365	5.08	0.94
Equipment including Changing Places and sensory equipment/facilities	51,077	40.73	7.54
Day care (adapting Community Facilities)	2,035	1.62	0.30

\*Excludes KEAH<sup>20</sup> \*\*Please note that there is not one client number per dwelling. Within Adult Social Care, individuals may have multiple needs, which means that they may be clients of one or more of the infrastructure areas set out above.

<sup>17</sup> Population data based on KCC Forecasts April 2022

<sup>18</sup> Client rates based on the Kent mid-year population estimate in 2019

<sup>19</sup> Includes supported living and extra care accommodation

<sup>20</sup> Kent Enablement at Home (KEAH - an intense short period of help given to people to stay at home and recover following for example time in hospital, and therefore stay independent at home as long as possible)

### 3. Contribution Rates

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

Table 2: Adult Social Care Contribution Rates Per Dwelling

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

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

### 4. Spending Contributions: Projects

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

- Specialist housing – including extra care and supported living accommodation<sup>21</sup>;
- Digital technology systems and home adaptation equipment;
- Adapting community facilities to make them accessible for all, so clients can access support services and facilities safely and comfortably and be active and engaged in their communities;
- Sensory facilities – including the innovative technology to reduce stress and anxiety or encourage sensory development and social engagement, or exterior facilities including sensory gardens;
- [Changing Places](#) with additional features beyond standard accessible toilets to meet the needs of people with a range of profound disabilities, and their carers, usually located in or near a popular public area.

<sup>21</sup> S106 contributions are being sought from new housing developments, it may therefore, be queried why the county council is then seeking contributions towards Specialist Accommodation. Whilst new residents may move in without any ASC requirements, accidents or illness that result in temporary or permanent disabilities can happen at any point, resulting in specialist accommodation requirements for some.

## **5. Accessible Homes**

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

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

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

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

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

## **6. Indexation**

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

## **7. Time Limit on Spend**

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

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

### 1. Service Overview

- 1.1 KCC provides community learning and skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling UP Kent and Priority 2 – Infrastructure For Communities).
- 1.2 The CLS vision<sup>22</sup> is 'to help every adult and young person in Kent to achieve their potential in life, whatever their background'. In collaboration with other skills and education services, KCC's CLS supports:
- Adults seeking skills for employment;
  - Young people entering the world of work;
  - Organisations seeking to improve the skills and potential of their staff;
  - Adults learning for personal development, pleasure, and wellbeing;
  - Families (especially those in Kent's disadvantaged neighbourhoods).
- 1.3 Through its district centres and outreach facilities, CLS provides a wide range of learning opportunities, including:
- Flexible learning in basic employment-related skills such as English, Maths and ICT providing, improving the general skill level of the workforce, and supporting economic growth;
  - Specialist courses such as IT and Business, Arts and Crafts, Health and Wellbeing and Therapies and Beauty, helping adults to develop their careers and obtain higher-skilled work;
  - English for Speakers of Other Languages (ESOL) courses to boost employment and education opportunities
  - Courses in Parenting, Family Learning and Neighbourhood Learning to promote social cohesion, especially in deprived communities.
- 1.4 As well as increasing people's skills and educational attainment, CLS can help those moving into new developments to overcome social isolation, and encourages community cohesion, both within the new development and wider area.

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<sup>22</sup> The Community Learning and Skills: Vision and Priorities is an internal document, setting out the vision and mission statement of the service. This document is reviewed under the five-year Ofsted Inspection Cycle and is mapped against Ofsted's Education Inspection Framework.



## **2. Assessing Need and Calculating Demand**

### **2.1 Threshold for Seeking Contributions and Qualifying Developments**

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

2.1.2 KCC will not seek contributions from:

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

### **2.2 Service Capacity**

2.2.1 CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found [here](#).

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

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

### **2.3 New Users Per Dwelling**

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

Table 1 – New Enrolments per Dwelling

Total Enrolments in Service	→	Enrolments per 1,000 Adult (19+) Population	→	<b>Enrolments per New Dwelling</b>
<b>33,000</b>	→	<b>26.70*</b>	→	<b>0.05*</b>
Calculations		<i>Total Enrolments / Kent Adult Population x 1000</i> <i>33,000/1,236,171*1,000</i>		<i>Enrolments per 1000 Population / 1000 x Average Household Size (Adults)</i> <i>26.70/1,000*1.85</i>

\*Rounded to two decimal places for presentation

### 3. Contributions Per Dwelling

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

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

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

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

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

Table 3 - Contribution Per Dwelling

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

### 3.3 Strategic Development/Garden Communities

3.3.1 While KCC currently has no plans for new additional community learning centres, large strategic developments/garden communities may require new stand-alone buildings or library facilities within a community hub. The drive for efficiencies is likely to influence overall space requirements, and opportunities for co-location will be actively explored.

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

Table 4 - Example Contribution sought for new build/extension

Build Cost Per Square Metre (including Fixtures and Fittings)	£3,500
Classroom facility of 40 sqm + 20 sqm ancillary space/kitchenette/toilets	£210,000
<b>Contribution Per Dwelling</b> (using a development of 3000 dwellings) £210,000 / 3000	<b>£70.00</b>

## 4. Provision of Infrastructure – Project Types

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

- Additional IT, equipment, and resources to create flexible classrooms and extend the outreach service;
- In-centre upgrades of specialist equipment, IT and learning technology.

## 5. Indexation

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

## 6. Time Limit on Spend

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

### Technical Appendix 3: Development Contributions - Calculator

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

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

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

<b>Council District</b>	Maidstone	Select dropdown to choose district	Indicates where information is required to be inputted.
		Notes:	
<b>Total Number of Dwellings</b>			The Total Number of Dwellings is automatically calculated from the break down of dwelling type inputted. If you do not know the dwelling mix, set all dwellings as houses. This will calculate the maximum contributions that KCC will request for the services set out below.
<b>Number of Applicable C3 Houses</b>	10		Applicable means C3 dwellings which are 1 bed (or more) and 56 square metres, Gross Internal Area (GIA) or more.
<b>Number of Applicable C3 Flats</b>	5		Applicable means C3 dwellings which are 1 bed (or more) and 56 square metres, Gross Internal Area (GIA) or more.
<b>Number of Non-Applicable C3 Dwellings</b>	10		Non-applicable means C3 dwellings which are 1 bed (or more) and are less than 56 square metres, Gross Internal Area (GIA)
<b>Number of C2 Dwellings</b>	0		Education and Integrated Children's Services contributions will not be sought on C2 Dwellings. There may also be exemptions applied for Adult Social Care and Community Learning & Skills, depending on the dwelling type and level of care provided.

Service Area	Per Applicable House	Per Applicable Flat	Total Contribution ***	Notes
	<b>10</b>	<b>5</b>		<b>Non-Applicable/C2 dwellings are exempt from Education contributions. Deductions are included in the total.</b>
<b>Primary Education</b>	£7,081.20	£1,770.30	<b>£79,663.50</b>	Contribution set at the maximum required - e.g. for the provision of a new school.
<b>Primary Education - Land*</b>	£3,098.29	£774.57	<b>£34,855.71</b>	Proportionate contribution based on residential land value for district.
<b>Secondary Education</b>	£5,587.19	£1,396.80	<b>£62,855.90</b>	Contribution set at the maximum required - e.g. for the provision of a new school.
<b>Secondary Education - Land*</b>	£4,030.29	£1,007.57	<b>£45,340.76</b>	Proportionate contribution based on residential land value for district.
<b>SEND Education</b>	£559.83	£139.96	<b>£6,298.10</b>	This is a blended rate based upon the delivery of special schools and Specialist Resource Provision (SRP) based on mainstream school sites.
<b>SEND Education - Land*</b>	£531.13	£132.78	<b>£5,975.26</b>	Proportionate contribution based on residential land value for district.

Service Area	Per Dwelling	Total Contribution ***	Notes
	0		
Community Learning & Skills (CLS)	£34.21	£0.00	C2 dwellings may be exempt from Community Learning & Skills contribution requests, depending on the type of C2 Dwelling.
Integrated Children's Services: Youth Service/Early Years Service (ICS)	£74.05	-£740.50	Non-Applicable/C2 dwellings are exempt from Integrated Children's Services contributions. Deductions are included in the total.
Libraries, Registrations and Archives (LRA)	£62.63	£0.00	
Adult Social Care (ASC)	£180.88	£0.00	C2 dwellings may be exempt from Adult Social Care contribution requests, depending on the type of social care offered within the setting.
	All Homes built as <b>Wheelchair Accessible &amp; Adaptable Dwellings</b> in accordance with Building Regs Part M4(2)		
Waste Disposal and Recycling (WDR)	£194.13	£0.00	This is the maximum contribution rate, based on your development area requiring capacity increases in

			both Waste Transfer Stations and Household Waste Recycling Centres.
<b>Highways and Transportation</b>		This will be calculated on a case-by-case basis	
<b>PRoW</b>		This will be calculated on a case-by-case basis	
<b>Flood &amp; SUDS</b>		This will be calculated on a case-by-case basis	
<b>Heritage &amp; Archaeology</b>		This will be calculated on a case-by-case basis	
<b>Total Contribution requested by KCC for Education, LRA, CLS, ICS, ASC and WDR</b>			<b>£234,248.73</b>
<p>* Working with the Local Planning Authorities (LPA), the county council will seek to achieve site allocations within the local plans for infrastructure delivery, particularly for schools and waste. The allocation of land for education/waste within a development will make it more difficult for landowners to secure planning consent for alternative uses on that land, enabling the land to be valued at use value rather than residential. Appropriate land values will be concluded with the LPA on a case-by-case basis. Until sites are secured by s106 however, KCC will continue to seek land contributions at residential land values. This is to enable KCC to purchase land at residential value, should land not be secured through the local plan/s106 process. Any unused/unrequired land contributions will be returned to the contributing development.</p> <p>**Contribution rates have been set at their maximum level to provide a 'maximum contribution scenario'. It will not be until the specifics of an application are known to the county council that appropriate contribution rates can be provided - for example, whether or not a primary school can be expanded to provide places or a new school (including land) is required.</p> <p>*** Where contribution rates are quoted, indexation (BCIS All in Tender Price) will be applied. The base date for these contributions is Q1 2022.</p>			

## Technical Appendix 4: Education Overview

### 1. Education Service Overview

- 1.1 KCC is the Statutory Authority for Education and the Strategic Commissioner of Education Provision from the private, voluntary, charitable, and maintained sectors. It is the major provider of education, maintaining most Kent schools, and is also 'provider of last resort' when no other acceptable new provision comes forward.

- 1.2 Education in Kent is divided into three, sometimes overlapping phases:
- Early Years: primarily delivered by private, voluntary, and independent pre-schools, accredited child-minders, and schools with maintained nursery classes;
  - 4-16 years: “compulsory school age” during which schools are the main providers;
  - Post-16: schools and colleges, the latter being the sole provider for young people aged 19-25 years.
- 1.3 The Local Authority also has specific duties in relation to provision for pupils with Special Educational Needs (SEND), those excluded from school and those unable to attend school due to ill health.
- 1.4 KCC’s Commissioning Plan for Education Provision in Kent (KCP) is a five-year rolling plan updated annually. It sets out how KCC will ensure:
- Enough high-quality education places;
  - Places located in the right areas;
  - Places for all learners.
- The latest version of the KCP can be found [here](#).
- Maps of all schools by district can be found [here](#).

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

2.1 Planned housing growth in Kent is equivalent to building another town the size of Faversham every year until 2031. Providing education infrastructure to meet the needs of this new housing is essential.

2.2 There are multiple funding sources including Government Basic Need Grant and borrowing by KCC. However, the Department for Education’s (DfE) [‘Securing Developer Contributions for Education’ November 2019](#) is clear that, where new places are required to meet the need of new housing development, KCC should seek s106 contributions both for build and land requirements. Paragraph 5 of the DfE’s guidance states:

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

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

2.3 Specifically, the guidance requires that:



- Housing development should mitigate its impact on community infrastructure, including schools;
- Developer contributions towards new school places<sup>23</sup> should provide both funding for construction and land where applicable subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

### **3. Commissioning School Places**

- 3.1 As the Strategic Commissioner, KCC must ensure sufficient school places across Community, Voluntary Aided and Controlled, Foundation, Academies and Free School provision, through the expansion of existing schools and building new ones.
- 3.2 Paragraph 94 of the NPPF states: 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'
- 3.3 As the statutory authority, KCC has a duty to set out the requirements for any new school needed to serve a new or growing community. The county council should, therefore, be a signatory to any s106 agreement and receive appropriate contributions.

