

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.	£7,081.20per 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 £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](#).

## 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 (630 Places)	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

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

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

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

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

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

Table 3: Assessment summary

Details	2021-22 (A)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)
[D] Current and forecast surplus / (deficit) places [A-C]	77	60	51	46	29	20	3	1	2	0	-5
[E] Expected pupil product from new developments that have recently gained planning permission (see note 4)	0	25	25	25	25	25	25	25	25	25	25
[F] Expected pupil product from this development	0	20	39	53	68	82	82	82	82	82	82
[G] Surplus / (deficit) places after accounting for all expected pupil product from new developments [D-E-F]	77	15	-13	-33	-64	-87	-104	-105	-105	-107	-111
[H] Additional places still to be provided from agreed contributions of previously assessed developments	0	9	9	9	25	25	25	25	25	25	25
[I] Surplus / (deficit) places including expected pupil product from new developments and additional places	77	24	-4	-24	-39	-62	-79	-80	-80	-82	-86
Expected pupil product from this development that on current plans for school provision <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>		0.28	0.07
<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>	£25,290.00	£7,081.20	£1,770.30
<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>	420	2.05	5.06555
	<b>per Pupil</b>	<b>per House</b>	<b>per Flat</b>
<i>Land Rate</i>	£12,060.83	£3,377.03	£844.26
Total = Primary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Primary School) = 5.06555 x 1000000 x (31.22 / 420)			
<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>			
		<b>Per house</b>	<b>Per flat</b>
<i>Secondary pupil generation rate</i>		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.

## 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>

<b>Project</b