### **4. Land Contributions and Allocation of Sites**

- 4.1 Where new schools are required, or additional land is needed to enable an existing school to expand, KCC will seek the provision of land and/or proportionate financial contributions.
- 4.2 National Planning Practice Guidance advises how local planning authorities (LPAs) should prepare plans and take account of education requirements. KCC will work with the LPAs and developers to identify and allocate sites to

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<sup>23</sup> Including SEND and Early Years provision

ensure additional education places are planned for, including land required for school expansions and new schools.

- 4.3 This land should be provided to KCC at 'nil consideration'. Where the site has been allocated in the development plan for a school or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically obtain residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.
- 4.4 Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider when received.

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

### 1. Service Overview

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

### 2. Future Planning

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

### **3. Cost of Provision**

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

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## Technical Appendix 6: Education – Primary and Secondary Education

### 1. Service Overview

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

### 2. Planning Groups and Forecasting

- 2.1 KCC uses groupings<sup>25</sup> of schools for provision planning to ensure adequate school places for existing and future Kent residents. These planning groups are geographically aligned within groups of wards known as planning areas: a minority comprise just a single ward.
- 2.2 Most children within these planning areas will attend the same school(s). Wards are used as they are a nationally recognised planning feature: generally small enough to be locally representative but large enough to produce national-level datasets (population, births, deaths, migration, indices of multiple deprivation).
- 2.3 Whether additional school places will be required or sufficient places are available will depend upon an assessment conducted for each proposed development site, based on the planning group in which it sits. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic

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<sup>24</sup> Para 10 ‘Securing developer contributions for education’ Department for Education, November 2019

<sup>25</sup> In agreement with the Department for Education, planning groups are based predominantly upon travel to school pattern.

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

- 2.4 Where a development is on the margins of a planning group, the assessment may be conducted over more than one planning group, or an alternative geographical area.
- 2.5 A detailed breakdown of the planning groups can be found within the [Commissioning Plan for Education Provision in Kent \(KCP\)](#) which is updated annually.
- 2.6 KCC forecasts include a minimum surplus capacity of 2% to allow for fluctuations in demand and parental choice, in line with government guidance<sup>26</sup>. The DfE also uses this minimum when assessing KCC's forecasts through the statutory school capacity survey (SCAP) process.
- 2.7 Locations of existing schools by district can be found via [here](#):

### **3. Assessing the Need and Calculating Demand**

#### **3.1 Threshold for Seeking Contributions and Qualifying Developments**

- 3.1.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and a request for Primary and/or Secondary education contributions requested where demand for school places exceeds capacity.
- 3.1.2 KCC will not seek contributions from the following:

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

#### **3.2 Service Capacity - Forecasting Demand Generated by New Developments**

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

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<sup>26</sup> ['Securing developer contributions for education, November 2019'](#), Department for Education

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

	Pupil Yield	Pupil Yield
	Primary (Mainstream)	Secondary (Mainstream – Years 7-11)
Per House	<b>0.28</b>	<b>0.20</b>
Per Flat	<b>0.07</b>	<b>0.05</b>

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

### 3.3 Provision of Infrastructure – Project Types

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

#### 3.3.2 Permanent Expansion

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

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

#### 3.3.3 Establishment of new Schools

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

## 4. **The Cost of Additional Places – S106 Contribution Rates**

### 4.1 Build Contributions

- 4.1.1 KCC regularly reviews the cost of providing additional education places. A 2019 review by Aecom of KCC’s education build projects has been benchmarked against project sample data from the National Schools Delivery Cost Benchmark (NSDCB) database. The rates in Table 2 below reflect average build costs, including buildings, site works, professional fees, plus furniture, fixtures and equipment but excluding abnormal costs.

Table 2 Primary and Secondary Education Build Rates

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

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

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

#### 4.2 Land Contributions

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

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

- 4.2.3 This land should be provided to KCC at ‘nil consideration’. Where the site has been allocated in the development plan for a school or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically have obtained



residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.

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

## **5. Spending Contributions – Projects**

- 5.1 The complex nature of planning education provision according to need and rate of housing growth means KCC requires flexibility, to ensure places are provided at the right time, in the most appropriate locations. KCC will therefore seek to secure contributions on a preferred and 'contingency' project within a planning group/s and may need to apply contributions to any existing or new school within an area that serves the development. This enables KCC to respond to new circumstances and information, such as detailed feasibility work which alters the proposed mitigating project, in line with DfE guidance<sup>27</sup>. For example, an allocated Local Plan school site may not be available at the time of need, so alternative sites are required.

- 5.2 A need may also exist for additional primary and/or secondary education places, but school sites are yet to be allocated within the local plan. In these cases, it may not be possible to identify a proposed or contingency project at the time planning permission is granted; but contributions will still be required. A 'contingency' project may be specified in terms of additional education places in relevant education planning group/s.

## **6. Indexation**

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

## **7. Time Limit on Spend**

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

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<sup>27</sup> Para 20 Securing developer contributions for education, 2019 – Department for Education

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

### 1. **Service Overview**

- 1.1 Under the Children and Families Act 2014, KCC has responsibilities to improve services, life chances and choices for vulnerable children and to support families. This underpins wider reforms ensuring all children and young people can succeed, no matter what their background. The Act extends the special educational needs and disabilities (SEND) system from birth to the age of 25 where appropriate, giving children, young people and their parents/carers greater control and choice in decisions and ensuring their needs are properly met.
- 1.2 The Equality Act 2010 and Part 3 of the Children and Families Act 2014 interact in several important ways, including a common focus to remove barriers to learning. Under the latter, duties for planning, commissioning, and reviewing provision, the Local Offer, and requirements for different agencies to work together apply to all children and young people with special educational needs or disabilities.
- 1.3 [Kent's SEND Strategy 2021-2024](#) has been developed jointly by KCC and the NHS, in conjunction with children, young people, parents and carers, Kent Parents and Carers Together (PACT) and other key stakeholders.
- 1.4 Kent is committed to identifying SEND needs early to plan and provide appropriate support. The SEND strategy, together with the Kent's New Approach<sup>28</sup> to inclusion in schools, will ensure a graduated approach to meeting additional needs.

### 2. **Types of SEND Provision**

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

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<sup>28</sup> [https://www.kelsi.org.uk/\\_data/assets/pdf\\_file/0004/119470/Countywide-Approach-to-Inclusive-Education.pdf](https://www.kelsi.org.uk/_data/assets/pdf_file/0004/119470/Countywide-Approach-to-Inclusive-Education.pdf) - currently as draft KCC policy

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

#### 2.2.2 SRP provision generally consists of:

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

### 2.3 Special Schools

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

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

### 2.4 Special School Satellites

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

## 3. Assessing the Need and Calculating Demand

### 3.1 Threshold for Seeking Contributions and Qualifying Developments

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

KCC will not seek contributions from the following:

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

### 3.2 Service Capacity

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

3.2.2 Locations of existing special schools by district can be found via [here](#).

### 3.3 Forecasting Demand Generated by New Developments

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

Table 1 - SEND Pupil Yield

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

\*To four decimal places

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

### 4.1 Build Contributions

4.1.1 The build rate per pupil (Table 2) is derived from a 2019 Aecom study of Kent SEND build projects commissioned by KCC, benchmarked against national projects. A blended rate<sup>29</sup> is used as the baseline, covering provision of a broad range of SEND school places.

<sup>29</sup> Incorporating the cost of new build specialist schools, extensions, and SRP provision

Table 2 - SEND Education Contribution Rates – Build Costs

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

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

#### 4.2 Land Contributions

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

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

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

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

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

### 5. Spending Contributions – Projects

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

### 6. Indexation

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

7. **Time Limit on Spend**

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

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## Technical Appendix 8: General Land Transfer Terms – School Sites

### Section 1

1. The following sets out KCC's general transfer terms for land. Specific terms will be provided where abnormal site conditions exist. Prior to transfer, the developer/landowner must provide a site-specific information pack containing formal desktop reports and, if necessary, intrusive land investigation reports by a competent registered expert(s). This pack should confirm that the land and associated areas are:
  - i) free from the following, together with details of any mitigation works:
    - Contamination (including radiation)
    - Protected species
    - Ordnance
    - Rubbish (including broken glass)
    - Any adverse ground and soil conditions including subsidence, heave, and land slip
    - Occupation
    - Archaeological remains
    - Existing and planned noise generation from adjoining land that would require attenuation measures in the new school design
    - Poor air quality that would require mitigation measures in the new school design.
    - The presence of service mains such as drains sewers, electricity cables, water mains, gas lines and other utility or media crossing the land that would affect the land's ability to be developed as a school.
  - ii) above flood plain level and adequately drained
  - iii) close to accessible public transport (bus stop or railway station).
  - iv) to a set of levels (if required), specified by the County Council to allow construction of the new school to local planning authority requirements. This should include any relevant permissions required.
2. Should any of the requirements in paragraph 1 not be satisfied, the developer / owner must implement, at their own cost, an agreed remediation / removal /

rectification / diversion strategy prior to transfer to KCC. This should include liaison with all statutory authorities and obtaining all necessary consents from neighbouring landowners and others as required.

3. Any remedial/removal/rectification/diversion works must be designed by competent professional companies and covered by a collateral warranty in a standard industry form for the benefit of KCC or its nominated body.
4. If the site is used for construction or other activities (apart from remedial / removal / rectification / diversion work) after the reports required in paragraph 1 has been provided; the developer/landowner must submit additional reports to ensure the criteria have still been met.
5. The land shall be transferred as a single, undivided site, and in shape capable of accommodating sports pitches to the appropriate size and levels for the type of school proposed, as set out in Department for Education [School Output Specification Technical Annex 2B: External Space and Grounds – May 2022](#))
6. KCC shall be granted a Licence for access onto the land prior to transfer to conduct surveys and technical investigations.
7. Before the transfer is completed, the land shall be clearly pegged out to the satisfaction of KCC's Director of Infrastructure's delegated representative. It must be fenced within the GIS co-ordinates to a minimum standard of 1.80m high chain-link security fencing on galvanised steel posts with double access gates secured by lock and key, or an alternative specification agreed with KCC.
8. The land shall be transferred as freehold, unencumbered, and conveyed to KCC with full title guarantee and vacant possession. There must be no onerous covenants that would limit use of the land as a school or restrict ordinary school activities. New covenants must not be imposed restricting the future use of the land.
9. The land must not be within a consultation distance (CD) around any major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.
10. Prior to land transfer, the developer/landowner must provide, at their own cost and subject to KCC approval, suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be



constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGVs and other construction traffic.

11. The developer/landowner is to provide, at their own cost and subject to KCC approval, adopted services and utilities to an agreed location(s) within the site boundary. These are to be of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aid upon transfer. They should include fresh, foul, and surface water, gas (if applicable), electricity, and telecommunications with High-Speed Fibre Optic Broadband (minimal internal speed of 1000mbps) connections to multi-point destinations and capable of connection to commercial broadband providers. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside of the site boundary: KCC shall not be liable for any associated commissioning, installation, or legal costs. See Section 2 below.
12. The owner shall provide KCC with full drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be approved by the County Council at design stage, in accordance with the flood risk assessment and/or drainage strategy contained in the planning approval.
13. The developer/landowner shall provide temporary electricity, drainage, and water supplies to the site from the start of construction where formal permanent utilities are not present.
14. A highway for vehicular and pedestrian use (adopted or capable of being adopted) suitable for the site's intended use as a school must be provided up to a suitable point on the site boundary. The highway and any alternative access must be approved by KCC, which will not be liable for maintenance charges should the developer chose not to adopt it. The developer/landowner must also provide crossing points, pedestrian and cycling routes on the adjoining highway networks and other measures as required by the Highway and Local Planning Authority to service the land. This will include active travel routes, linking the school site with the new development and existing dwellings.<sup>1</sup>
15. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, in compliance with the Highway Authority's 'in and out' access requirements and guided by the site layout.
16. No overhead cables etc. shall be located within 250m of a school site. Where possible the developer/landowner must impose a covenant that none will be erected within this distance of any site boundary.

17. KCC shall be granted rights to enter as much of the developer's adjoining land as is reasonably necessary to carry out construction works on the site. KCC shall be responsible for making good any disturbance, to adjoining owner's reasonable satisfaction.
18. The landowner shall be responsible for KCC's legal costs, surveyor's fees and administrative costs incurred during the land transfer negotiations and in completing the Section 106 Agreement. These include Land Registry costs, any easements/licences, and any other related documents and project management agreements.
19. Site plans to a scale of 1:1250 and marked with GPS coordinates showing site levels, access, boundaries, details of any adjoining development shall be supplied to KCC in a suitable electronic format, together with paper copies, prior to transfer.
20. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to school curriculum delivery. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

## **Section 2**

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

#### **INCOMING SERVICES**

##### **ELECTRICITY**

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

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

##### **GAS**

60 cu m/hr 430,000 kWh/year

##### **WATER**

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

## FIRE HYDRANT

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

## BROADBAND

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

## DRAINAGE

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

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

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

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

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

## NOTE

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

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

### INCOMING SERVICES

#### ELECTRICITY

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

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

GAS - 134 cu m/hr 1,440 kWh

WATER - 5.5 l/s (63mm NB)

#### FIRE HYDRANT

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

#### BROADBAND

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

#### DRAINAGE

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

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

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

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

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

#### NOTE

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

## Technical Appendix 9: New School Site and Sport Pitch Sizes

### 1. Service Overview

- 1.1 In line with its aspiration to increase educational achievement, enhance skills, provide high quality infrastructure and comply with KCC Highways requirements<sup>30</sup>, the county council will seek site areas above the maximum – as set out in [Department for Education Building Bulletins](#)<sup>31</sup> and other relevant publications.
- 1.2 The county also supports the government’s ‘extended schools’ initiatives, which allow community use of facilities outside school hours<sup>32</sup>. The provision of ‘extended schools’, however, may place additional demands on land, requiring further land to be secured.
- 1.3 To ensure manageable year groups and deliverable curriculums, KCC will require the number of pupils predicted from a development to be rounded up to the nearest viable/deliverable number.
- 1.4 For example, a development predicting 380 primary pupils would require a site for a two-form entry (420-place) on-site primary school: a school accommodating exactly 380 pupils is not deliverable in either curriculum or revenue funding terms.
- 1.5 Kent County Council currently seeks land allocations of the following sizes for new mainstream schools and Special Educational Needs (SEND) Schools:

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

School Size	Total School Site Area (Ha)
Primary School – 2 Form of Entry (420 Places)	2.05
Primary School – 3 Form of Entry 630Places)	3.00
Secondary School – 6 Form of Entry (Years 7-11/900 places)	6.77
Secondary School – 8 Form of Entry (Years 7-11/1200 places)	8.66
Secondary School – 6 Form of Entry (Years 7-11/900 places) and a 250-place sixth form	8.35
Secondary School – 8 Form of Entry (Years 7-11/1200 places) and a 250-place sixth form	10.24

<sup>30</sup> Building Bulletin 103 (BB103) provides for parking within the site area calculations. However, it does not include allowances for ‘stop and drop facilities’ staff parking, plus pull-in and turning provision for busses etc. For primary schools, this also includes the provision of separate entrances for early years provision.

<sup>31</sup> BB103 for mainstream schools and BB104 for SEND provision.

<sup>32</sup> Use of school facilities outside of school hours should not be construed as ‘public open space’, which is unacceptable for school sites.

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

## **2. Minimum School Site Sizes**

### **2.1 Primary**

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

### **2.2 Secondary**

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

## **3. Pitch Sizes**

- 3.1 When considering locations and land for new schools, applicants should consider the requirements for sports pitches – see Sports England<sup>33</sup> for further guidance. Generally, depending on the standard of facility required, the playing surface should be no steeper than 1:80 - 1:100 along the line of play and 1:40 – 1:50 across the line of play. Applicants should also consider orientation of potential pitches to reduce solar glare. Pitch sizes are advised

<sup>33</sup> [www.sportengland.org](http://www.sportengland.org)

according to the Football Association (FA) Guide to Pitch and Goalpost Dimensions<sup>34</sup>, as shown in Table 2 below:

Table 2: Football Pitch Sizes - Including Run-off (safety area around pitch)

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

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

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

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<sup>34</sup> [www.thefa.com](http://www.thefa.com)



Technical Appendix 10 - Education Example Assessment

KCC developer contribution assessment for PRIMARY school places

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

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

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

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

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

Table 3: Assessment summary

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

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

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

Technical Appendix 10 - Education Example Assessment

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

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

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

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

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

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

Table 3: Assessment summary

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

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

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

Technical Appendix 10 - Education Example Assessment

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

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

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

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

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

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

Table 3: Assessment summary

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

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

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

### Technical Appendix 11: Education - Example Build and Land Contributions

Site Name	Example Development
Reference No.	
District	Canterbury

	<b>Houses</b>	<b>Flats</b>	<b>Total</b>
<b>Unit Numbers</b>	<b>100</b>	<b>46</b>	<b>146</b>

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

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

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

Notes

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

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

\* Pupil Figures rounded to whole figures for display purposes only

## Technical Appendix 12: Flood Risk Management and Sustainable Drainage

### 1. Service Overview

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

### 2. Pre-Application Advice

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

- 2.2 Under the Town & Country Planning (Development Management Procedure) (England) Order 2015, KCC is a statutory consultee with respect to surface water drainage. KCC's [Drainage and Planning Policy](#) (November 2019) provides guidance on the application of minimum operational standards as required under paragraph 165 and as stated within the Defra-published Non-Statutory Technical Standards for Sustainable Drainage.
- 2.3 Flood risk mitigation, including sustainable drainage systems (SuDS) may be combined and delivered with other requirements or initiatives such as green infrastructure, biodiversity net gain, nutrient neutrality, open space provision, urban and landscape design.
- 2.4 KCC encourages early engagement at the pre-application stage to ensure the most efficient design scheme. Contact KCC Sustainable Urban Drainage (SuDS) for further information: [suds@kent.gov.uk](mailto:suds@kent.gov.uk).

### **3. Assessing Need and Calculating Demand**

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

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

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



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

4. **Indexation**

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

5. **Time Limit on Spend**

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

DRAFT

## Technical Appendix 13: Heritage & Archaeology – Community Archaeology Provision

### 1. Service Overview

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

### 2. Assessing the Need and Calculating Demand

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

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

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

### 3. **S106 Contribution Example**

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

Table 1 – Example s106 Contribution Example

	Per dwelling
Community Archaeology activities	£12.86
Heritage Interpretation and education	£15.65
<b>Total</b>	<b>£28.51</b>

### 4. **Indexation**

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

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

**5. Time Limit on Spend**

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

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## Technical Appendix 14: Highways and Transportation

### 1. Service Overview

- 1.1 Under the [Highways Act 1980](#), KCC is the Highway Authority for Kent, responsible for managing and maintaining all adopted roads in the county: motorways and trunk roads are the responsibility of National Highways.
- 1.2 KCC is also the Local Transport Authority for Kent<sup>35</sup>. Policies and measures to actively promote alternatives to car-based travel, as well as improving the safety, accessibility, sustainability and efficiency of Kent's highway and transport networks are set out in its [Local Transport Plan for Kent](#) (LTP) and [Active Travel Strategy](#). These will be applied to new developments as appropriate. The LTP is currently under review to align with evolving UK transport policies and to meet KCC's commitment to Carbon Neutral.
- 1.3 New development can put pressure on both the transport system and the environment; the land-use strategy (as set out in the Local Plans) and each individual development must be as sustainable as possible. Each development granted planning permission must make proportionate contributions to mitigate its impact on the transport network. This helps avoid safety and capacity issues that could prejudice the delivery of subsequent developments necessary to meet KCC's housing and employment targets.
- 1.4 With ever-increasing traffic volumes (particularly HGVs), new development can also add to KCC's constant challenge to maintain a growing and ageing highway network. Developers and others designing highways for adoption must consider at an early stage, the lifetime cost of their proposed materials and equipment. Specifications should demonstrate how this compares with alternatives and how the assets will be maintained safely, in line with KCC's new technical approvals process.

### 2. Strategic Transport Infrastructure

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

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<sup>35</sup> Transport Act 2000

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

### **3. Site-Specific Transport Infrastructure**

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

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

#### **4. Agreements - s278 and s38**

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

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

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

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

#### 4.5 Highway work and surety

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

#### 4.6 Inspection fees

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

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

4.6.2 The level of fees charged are:

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

4.6.3 Further information:

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



#### 4.7 Traffic Regulation Orders

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

#### 4.8 Commuted Sums for Maintenance

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

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

#### 4.9 Calculating Commuted Sums

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

## **5. Sustainable Travel**

### **5.1 Background**

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

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

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

## 5.2 Development Travel Plans

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

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

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

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

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

## 5.3 School Travel Plans

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

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

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

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

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

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

## **6. Public Transport**

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

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

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

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

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

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

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

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

## **7. Indexation**

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

## **8. Time Limit on Spend**

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

## **9. Further Information**

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

## Technical Appendix 15: Integrated Children's Services – Youth Service/Early Years Service

### 1. Service Overview

1.1 KCC has a statutory duty to provide Youth Services under [section 507B of the Education Act 1996](#). This requires KCC, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and for those aged 20 to 24 who have additional needs.

1.2 Under the statutory guidance '[Working Together to Safeguard Children](#)', KCC is also required to safeguard and promote the welfare of children, assess their needs and provide help through inter-agency working from pre-birth to 19 years (or 24 years for young people with additional needs).

1.3 Access to good quality Youth Services is essential to ensure equal opportunities and support for all young people across the county, preventing them from engaging in harmful behaviour and leading them towards a positive future. The service sits within the Open Access provision that includes children's centres, youth work and Kent's Duke of Edinburgh award. The Youth Service in Kent works predominantly with young people between the ages of 8 to 19 (up to 24 with additional needs), but also interacts with parents and carers. Youth Services give young people access to a range of help and advice including:

- Drug and alcohol support
- Family support
- Education welfare
- Sexual health advice
- Career guidance
- Mental health support
- Volunteering and community involvement

1.4 In addition, Youth Services provide young people with a place to go and socialise safely, access training and skills development support, and find opportunities to engage with their community.

1.5 Youth Services are delivered across Kent's districts via direct delivery and commissioned services, with central youth hubs and community buildings, outreach/mobile units, and outdoor spaces, providing a variety of ways for young people to access the support they need. The current and future focus

of the Kent Youth Service is set out below, enabling it to reach as many young people as possible:

- Expanding and enhancing Youth Hubs to offer more specialist resources, help and advice and to provide access to more young people – this may involve internal reconfiguration of existing space, additional space provision, new equipment and learning resources.
- Expanding the Mobile and Outreach Service provision to increase remote access to youth services and targeted help for more complex issues. Outreach youth work takes place on young peoples' own territory, supporting and complementing new and existing centre/project-based youth work. By taking youth work out into the community, barriers to participation are reduced.

1.6 For parents and young children, Children's Centres provide a range of community play and health services to support the early health and educational development of babies and children, offering parenting advice and guidance through a range of activities including parenting programmes. Services are offered in partnership with public health services including health visiting services. Parents in new and developing communities can experience social isolation that can impact their emotional wellbeing. Therefore, ensuring outreach services for support is a critical part of the offer. The Children's Centre services include outreach provision to communities who cannot easily access existing services and where there is a defined community need for parents to be, and children up to the age of 11 years. The service will advise and guide on a range of topics including:

- Parenting support
- Child Development
- Financial and debt advice
- Work, employment, and training advice
- Mental health and other health services
- Local services for parents and children

1.7 For the Early Years Service, the focus is on intensifying the use of existing physical infrastructure through reconfiguration and enhancement of space and resources, plus expanding the Outreach service.

## **2. Assessing The Need and Calculating Demand**

### **2.1 Threshold for Seeking Contributions and Qualifying Developments**

2.1.1 Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and may generate a request for Youth Service/Early Years contributions.

2.1.2 KCC will not seek contributions from the following:

- Homes restricted in perpetuity to persons over 55 years of age
- Non-applicable Dwellings - dwellings with one or more bedrooms, and less than 56 sqm GIA
- Student accommodation
- C2 Dwellings
- Sites specifically set aside for transient Gypsy and/or Traveller Communities

### **2.2 Service Capacity**

2.2.1 Historically, services for children and young people have been delivered from a static facility, typically youth/children's centres. The level of growth planned for each district will see the majority of development taking place away from the main hubs. To increase capacity and provide for the additional need created by new developments, much of the Youth/Early Years Services will be provided via Mobile/Outreach work. This will enable services to be delivered in the vicinity of new developments, increasing the likelihood of children, young people and parent/carers engaging with them. Therefore, all development will be expected to make contributions towards equipment and resources to enable Mobile/Outreach work to take place.

2.2.2 For expansions and enhancements of youth hubs and children's centres, including provision of specialist equipment and resources to increase capacity, this will be determined on a case-by-case basis, to mitigate the impact of growth. District provision will be assessed, and contributions requested where there is a project.

For each district, the static location of Youth Services, and Children's Centres can be found at:

Children's Centres – [here](#)

Youth Hubs - [here](#)



An assessment of need will be made at the point of planning application, taking account of capacities within Integrated Children's facilities serving the development.

### 2.3 New Users and Contributions Per Dwelling

2.3.1 Kent's Youth and Early Years Service works with children and young people, aged 0-24. Within this age group, for the purposes of developer contributions, KCC targets 25% of 0-18-year-olds.

Table 1 - New Youth Service Clients Per Dwelling

	New Youth/Early Years Service Clients Per Dwelling
Proportion of 0-18-year-olds per dwelling x 25% reach target = $0.55 \times 0.25$	0.14
Average occupation per dwelling = 2.4 person	
Average 0-18-year-old occupation per dwelling = 0.55	

### 3. Contributions Per Dwelling

3.1 The contributions per dwelling are set out in Table 2. Where there is a need for both Youth Hub expansion/enhancement and outreach capacity increases, a combined contribution of **£74.05** per dwelling will be requested.

Table 2 – Contribution Per Dwelling for Youth Service/Early Years Service

Capital Cost of Youth Hub and Children's Centre Expansion/Enhancement - including equipment and resources to increase capacity and enable the existing facility to be used more intensively.	Contribution Per Dwelling
<i>Clients per dwelling x Cost per additional client = 0.14 x 187.50</i>	£25.78
Capital Cost of Mobile/Outreach Work (equipment and resources necessary to deliver the service)	Contribution Per Dwelling
<i>Clients per dwelling x Cost per additional client = 0.14 x £351.08</i>	£48.27
<i>Includes essential staff resourcing costs (£14.79 per dwelling) required to deliver the capital programme of Outreach Work</i>	
Contribution per Dwelling – Combined Youth Hub/Children's Centre Expansion/Enhancement and Mobile/Outreach Work	£74.05

### 3.2 Strategic Development/Garden Communities

3.2.1 Whilst Kent County Council currently has no plans to provide additional Youth hubs/Children's Centres in the county, the promotion of large strategic developments may require a new building to be considered. The drive for efficiencies and co-location of facilities is likely to influence overall space requirements and any opportunities for co-location will be actively explored. The requirement for a new youth/children's centre facility or extension of an existing Youth Hub/Children's Centre (plus fixtures and fittings) will be assessed on a case-by-case basis and financial/land contributions sought accordingly. Example costings are set out in Table 3 below.

Table 3 – Example Contribution Sought for New Build/Extension

Build Cost Per Square Metre (including Fixtures and Fittings)	£3,668.00
150sqm Facility	£550,200.00
Per Dwelling (£550,200 / 5000 dwellings)	£110.04 Per Dwelling

Based on provision of 150sqm for 5,000 new dwellings

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

4.1 Kent’s Youth and Children’s Centre Services operate on a Hub and Spoke model, with outreach into targeted communities across the districts. Outreach work enables the Youth/Early Years Service to create bespoke programmes to meet the needs of specific areas, reaching young people, children and parents/carers who may not be able to access the central hubs, for various reasons such as the cost of, or access to public transport etc.

4.2 To mitigate the needs of new development, KCC may seek contributions towards:

- Expansions and enhancement of existing Hubs/Centres to create more capacity, including the provision of resources and specialist equipment to build additional capacity.
- Equipment and resources to enable outreach work within the vicinity of the new development.

**5. Indexation**

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

**6. Time Limit on Spend**

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

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

### 1. Service Overview

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

For national guidance see:

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

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

Table 1 – Library Tiers

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

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

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

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

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

## **2. Assessing Need and Calculating Demand**

### **2.1 Threshold for Seeking Contributions and Qualifying Developments**

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

2.1.2 KCC will not seek contributions from:

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

## 2.2 Service Capacity

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

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

- Improving existing facilities
- Refits and reconfiguration
- Intensification of use

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

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

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

## 2.3 New users per dwelling

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

Table 2 – Additional Users Per Dwelling

Kent Population	1,576,100 <sup>36</sup>
Library Users Per Year	188,807 <sup>37</sup>
% Of Kent Population Who Are Library Users	11.98%
Average Occupancy Rate of Each New Dwelling	2.4
New Residents From 100 Dwellings	240
New Library Users From 100 Dwellings	28.75
<b>New Library Users Per Dwelling</b>	<b>0.29</b>

### 3. Contributions Per Dwelling

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

Table 3 – Per Dwelling Contribution Rate<sup>38</sup>

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

### 3.2 Reconfiguration of Library Space

<sup>36</sup> 2021 Census data

<sup>37</sup> 2019 data

<sup>38</sup> Figures shown in calculations have been rounded to 2 decimal places and may therefore, not sum correctly.



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

### 3.3 Strategic Development/Garden Communities

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

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

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

## 4. Provision of Infrastructure – Project Types

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

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

- Reconfiguring/expanding space, creating community meeting rooms and events space and improving accessibility
- 'Library Extra' technology and equipment

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

## **5. Indexation**

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

## **6. Time Limit on Spend**

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

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## Technical Appendix 17: Public Rights of Way (PRoW)

### 1. Service Overview

- 1.1 KCC has a duty under section the Highways Act 1980 to assert, protect and maintain the highway network, including 6,900km of Public Rights of Way (PRoW). This network of paths is freely available to the public to explore the countryside and coast; it is also integral to creating sustainable development, by providing important links between and within Kent's communities. Ensuring new development preserves and enhances the existing network adds significantly to the quality of life, health, and wellbeing of Kent's residents. The [Rights of Way Improvement Plan 2018-2028](#) and its supporting evidence base provides detail about the current network, its value and how it needs to evolve to meet future demand.
- 1.2 The [Definitive Map and Statement](#) (DMS) records Public Rights of Way and is conclusive evidence of the existence and alignment of PRoW at the date specified in the statement: National guidance for Local Authorities on Public Rights of Way is contained within the Department for Environment Food and Rural Affairs' [Rights of Way Circular \(1/09\)](#).

### 2. Existing PRoW Network

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

### 3. Assessing the Impact of New Development

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

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

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

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

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

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

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

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

#### **4. Indexation**

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

#### **5. Time Limit on Spend**

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

#### **6. Pre-application Advice**

- 6.1 For further information and pre-application advice, contact the PRoW and Access Service at [prow@kent.gov.uk](mailto:prow@kent.gov.uk).

## Technical Appendix 18: Waste Disposal and Recycling

### 1. Service Overview

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

### 2. Planning for the Future

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

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

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

### **3. Approach to Contributions for Waste Infrastructure**

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

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

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

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

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

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

#### **4. Assessing Need and Calculating Demand**

##### **4.1 Threshold for Seeking Contributions and Qualifying Developments**

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

##### **4.2 Capacity Assessment Criteria**

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

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



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

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

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

4.2.5 Mercantile facilities<sup>1</sup> are currently used for Waste Transfer Stations in Canterbury, Thanet, and Maidstone districts. Contracts have secured sufficient capacity up to 2030 (as a minimum) so contributions towards WTS facilities are not currently being requested in these areas.

### 4.3 Contribution Methodology

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

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

### 4.4 Infrastructure Need and Contributions

#### 4.4.1 Waste Transfer Station (WTS) Facilities

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

TABLE 1 – WTS - PROJECTS

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

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

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

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

Table 2 – WTS - Contribution Per Dwelling

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

#### 4.4.2 Household Waste Recycling Centre (HWRC) Facilities

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

TABLE 3 - HWRC PROJECTS

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

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

Table 4 – HWRC – Contribution Per Dwelling

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

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

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

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

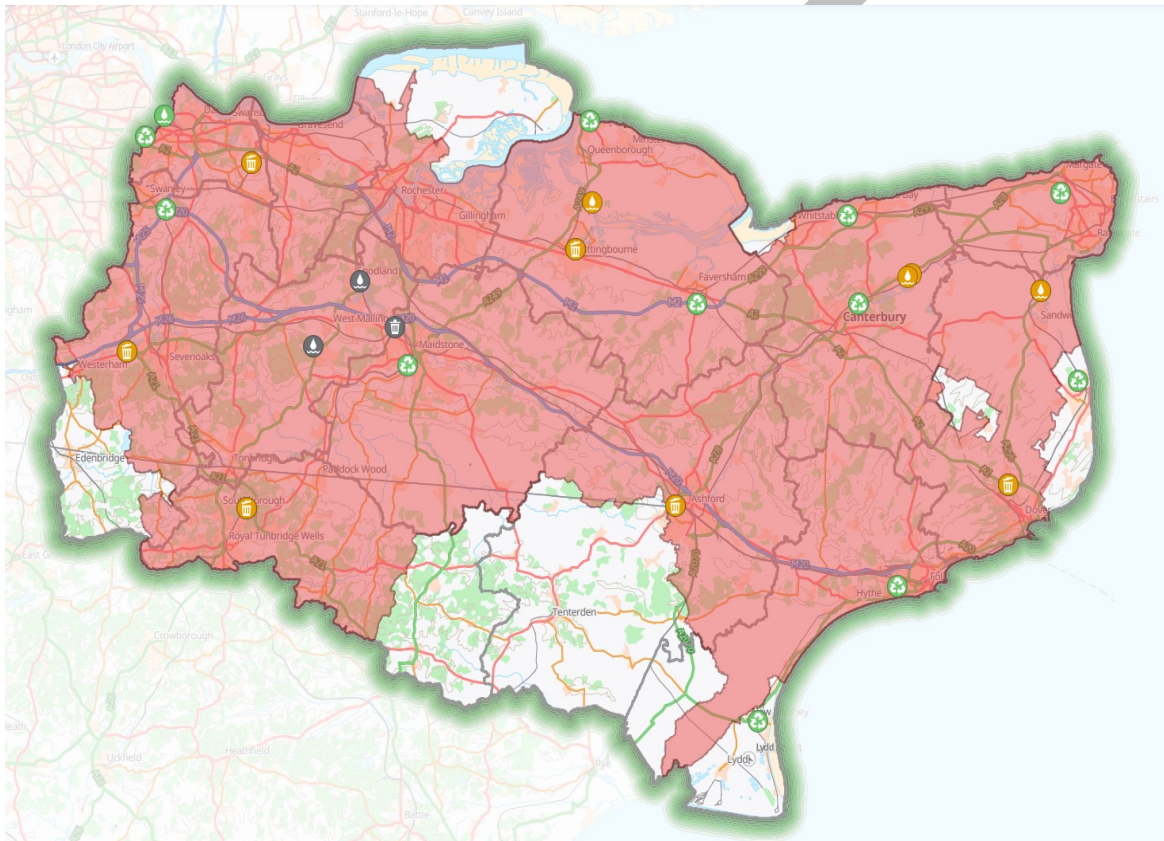
HWRC	Customer's postcode location						
	Ashford	Canterbury	Dartford	Dover	F&H	Gravesham	Maidstone
Ashford	91.3%	0.4%	0.0%	0.2%	2.4%	0.0%	4.5%
Canterbury	1.7%	89.1%	0.0%	4.4%	1.7%	0.1%	0.3%
Dartford	0.1%	0.1%	90.1%	0.1%	0.1%	1.4%	0.4%
Deal	0.1%	0.4%	0.0%	97.7%	0.3%	0.0%	0.0%
Dover	0.2%	2.2%	0.0%	93.4%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

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

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

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

Plan 1: HWRC catchment area (shown in red)



#### 4.4.3 Land Contribution

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

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

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

## **5. Indexation**

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

## **6. Time Limit on Spend**

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

## **7. Further Information**

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



## EQIA Submission – ID Number

### Section A

**EQIA Title**

Kent Developer Contributions Guide

**Responsible Officer**

Richard Kidd - GT GC

### Type of Activity

**Service Change**

No

**Service Redesign**

No

**Project/Programme**

No

**Commissioning/Procurement**

No

**Strategy/Policy**

Strategy/Policy

**Details of other Service Activity**

No

### Accountability and Responsibility

**Directorate**

Growth Environment and Transport

**Responsible Service**

Infrastructure Development

**Responsible Head of Service**

Nigel Smith - GT GC

**Responsible Director**

Stephanie Holt-Castle - GT GC

### Aims and Objectives

Under Section 106 of the Town & Country Planning Act (1990) the County Council has the right to collect appropriate contributions from housing developers towards projects that will mitigate the impacts of increased demand on services as a result of a planned development. District Councils are also able to collect Community Infrastructure Levy (where they have chosen to do so) to fund infrastructure required to support development. For example, a new housing development might be expected to increase the number of children requiring primary school places within an area. The Council would be able to collect contributions from the housing developer towards building or extending a school to provide those places. The 'Developer Contributions in Kent' publication demonstrates to developers which services KCC will be requesting contributions for and what projects will be carried out with the contributions (e.g. extending a Primary School). It also details the methodology for how we calculate these contributions as well as a 'Per Dwelling' contribution figure.

The guide needs to be refreshed as the current guide was published in 2007 and infrastructure priorities and the nature of the delivery of strategic council infrastructure has changed over this time. By refreshing the guide we are aiming to ensure that the council has sufficient funding to provide the infrastructure necessary to support the population. KCC will achieve this by asking for the right contributions to support sustainable communities, by collecting towards as many services as is appropriate, and that the projects we are collecting towards are reflective of the current and future needs of KCC's services and Kent's residents. The range of services that are subject to the request for Developer Contributions in this guide include:

1. Adult Social Care
2. Community Learning (Adult Education)
3. Education
4. Highways
5. Libraries
6. Public Rights of Way (PROW)
7. Sustainable Urban Drainage Systems (SuDS)
8. Waste
9. Youth Services

Each of the services listed above has its own service specific EqIA to provide the detail of how it operates its service and the impacts that it might have on individual users and any protected characteristics. The purpose of this EqiA relates to the presentation and accessibility of the updated guide. The new guide will be provided electronically, in a pdf format that will be accessible via KCC's web site. It will be available to download as an electronic copy, and it will also be printable but it will not be printed in multiple copies, which is neither sustainable or largely necessary nowadays. Reference copies will be made available in Kent Libraries, and it may be possible to provide printed copies from libraries subject to print cost charge.

## Section B – Evidence

**Do you have data related to the protected groups of the people impacted by this activity?**

Yes

**It is possible to get the data in a timely and cost effective way?**

Yes

**Is there national evidence/data that you can use?**

Yes

**Have you consulted with stakeholders?**

Yes

**Who have you involved, consulted and engaged with?**

To date there has been a range of internal consultation activity with KCC stakeholders leading to the publication of the guide, and the substantive consultation with external stakeholders will take place following approval by KCC Cabinet Committee to do so.

As preparation for revising the guide, KCC is commissioning the services of an expert 'critical friend' to screen out any major issues from the draft guide before it is sent for wider consultation.

There will be a range of consultation activity with stakeholders leading to the publication of the new guide.

Stakeholders will include Kent local authorities, developers, housebuilders, agents, consultants and statutory consultees. A list of the organisations (not exhaustive) to be considered is included below:

Ashford Borough Council  
 Barratt Homes  
 Barton Willmore  
 Bellway Homes Limited  
 BPTW partnership  
 Canterbury City Council  
 Clarion Housing Group  
 Countryside  
 Croudace Homes Ltd

Curl la Tourelle Head  
 Dartford Borough Council  
 David Lock Associates  
 Design South East  
 Dover District Council  
 Ebbsfleet Development Corporation  
 Faversham Town Council  
 Folkestone & Hythe District Council  
 Gallagher Group  
 Golding Homes  
 Gravesham Borough Council  
 Hazle McCormack Young LLP  
 High Weald AONB Partnership  
 Horton Strategic Limited  
 Kent Downs AONB Unit  
 Kier Construction  
 Kirk Saunders Associates  
 Maidstone Borough Council  
 Medway Council  
 Mhs homes  
 Natural England  
 Optivo  
 Pentland Homes  
 Proctor and Matthews Architects  
 Redrow homes  
 Sanctuary Housing Group  
 Sevenoaks District Council  
 South East LEP  
 Swale Borough Council  
 Taylor Wimpey  
 Thanet District Council  
 Tibbalds Planning and Urban Design  
 Tonbridge and Malling Borough Council  
 Tunbridge Wells Borough Council

**Has there been a previous Equality Analysis (EQIA) in the last 3 years?**

No

**Do you have evidence that can help you understand the potential impact of your activity?**

Yes

## **Section C – Impact**

**Who may be impacted by the activity?**

**Service Users/clients**

Service users/clients

**Staff**

No

**Residents/Communities/Citizens**

Residents/communities/citizens

**Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?**

Yes
<b>Details of Positive Impacts</b>
<p>The new Kent Developer Contributions Guide web pages and downloadable pdf version will follow KCC criteria for digital accessibility (WCAG 2.1 AA). These guidelines make the content more accessible to a wider range of people with disabilities, including accommodations for blindness and low vision, deafness and hearing loss, limited movement, speech disabilities, photosensitivity, and combinations of these, and some accommodation for learning disabilities and cognitive limitations. These guidelines address accessibility of web content on desktops, laptops, tablets, and mobile devices. Following these guidelines will also make the web content more usable to users in general.</p> <p>In addition, provision of the guide via web pages means it can be accessed anywhere an individual has access to the internet. An online Kent Developer Contributions Guide (as opposed to a paper copy guide) may be beneficial for people that are within the home a lot of their time (or the home of the person they care for). In addition, some may find it a quicker way to engage with the Guide, benefitting those with limited time due to other responsibilities, such as caring for family members.</p>
<b>Negative impacts and Mitigating Actions</b>
<b>19. Negative Impacts and Mitigating actions for Age</b>
<b>Are there negative impacts for age?</b>
No
<b>Details of negative impacts for Age</b>
Not Applicable
<b>Mitigating Actions for Age</b>
Not Applicable
<b>Responsible Officer for Mitigating Actions – Age</b>
Not Applicable
<b>20. Negative impacts and Mitigating actions for Disability</b>
<b>Are there negative impacts for Disability?</b>
No
<b>Details of Negative Impacts for Disability</b>
Not Applicable
<b>Mitigating actions for Disability</b>
Not Applicable
<b>Responsible Officer for Disability</b>
Not Applicable
<b>21. Negative Impacts and Mitigating actions for Sex</b>
<b>Are there negative impacts for Sex</b>
No
<b>Details of negative impacts for Sex</b>
Not Applicable
<b>Mitigating actions for Sex</b>
Not Applicable
<b>Responsible Officer for Sex</b>
Not Applicable
<b>22. Negative Impacts and Mitigating actions for Gender identity/transgender</b>
<b>Are there negative impacts for Gender identity/transgender</b>
No
<b>Negative impacts for Gender identity/transgender</b>
Not Applicable

<b>Mitigating actions for Gender identity/transgender</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Gender identity/transgender</b>
Not Applicable
<b>23. Negative impacts and Mitigating actions for Race</b>
<b>Are there negative impacts for Race</b>
No
<b>Negative impacts for Race</b>
Not Applicable
<b>Mitigating actions for Race</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Race</b>
Not Applicable
<b>24. Negative impacts and Mitigating actions for Religion and belief</b>
<b>Are there negative impacts for Religion and belief</b>
No
<b>Negative impacts for Religion and belief</b>
Not Applicable
<b>Mitigating actions for Religion and belief</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Religion and Belief</b>
Not Applicable
<b>25. Negative impacts and Mitigating actions for Sexual Orientation</b>
<b>Are there negative impacts for Sexual Orientation</b>
No
<b>Negative impacts for Sexual Orientation</b>
Not Applicable
<b>Mitigating actions for Sexual Orientation</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Sexual Orientation</b>
Not Applicable
<b>26. Negative impacts and Mitigating actions for Pregnancy and Maternity</b>
<b>Are there negative impacts for Pregnancy and Maternity</b>
No
<b>Negative impacts for Pregnancy and Maternity</b>
Not Applicable
<b>Mitigating actions for Pregnancy and Maternity</b>
Not Applicable
<b>Responsible Officer for mitigating actions for Pregnancy and Maternity</b>
Not Applicable
<b>27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships</b>
<b>Are there negative impacts for Marriage and Civil Partnerships</b>
No
<b>Negative impacts for Marriage and Civil Partnerships</b>
Not Applicable
<b>Mitigating actions for Marriage and Civil Partnerships</b>
Not Applicable
<b>Responsible Officer for Marriage and Civil Partnerships</b>
Not Applicable
<b>28. Negative impacts and Mitigating actions for Carer's responsibilities</b>

<b>Are there negative impacts for Carer's responsibilities</b>
No
<b>Negative impacts for Carer's responsibilities</b>
Not Applicable
<b>Mitigating actions for Carer's responsibilities</b>
Not Applicable
<b>Responsible Officer for Carer's responsibilities</b>
Not Applicable

From **Derek Murphy, Cabinet Member for Economic Development**

To **Cabinet – 29 June, 2023**

Subject **New Nuclear at Dungeness**

Classification: **Unrestricted**

**Summary:**

This report updates Cabinet Members on progress and next steps in making the case for new nuclear power generation at Dungeness.

**Recommendation:**

- To note the report, approve next steps in market testing with major developers and to consider campaign leadership issues and implications.

**1. Introduction**

This paper updates Cabinet Members on the opportunity to secure a nuclear future for Dungeness and seeks support for a coordinated campaign of action.

**2. Background**

Dungeness has a long and proud heritage of nuclear power generation and an impeccable track record. Dungeness A was connected to the National Grid in 1965 and Dungeness B was the first Advanced Gas-cooled Reactor to begin construction in the UK. In 2021, station owners EDF moved the Dungeness B nuclear power station into a defuelling phase signalling the end of nuclear power production on the site.

The Government's support of Small Modular Reactors now offers the potential for nuclear power generation in Dungeness to continue with the reduced space required for a new breed of Small Modular Reactors (SMRs) meaning that Dungeness can again be considered as a future nuclear site.

For example, a single Rolls-Royce SMR power station would occupy the footprint of two football pitches (a tenth the size of a conventional nuclear generation site) and power approximately 1m homes. Other Small Modular Reactors are significantly smaller. In addition, building nuclear power stations traditionally involved taking components to a huge building site and assembling the reactor there but new modular designs can largely be assembled in factories away from the final site.

As such, we believe Dungeness is a perfect location for one (or more) of the new breed of SMRs safely producing green, low carbon energy and retaining high-quality jobs and skills in the area while helping to power local growth.

### 3. Current situation

In April, KCC Leader Roger Gough met the Minister for Nuclear & Networks at Department for Energy Security & Net Zero with the then Leader of Folkestone & Hythe District Council and Damian Collins MP. This followed a joint statement outlining shared ambitions for the site in support of a Parliamentary debate earlier in the year and a request to meet. In a very encouraging meeting, the Minister confirmed his intention to visit the site.

Working closely with Folkestone & Hythe District Council, local KCC Members and Damian Collins MP, we have continued to assemble evidence to support the case for a Small Modular Reactor(s) to be located at Dungeness. In doing so, we have been liaising with Government Departments and agencies and commercial operators to understand the case that needs to be developed for new nuclear at Dungeness.

Key considerations include:

**National policy:** There is a firm commitment to nuclear through the Government's 2020 Energy White Paper and Net Zero Strategy with funding to support the development of Small Modular Reactors. Reflecting this, there is an intention to consult on a new siting criteria (National Policy Statement EN-7) later this year.

National policy is now focused on:

- The development of Great British Nuclear which will launch a competition to select the best Small Modular Reactor technologies;
- A National Policy Statement (NPS) covering siting and policy framework for nuclear electricity generating infrastructure beyond 2025; and
- A Nuclear Roadmap, responding to the Independent Review of Net Zero to produce a nuclear roadmap later in 2023.

**Site:** While at 17 acres Dungeness A is seen as a small site (eg Chapelcross is c100 acres) it has the major benefits of grid connections and cheap access to water, together with a skilled workforce and a supportive community. The wider site also presents further opportunity eg Dungeness B, Dungeness C land around the transformer station and Dungeness B car park (which could potentially host new nuclear technology prior to full decommissioning).

**Decommissioning:** Existing nuclear sites will move from EDF into the control of the Nuclear Decommissioning Authority when de-fuelling is complete. Dungeness B will probably be the last of these as de-fuelling is expected to take longer than others due to its complex nature. All systems at Dungeness B are still in place although generation has ceased. Decommissioning of Dungeness A is now under way. The decommissioning timeline is to some extent dependent on future site use ie if the NDA felt there was a credible nuclear future for the Dungeness site the decommissioning process could be prioritised and to some extent accelerated.

**Environment:** The Dungeness site is outside, but tightly enclosed on all sides by the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), a



national environmental designation. Areas closely surrounding the site and further inland are protected as a Special Area of Conservation (SAC) at national and European level. Areas of the shore close to the site are designated as a Special Protection Area (SPA) for their value for bird life. Areas close to the site, along the shore and further inland are protected under the Ramsar convention as wetlands of international importance. The area therefore enjoys strong environmental protection and the loss of shingle outside of the current footprint would be an issue, were the space requirements due to size or number to encroach into this.

However, Natural England indicate that no assumptions should be made and they remain open to working closely with us on specific proposals for the site. The Environment Agency has also significantly improved the flood defences for the site.

**Kent County Council:** We are currently in the process of reviewing our Minerals and Waste Local Plan (KMWLP) 2023-38 which contains policy CSW187 dealing with the Dungeness site.

**Folkestone & Hythe District Council:** The Core Strategy Review, adopted in 2022, considers the future of the Dungeness site in Policy SS1: District Spatial Strategy. The policy recognises that redevelopment plans for the site may come forward during the plan period (to 2037) and allows for the council to work in partnership with stakeholders to develop an Area Action Plan for the site to set out proposals for the site. This policy was developed as a result of representations from the Nuclear Decommissioning Agency and Magnox during the public examination of the plan.

While it is likely that any development at Dungeness would be considered as a Nationally Significant Infrastructure Project – reflecting its national importance - with both KCC and FHDC having planning responsibilities for the Dungeness site through the Local Plan and the Kent Minerals & Waste Plan, it is important that quasi-judicial roles are kept separate, and are seen to be so.

#### **4. Next steps**

There are a number of potential technologies and operators, but there are indications that several main developers are emerging as front-runners nationally based on records of safety and reliability and their advanced status in terms of regulation. We have had productive discussions around the opportunities that Dungeness presents with each of these operators.

While the Government process now looks to be working towards a listing of sites (as indicated above in discussions with the Minister), our approach remains as follows:

- Continue high level discussions around potential technologies that could be sited at Dungeness with technology vendors.
- Undertake soft market testing to develop a small number of high-level proposals for the site.
- Use these high-level proposals to test assumptions around environmental restrictions; phasing of new nuclear on site alongside decommissioning activity; community engagement and support; and economic impact and commercial viability.

This would be carried out working closely with EDF as the site owners/operators, recognising that 945 jobs are currently based at Dungeness.

To complement existing joint working it is recommended that a joint Members Group should also be considered to further strengthen political leadership and coordination, with the potential to invite specialist stakeholders into discussions to support and shape the campaign for the siting of SMRs at Dungeness.

**Recommendations:**

- To note the report, approve next steps in market testing with major developers and to consider campaign leadership issues and implications.

**Contact details**

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**From:** Roger Gough, Leader of the Council  
 David Cockburn, Chief Executive  
 Amanda Beer, Deputy Chief Executive

**To:** Cabinet, 29 June 2023

**Subject:** Devolution Position Statement

**Classification:** Unrestricted

**Summary:** This paper seeks Cabinet support for KCC to work with strategic partners across Kent and Medway to submit an Expression of Interest to the Secretary of State to secure a devolution deal for Kent and Medway. It lays out the background to the devolution agenda from a national and local perspective and sets out why changes emerging from the Levelling Up White Paper and the Levelling Up and Regeneration Bill required KCC to reconsider its policy position on devolution.

**Recommendation(s):**

Cabinet is asked to:

- (1) Consider whether to develop and submit an Expression of Interest to Government to begin negotiations for a Kent and Medway devolution deal.

**1. Executive Summary:**

1.1 The Levelling Up and Regeneration Bill, currently in its final stages in Parliament, builds on the legislative framework so that all local areas can seek a devolution deal that would enable greater local control over a range of powers and funding currently held by central government, and builds on the Levelling Up White Paper published in 2022.

1.2 Kent County Council has been engaged in the devolution policy issue for many years, both through its direct relationship with Government, collectively via the County Council Network (CCN) and through debate and discussions with Medway Council and the Kent District and Borough Councils via Kent Leaders meeting and Joint Kent Chief Executives Group.

1.3 It has always been recognised that devolution to a geographically, economically, and politically diverse sub-region such as Kent and Medway does pose some considerable challenges. These challenges, particularly regarding the governance arrangements necessary to secure a devolution deal relative to the direct benefits a devolution deal may provide, have led political Leaders across Kent to take a wait and see approach to devolution, to be able to assess whether the resources, powers, and policy levers are substantive enough to support the Levelling Up agenda in Kent and Medway.

1.4 Whilst a cautious approach has been an appropriate policy position to date, especially whilst the Government's focus was primarily on devolution to city-regions, establishment of metro mayors and supporting the 'northern powerhouse', the Leader of the Council now considers it the right time to review the policy position on devolution and consider submitting an Expression of Interest to Government for a devolution deal.

1.5 The council's Strategic Statement, *Framing Kent's Future*, sets as its priority the ambition to 'Level Up Kent', aligning strongly to the aims and objectives set out by the Government in its Levelling Up White Paper. If the county is to achieve its strategic priorities, then it must seek all the available resources and powers on offer both today and in the future to achieve this, whilst also being mindful of the risk that those areas more advanced in the devolution agenda risk pulling away from Kent in terms of their economic competitiveness, attractiveness to inward investment and quality of life provided to Kent residents.

1.6 The purpose of this report is for Cabinet to consider whether now is the right time to develop an Expression of Interest (EOI) to Government, to open a dialogue for a devolution deal for Kent and Medway.

1.7 It is important to emphasise that this report is about gaining agreement to develop an Expression of Interest only. Any potential devolution deal offered by Government would require formal public consultation and formal decision making. If development and submission of an EOI is agreed, once it has been submitted to Government a process of negotiation taking approximately three to six months is anticipated to develop a formal devolution proposal for public consultation and consideration by partners.

1.8 Whilst there are provisions in the Levelling Up and Regeneration Bill to only require the top-tier local authorities to agree a devolution deal, which emphasises the importance of the working relationship with Medway Council as the other upper tier authority in Kent, the ambition for KCC will be to engage and seek the support of District and Borough Councils for any EOI, given their importance as key partners in the Levelling Up agenda for both their local communities and for Kent as a whole. Any agreed devolution deal covering the whole of the county area would benefit all Kent's Districts and Boroughs.

1.9 It is important to note that there is a clear distinction between the necessary governance changes needed to secure a devolution deal with Government, and the issue of local government reorganisation (the creation of single-tier, all-purpose, local councils in two-tier council areas). Devolution and local government reorganisation are distinct issues and are now considered as such by Government.

1.10 The policy position of the County Council on local government reorganisation remains unchanged. Whilst it is noted that unitary local government structures are the Government's preferred model for local government and would bring benefits in terms of cost savings and closer integration between planning and infrastructure decisions, it would risk impacting on the strategic scale and capacity that many KCC services, particularly social care and infrastructure services require to be sustainable and viable. The transition to unitary councils in Kent would be politically contested, expensive, unfunded, disruptive and potentially delay a devolution deal for Kent and Medway. It is critical that the issue of devolution and unitarisation considered

separately. For this reason, and as set out *Framing Kent's Future* the Council Business Plan, devolution is the opportunity the County Council is prioritising.

## 2. Introduction & Background

2.1 Whilst the aim to improve regional and sub-regional economic growth has been a consistent national policy issue for successive Governments for many decades, using devolution as a policy mechanism to promote economic growth through a 'deal' led approach dates to 2012 with the 'City Region' agenda adopted by the coalition Government. The first phase of devolution deals had four key characteristics:

- Volunteerism, in that local areas are not forced to engage in or accept devolution deals.
- A primary focus on cities and city-regions, with a strong focus on areas largely covering the old Metropolitan County Council areas.
- Devolution as a legally structured 'deal' through negotiations with Ministers and Civil Servants.
- Creation of new governance structures to deliver and be formally accountable for devolved powers, the creation of which requires parliamentary approval through secondary legislation.

2.2 Central to the Government's policy was that to agree a devolution deal one of two options for deal governance had to be met. Either the area as whole (including all local authorities within the local area) accepted the introduction of a directly elected Metro-style Mayor and Mayoral Combined Authority alongside the existing local authority structures, which was the Government's preference. Or a devolution deal may be struck with newly created unitary local authorities as part of local government reorganisation. The Cities and Local Government Devolution Act 2016 subsequently set out further legislative provision for devolution through Metro Mayors and Mayoral Combined Authority and through local government reorganisation.

2.3 In debates inside Kent and nationally across shire counties, local political leaders raised concerns about the introduction of Metro Mayors and the Mayoral Combined Authority model in two-tier areas. Concerns were expressed about the suitability of directly elected Mayors in two tier areas, and the complexity of creating an added tier of local government in county areas which already consisted of county, unitary, district, and in many areas also parish councils.

2.4 Whilst some county areas have pro-actively explored and then implemented local government reorganisation (e.g., North Yorkshire, Cumbria, Dorset, Somerset) there was no significant appetite within Kent for local government reorganisation, and increasingly Government policy has moved towards separating the complex issues of devolution and local government reorganisation.

2.5 Recognising that the Metro Mayor and the Mayoral Combined Authority model was a significant obstacle for county areas to consider a devolution deal, the position that an MCA should be the default governance for any deal began to shift once the first phase of devolution deals to City Regions was complete. The Conservative manifesto for the 2017 General Election explicitly ruled out the development of MCAs for rural counties. The 2019 Conservative manifesto formalised a commitment for a White Paper on English Devolution which would contain a 'devolution framework'

setting out the powers available through various tiers of devolution deal to create more suitable options for county areas.

2.6 Understandably, the devolution agenda went through a hiatus during the Covid-19 pandemic, although it is also clear that the economic and social legacy of the Covid-19 has meant the need to successfully deliver the Levelling Up agenda, and a determined focus on dealing with economic and social disparities within and between local communities, has only become more important.

2.7 In July 2021, as the country emerged from the Covid-19 pandemic, the then Prime Minister Boris Johnson gave a speech committing the Government to creating 'County Deals', which was an explicit pivot from the devolution agenda being primarily focussed on cities and metropolitan areas. Although it is worth noting that the expectation was that the first phase of County Deals would be focussed on areas outside the South/South East of England which are perceived as having more pressing economic concerns.

2.8 Subsequently, the Government announced in February 2022 that County Deals would be negotiated with Cornwall; Derbyshire and Derby; Devon, Plymouth, and Torbay; Durham; Hull and East Yorkshire; Leicestershire; Norfolk; Nottinghamshire and Nottingham; and Suffolk. It is important to note that whilst County Deals with these areas have been agreed with Government and published, ongoing negotiations with Government and results of public consultation exercises have meant there are changes to both the substance of the deals agreed and potentially the governance arrangements for them with the requirement remaining that for a Level 3 deal, some form of directly elected Mayoral model is required.

### **3. The Levelling Up White Paper:**

3.1 The Levelling Up White Paper, published in February 2022, and the Levelling Up and Regeneration Bill currently being considered by Parliament which makes provisions for the implementation of many of the White Paper's proposals, provide the framework for the current devolution policy and the decisions that will be required by elected members about their appetite and willingness to secure a devolution deal. It is also worth noting that the delays that have prevented the Levelling Up and Regeneration Bill from completing its journey to the statute book have primarily related to the provisions on local planning and housing rather than those relating to devolution.

3.2 Cabinet considered the Levelling Up White Paper at its meeting on 3 March 2022. It is a significant policy paper with huge ambition for significant structural reform of central-local relations, national and local policy making and institutional arrangements. But specifically on the devolution agenda, the White Paper contained three policy changes that are directly pertinent to the Cabinet's consideration of whether to seek a devolution deal for Kent.

- a) **Devolution Framework:** Reproduced in Appendix 1, the White Paper contained the long-awaited devolution framework that had first been promised by the Government in 2019 which transparently links the powers available through a devolution deal with the new governance arrangements a local area is willing to accept. The framework sets out three 'levels' of devolution. Level 1

constitutes informal joint working between authorities, Level 2 is a single institution without an elected mayoralty, and Level 3 is a single institution with a directly elected mayoralty. The framework is explicitly clear that Level 3 bodies will be able to access the broadest range of powers. Underpinning the devolution framework was a commitment from Government that all areas that want a devolution deal could have one by 2030.

Powers available only in Level 3 deals include a consolidated transport budget; key route network of roads; brownfield funding; an investment fund; employment support programmes; Mayoral Development Corporations; Police and Crime Commissioner responsibilities; a public health duty on new Combined Authorities; and the power of new Combined Authorities to set a precept on council tax and a supplement on business rates. Bus franchising, the Adult Education Budget, compulsory purchase powers, a role in resilience, and planning of the UK Shared Prosperity Fund are available in both Level 2 and Level 3 deals. It is important to note that none of the powers set out in the Devolution Framework are new, and all had previously been included in one or more of the earlier devolution deals for City Regions.

- b) ***Directly Elected Leader (DEL) and Mayoral County Combined Authorities (MCCA)***: The White Paper sets out alternative forms of governance to achieve a devolution deal at Level 3 other than just a Metro-Mayor and Mayoral Combined Authority. These include a Directly Elected Leader (DEL) of a County Council (provision for which has existed since the Local Government Act 2001) and a Mayoral County Combined Authority (MCCA) which is an amended form of the Mayoral Combined Authority arrangement covering county areas where there are also neighbouring unitary local authorities. Critically, both models require the governance to set at either a “sensible functional economic area and/or a whole county geography”. There are some significant differences between an MCA and a CCA which are discussed in the commentary and analysis section below. Alongside this, the Government confirmed that devolution deal areas must have a population above 500,000.
- c) ***Trailblazer Devolution Deals***: The White Paper also committed to further ‘trailblazer’ devolution deals for Greater Manchester and the West Midlands that would act as a future blueprint for other areas to follow. These further deals were subsequently negotiated and announced in the Budget on 15 March 2023. This allows Greater Manchester and the West Midlands to deepen and strengthen their responsibilities for transport, skills, housing, net zero and retrofitting in their areas. However, perhaps the most significant aspect of the Trailblazer deals is the move towards greater fiscal devolution to the areas. To overcome the funding system that the Government acknowledges is “*fragmented, overly reliant on centrally administered funds and lacks clear, lean and proportionate accountability structures*” as part of the Trailblazer deals the government will move to a single funding settlement for the West Midlands and Greater Manchester MCA’s, which will see them treated similarly to Government Departments, receiving a single funding settlement covering a whole spending review period.

The intention is for this to reduce reporting requirements to Government Departments and give local leaders greater long-term certainty and flexibility to reallocate money in line with local needs and priorities. Although specific details of the funding available for the single allocation has not been provided, analysis by the Institute for Government suggest that had the single funding settlement arrangement been in place for 2022/23 then Greater Manchester MCA would have received £736m and the West Midlands £704m.

3.3 These three significant policy changes have fundamentally altered the devolution equation on which the 'wait and see' approach previously adopted by Kent's political leadership was agreed. As such, now is the right time for the devolution question to be reconsidered to assess these new opportunities.

#### **4. Analysis and Commentary:**

4.1 The *realpolitik* has been that devolution was initially focussed on City Regions, and latterly has been focussed on devolution to areas outside of the South/South East of England. Those decisions by central Government were beyond the council's control. The question that must now be considered is whether by engaging in devolution and submitting an EoI to Government, KCC would be in a better position to achieve its strategic priorities if it was to secure a devolution deal. In doing so, KCC must consider a number of key points:

- KCC's ability to act as a strategic authority, and in particular deliver Levelling Up and economic development ambitions for the county, is increasingly challenged by both the continued financial and demand led pressures on social care services, and the increasing shift of central Government to prioritise new funding streams and policy initiatives to areas with a devolution deal.
- That under the current Government, and most likely future governments, the Mayoral Model will be central to achieving a substantive devolution deal, and further devolution deals in later years.
- That the County Combined Authority model has been designed to specifically support non-metropolitan areas covering both county and neighbouring unitary councils achieve Level 3 devolution governance, and brings significant benefits compared to the Metro Mayor / MCA model. In practical terms, it is a viable devolution governance option for Kent and Medway. Whilst the Government is accepting proposals for Level 2 devolution deals it is prioritising its capacity and resources to negotiating devolution deals with those areas willing to consider Level 3 deals.
- That significant devolution deals, including fiscal devolution and the development of a strategic financial relationship with Government as set out in the recent Trailblazer devolution deals, risks creating a have/have not split in local government between those with devolved powers and funding at a scale, and those that do not have them. This risks permanently inhibiting Kent's capacity, capability and influence relative to other areas / authorities with devolution deals.
- The prioritisation of Level 3 deals by the Government, and the desire to introduce more Trailblazer deals for those areas who already have a deal in place, raises the stakes for those area not currently engaged in the devolution agenda, and risks



creating a two-tier policy and financial system between those local areas with devolution deals and those who do not.

### **Strengthening Kent's strategic capacity:**

4.2 Over recent years KCC has maintained a strategic relationship with Government over a range of policy issues, including border infrastructure, unaccompanied minors, asylum, and immigration, whilst also securing additional resources and responsibilities through schemes such as the Bus Services Improvement Partnership (BSIP) and pathfinder status for Family Hubs. However, the capacity of the County Council to act as strategic authority for Kent has been undoubtedly impacted by significant increase in demand for social care services across both adults and children, and the consequential and detrimental impact that this has had on the overall financial position. This issue is not exclusive to KCC and impacts many County Councils and upper tier authorities with social care statutory duties.

4.3 Yet, as set out in Priority 1 of *Framing Kent's Future* which sets a priority to Level Up Kent, if KCC is to achieve its leveling up objectives on issues such as economic development, highways, transport and skills then it is going to have find way of not only attracting additional resources into the county, but also ensuring that there is the capacity to deliver them. As such, there is significant attractiveness in the powers and resources available under Level 3 of the Devolution Framework published in the Levelling Up White Paper. The core of most Level 3 devolution deals published to date includes:

- A 30-year investment fund without Whitehall strings attached. Other devolution deals suggest that this could be worth £35-40 million a year to Kent and Medway
- Combining funds for transport and highways funding into a single pot and multi-year funding agreements - meaning better value for money and more ability to plan
- More powers over local transport, in particular bus and rail
- More powers over adult education and skills. The West Midlands has shown how local control can transform the local skills offer
- Devolution of other funding streams, powers in areas such as environment, work with government bodies such as Homes England to deliver regeneration.

4.4 Whilst what might appear to be an additional tier of local government would not be the starting point for governance for many two-tier areas, there is benefit in having a new local government structure which is not weighed down the inherent financial and service challenges of social care being able to solely focus on delivering Levelling Up ambitions and priorities. To deliver KCC's ambitions for the people of Kent set out in *Framing Kent's Future*, there simply must be more strategic capacity and resources available to meet both the demand-led challenges facing people-based services, at the same time as developing and delivering coherent place-based agenda focused on economic development, skills, infrastructure, and transport. Currently, the County Council is being required to trade off one priority against another due to financial constraints, when both people-based services and the place-based agenda are equally important to improving the quality of life for Kent residents. A new, separately funded Combined Authority is a means to provide the strategic capacity Kent requires.

4.5 There are also wider benefits from devolution beyond the initial devolution deal. Whilst the core of many devolution deals may be similar, almost all contain a wider set of asks and commitments, either in this the first or subsequent deals, to address specific local priorities and issues. A range of additional 'asks' in terms of funding and powers to deal with many of the unique challenges facing the county as the Gateway to Europe would undoubtedly be a critical part of any devolution deal for Kent and Medway. It is also undoubtedly the case that Whitehall is increasingly shaping its interactions with local areas on the assumption that devolved governance will be in place. Priority for new national programmes and funding streams is increasingly being given, in the first instance, to areas with devolution deals, in some cases, areas with devolved governance do not have to bid for specific Government funding but are given pro-rata allocations.

4.6 One of the biggest single benefits of devolved governance is the ability to strengthen the Kent and Medway voice with Ministers and national government. It is undoubtedly the case that the City-Regions have found from the Mayoral Combined Authority model is that they preferential and easier to access Ministers and civil servants, placing them in an enhanced position to lobby for both policy change and additional devolved powers and resources. All Metro-Mayors have successfully lobbied for, negotiated and agreed further devolution deals following the first, which are invariably quicker to agree and implement because the governance structure for devolution already exists. As such, once a devolution deal and governance is in place it inevitably builds momentum for further devolution.

#### **A Mayoral Model is necessary to secure a *significant* devolution deal:**

4.7 Whilst the devolution framework sets out a tiered approach, with the possibility for a devolution deal to be agreed without the need for a directly elected Mayor, there is a sharp political reality that there is a marked difference in the powers available between Levels 1 & 2 and Level 3 in the devolution framework. This makes the rationale for seeking a devolution deal at either Level 1 or 2 a comparatively high cost-low reward endeavour compared to seeking a deal at Level 3. This goes some way to explain the Government's practical application of the devolution framework, in that their stated position is to prioritise negotiating where areas are accepting Level 3 governance, with a directly elected Mayor of either of the County Council, a CCA or an MCA.

4.8 The embedding of the Mayoral model within local political governance is now widespread, with an increasing element of national cross-party acceptance of the Mayoral model and the benefits it brings. The Mayoral model in City Regions is increasingly a highly visible leadership role which goes beyond the remit of the devolved powers, also acting as a convener of local public services, providing a focus point for public service reform and integration and a strong voice for the local area at national level with Ministers. This point is acknowledged in the Levelling Up and Regeneration Bill, which mandates that where Mayoral authority boundaries align with those of an existing Police and Crime Commissioner (PCC) the role of the PCC will transfer to the mayor, with the Government's ambition that Mayors will take on greater role and responsibility for wider public services in their local areas.

4.9 This wider public service rationale for a devolution deal is significant when considering the devolution equation for Kent. Kent has both significant strategic advantages and challenges that would benefit from a more cohesive and integrated approach to public services. The Kent and Medway area is a recognised functional economic area, a distinct sub-region with historic civic identity, but most importantly, a sub-region within which most public services are delivered at, or within, the administrative boundaries of Kent and Medway. The alignment and coterminous nature of public services across Police, Fire, Health, FE and HE is a rare advantage compared to many other county areas and provides an opportunity through devolution for a stronger and more cohesive strategy, coordination, commissioning, and delivery of public services.

4.10 Moreover, it is self-evident that Kent and Medway have specific challenges not faced by other parts of the UK, given our position as the Gateway to Europe and the inherent challenge of being the primary point of entry to the UK for goods and people. Kent's needs should not be crowded out of discussion at national level merely for the lack of a Mayoral voice.

#### **The MCCA model is a viable form devolution governance – but not the *preferred* model**

4.11 It should be stated up front that KCC does not consider that it should be necessary for new forms of governance to be created to secure a devolution deal. The track record of KCC, and the effective working relationships that we have built with our strategic partners over many years, has proven our capacity and capability to be trusted to deliver services and use monies and powers effectively and proportionately. Our preferred model of devolution governance is through existing local authority structures, with devolved powers and monies coming directly to local authorities. However, that is not the position of the Government, and willingness to *consider* a Mayoral model is the effective starting price for negotiations for a devolution deal with Government to begin. In any case, the creation of a separate body, such as a Combined Authority, would be essential to sustain the strategic autonomy and capacity of the area, keeping it separate from the pressures of adults and children's services.

4.12 Under the current policy set by the Government mandating a threshold size of 500,000 residents to agree a devolution deal, the reality for Kent and Medway is that only a Mayoral Combined Authority or a County Combined Authority model would be a suitable form of Level 3 governance. Whilst it would be technically possible for the County Council to argue for devolution deal under the Directly Elected Leader (DEL) model, that deal would only cover the KCC area and not the Medway Council area, with Medway under the population threshold necessary to agree a devolution deal under current Government policy. Moreover, where some two-tier county areas are considering a DEL model it has exacerbated tensions with District and Borough Councils. Moreover, it is Kent and Medway that is the functional economic area, and Kent and Medway at which the strategic scale can be leveraged across wider public services. A County Council Mayor would be in a less advantageous position to drive the wider public service agenda that is possible across the whole Kent and Medway geography. A joint approach to devolution is therefore in the best interests of both KCC and Medway Council as the two upper tier councils in Kent.

4.13 The Mayoral County Combined Authority model provides the opportunity to create a mayoral model that is more suited, and more focussed on the needs of Kent and Medway than the Metro Mayor model found in an MCA. The MCCA model has two advantages for two-tier county areas. An MCCA cannot be devolved powers to create a statutory spatial plan. This has removed one of the fundamental concerns raised by Districts and Borough Councils in two-tier areas, that the creation of a Mayoral Combined Authority might see their planning responsibilities transferred to the Mayor. By removing spatial planning from CCA model, it has been possible for the Government to both limit constituent authority membership of CCA's to upper-tier local authorities, and reassure District and Borough Councils that there are no proposed changes to their planning responsibilities through devolution (a point further reinforced through recent amendments to Section 31 of the Levelling Up and Regeneration Bill requiring consent of an authority before functions are transferred or altered within devolution governance).

4.14 The structure of an MCCA is also explicitly designed to allow for constituent authorities to be able to share responsibilities and transfer functions into the MCCA if they wish to do so for the purposes of economy and/or effectiveness in support of delivering devolved powers. This is because the intention of creating the CCA is to devolve more of the powers, responsibilities, and functions in a devolution deal to the Combined Authority itself, rather than primarily to the mayor, which stands in contrast to the Metro Mayor and MCA model where devolved powers and responsibilities are primarily assigned to the Metro Mayor.

4.15 This simple, but understated switch in emphasis between the MCCA and MCA models will allow upper tier local authorities in two-tier areas greater control and influence over delivery of devolved functions and any mayoral priorities and strategies than would be the case in metropolitan areas. It would formalise the joint working between KCC and Medway Council that has taken place over many years but working through and alongside a directly elected Mayor for benefit of all Kent and Medway residents.

#### **The *significant* risk and opportunity to Kent from Trailblazer devolution deals:**

4.16 Whilst devolution deals do come with some capacity funding to support the creation of new County Combined Authorities, and thus provide some capacity funding for areas that devolution will cover, such as economic development and transport (and thus replacing some of the capacity lost across all local authorities through recent years through austerity) the most significant financial opportunity, and consequently risk from failure to participate, comes from the recently announced fiscal and policy freedoms in the Trailblazer devolution deals for the West Midlands and Greater Manchester.

4.17 KCC's ability to act as a strategic authority has been hampered by the limitations on the council's fiscal position, the need to bid for additional funding streams, with the bidding process meaning that funding and resources are inherently focused on priorities decided at the national rather than the local level. As far back as 2004, when the Council piloted the Public Service Agreement (PSA) model with

Government, KCC has consistently pressed successive Governments for greater fiscal and policy flexibilities.

4.18 Whilst there were several reasons why political leaders in Kent did not engage in earlier rounds of devolution, one important reason was that the end point of devolution in terms of the additional powers and finances available did not justify the risks, cost, and disruption of creating a new and additional governance for a devolution deal. Given Kent and Medway's strategic position, size and scale, local political leaders envisaged devolution to mean the type of fiscal and policy freedoms that are now being provided to Greater Manchester and the West Midlands, and which the Government have set out to be a blueprint for other areas.

4.19 This is where Kent and Medway's size and scale becomes a strategic opportunity. The Institute for Government has calculated that Greater Manchester single allocation for 2022/23 would have been £736m for a population of 2.1 million residents. Whilst a pro-rata correlation can only be highly indicative (given the funding calculations for grants contained in the single allocation will favour metropolitan areas) with a population of across Kent and Medway of 1.85 million residents, a single grant allocation for Kent would be in the hundreds of millions of pounds.

4.20 In short, the trailblazer devolution deals are the type of ambitious fiscal and policy devolution that would significantly benefit the Kent and Medway. However, to secure such a trailblazer deal, we have to start the devolution journey and go through the stages of agreeing and successfully delivering a number of devolution deals to build trust with Government.

4.21 For the same reason, it is also important to understand that the Trailblazer devolution deals present a risk to Kent and Medway. The gap in terms of powers and finances between areas with a Level 3 devolution deal and an area without one, is certainly noticeable, but the gap between areas with a Trailblazer deal and no devolution deal in place risks creating a two-tier system of local government and governance in England. If more areas gain the fiscal freedoms and policy flexibilities set out in Trailblazer devolution deals, they risk accelerating away from the Kent and Medway.

## **5. Engagement with Government and other strategic partners:**

5.1 Recently there has been considerable engagement with partners regarding the devolution issue in Kent and Medway. From discussions with Government at various levels it is clear they would like to receive an EoI from Kent and Medway. Government recognises the important position of Kent given its size and strategic geographic location, and that the county faces a range of unique challenges as the Gateway to Europe.

5.2 Informal engagement with Kent MPs and Kent Leaders has also been undertaken. The latter has inevitably been very recent, given the number of new Council Leaders elected in May, and is viewed by the Leader of the Council as a first step in what will be an important dialogue. Whilst some concerns have been raised over the necessity to consider an additional layer of local government overlaid on top of existing councils, and the suitability of the mayoral model in Kent, there is a general acceptance of the need for the engagement with Government on devolution at

this time. There is widespread support for the principle that we should seek to maximise resources and powers available to Kent and Medway, and that decisions about local priorities and funding better rests with local, rather than national, government. Whilst the formal structure of a Mayoral County Combined Authority model provides no formal role for District and Borough Councils in the governance of the MCCA the Leader of the County Council is committed to ensure the benefits of devolution are felt across all Kent's Districts and Boroughs.

5.3 Engagement with other non-local government strategic partners in the public sector has identified a general understanding of the rationale for engaging with devolution agenda given the opportunity and the circumstances, as well as general support. Understandably there is some nervousness that the devolution agenda does not detract from some of the wider system and service issues that the county council is grappling with on a day-to-day basis with partners such as health and police, and a desire to be involved in the discussions on devolution as they develop so they can assess and understand the impact on their own services and governance.

5.4 Engagement with partners representing businesses have tended to be the most positive about devolution. There has been enthusiastic support for the KCC's engagement in the devolution agenda, a desire to increase resources and investment into Kent and Medway rapidly to support economic growth and achieve Levelling Up ambitions, and an understanding of the role a mayor might play in positioning and representing Kent nationally in support of inward investment into the county.

5.5 What is clear from all discussions to date across all sectors is a clear desire to be involved, be kept informed and the have the opportunity to input into any emerging devolution proposals for Kent and Medway, even if they are not directly involved in specific negotiations or directly impacted by new governance for a devolution deal. It will be a priority for KCC to continue a strong level of engagement with all partners. Kent and Medway is stronger when it speaks with a collective voice to Government, and our aim is to keep all partners engaged, throughout the negotiation process.

## **6. Submitting an Expression of Interest and developing a devo prospectus:**

6.1 A formal Expression of Interest of interest to Government can take many forms including a simple letter to the Sectary of State. However, most areas develop a devolution prospectus which sets out the core rationale for what powers and flexibilities the area would ask for under a devolution deal. From one persective, it could be argued that the development of a devolution prospectus is now unnecessary given the Devolution Framework sets out the powers available relative to the type of governance an area is willing to accept.

6.2 However, a devolution prospectus is useful for other purposes. Co-designing and co-producing the devolution prospectus can secure buy-in and support from across a wide range of strategic partners and provide Government with assurances that there is strong joint working and a level of support for the devolution deal. Perhaps more importantly however, the prospectus can set out the level of ambition that the area in regard to future devolution agenda, including appetite and pace to achieve further devolved powers and flexibilities. In essence, the prospectus lays down a marker with Government not for the devolution deal being negotiated, but for second and subsequent devolution deals.

6.3 Whilst a prospectus would only have to be formally agreed by the constituent authorities for a Kent and Medway MCCA (i.e. KCC and Medway Council) given the importance of the devolution agenda to all local authorities in Kent, and our wider strategic partners, our aim will be to consult and as far as possible co-produce a devolution prospectus through engaging as wide a range of stakeholders as possible. Whilst not technically constituent authorities, full engagement and discussion with Kent District and Borough Councils through existing channels will take place before submission of any prospectus to Government. Without prejudice to the discussions which will occur with partners, it is envisaged that a devolution prospectus for Kent and Medway would cover the following themes:

- Skills and employment
- Economic development
- Strategic planning and infrastructure
- Borders
- Transport
- Net zero and adaptation

6.4 For each theme, the prospectus would set out our vision for Levelling Up, the proposals and requirements from Government, and the value this will deliver for Kent and Medway, the wider South East region and the whole of the UK.

## **7. Process and next steps:**

7.1 It is important for Cabinet to recognise that the submission of an Expression of Interest is only the first stage of what can be a lengthy process in securing a devolution deal. There is a detailed process which must be followed set out below:

- ↓ Upper-tier local authorities make an Expression of Interest to Secretary of State
- ↓ Negotiations with Government
- ↓ Undertaking of a Governance Review (outlining why governance change for devolved powers is necessary and consideration of options)
- ↓ Secretary of State considers/accepts the Governance Review findings.
- ↓ In principle Devolution Deal announced with Government
- ↓ Formal public consultation on devolution deal and governance changes
- ↓ Final Secretary of State decision post consultation
- ↓ Constituent Authorities formally resolve to agree governance of the devolution deal (Full Council decision required)
- ↓ Draft Order laid before Parliament for approval
- ↓ Creation of CCA in shadow form
- ↓ Election of Mayor and go live date for CCA

7.2 As can be seen from the above, the process is extensive and detailed. Whilst some parts of the process can be shortened, depending on the level of agreement across partners, others cannot. For example, it is possible for the Secretary of State to waive the requirement for a Governance Review if all constituent authorities agreed on the need and form of new governance arrangements for devolution. It is also not yet clear, given one doesn't yet exist, whether there will be a requirement to create a CCA in shadow form before it goes live.

7.3 Other parts of the process however are mandatory. For example, it is not possible for the public consultation on the deal and the deal governance to be shortened or skipped, it is a statutory requirement and desirable in securing public consent for the required new governance arrangements for a devolution deal. Other parts of the process, particularly aspects where negotiation with Ministers or Civil Servants are required, are in the gift of Government and can be as short or as long as they determine is necessary. Departmental capacity has previously been suggested as a reason by only a small number of devolution deals can be progressed concurrently by the Government. It is not unusual, based on the creation of combined authorities for previous devolution deals for the process to take 24 months.

## **8. Recommendation(s):**

8.1 Cabinet is asked to:

(1) Consider whether to develop and submit an Expression of Interest to Government to begin negotiations for a Kent and Medway devolution deal.

## **Appendices:**

- Appendix 1: Devolution Framework (taken from Levelling Up White Paper, HMG, January 2022).

## **Background Documents:**

- Levelling Up – The UK White Paper, KCC Cabinet, 3 March 2022
- Devolution Position Statement, Kent County Council, 14 July 2016

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## Appendix 1: Devolution Framework - Levelling Up White Paper, HMG, January 2022

Function	Detail	L1	L2	L3
<b>Strategic role in delivering services</b>	Host for Government functions best delivered at a strategic level involving more than one local authority e.g. Local Nature Recovery Strategies	✓	✓	✓
	Opportunity to pool services at a strategic level	✓	✓	✓
	Opportunity to adopt innovative local proposals to deliver action on climate change and the UK's Net Zero targets	✓	✓	✓
<b>Supporting local businesses</b>	LEP functions including hosting strategic business voice		✓	✓
<b>Local control of sustainable transport</b>	Control of appropriate local transport functions e.g. local transport plans*		✓	✓
	Defined key route network*			✓
	Priority for new rail partnerships with Great British Railways – influencing local rail offer, e.g. services and stations			✓
	Ability to introduce bus franchising		✓	✓
	Consolidation of existing core local transport funding for local road maintenance and smaller upgrades into a multi-year integrated settlement			✓
<b>Investment spending</b>	UKSPF planning and delivery at a strategic level		✓	✓
	Long-term investment fund, with an agreed annual allocation			✓
<b>Giving adults the skills for the labour market</b>	Devolution of Adult Education functions and the core Adult Education Budget		✓	✓
	Providing input into Local Skills Improvement Plans		✓	✓
	Role in designing and delivering future contracted employment programmes			✓
<b>Local control of infrastructure decisions</b>	Ability to establish Mayoral Development Corporations (with consent of host local planning authority)			✓
	Devolution of locally-led brownfield funding			✓
	Strategic partnerships with Homes England across the Affordable Housing Programme and brownfield funding			✓
	Homes England compulsory purchase powers (held concurrently)		✓	✓
<b>Keeping the public safe and healthy</b>	Mayoral control of Police and Crime Commissioner (PCC) functions where boundaries align <sup>^</sup>			✓
	Clear defined role in local resilience*		✓	✓
	Where desired offer MCAs a duty for improving the public's health (concurrently with local authorities)			✓
<b>Financing local initiatives for residents and business</b>	Ability to introduce mayoral precepting on council tax*			✓
	Ability to introduce supplement on business rates (increases subject to ballot)			✓

\* refers to functions which are only applicable to combined authorities

<sup>^</sup> refers to functions which are currently only applicable to mayoral combined authorities

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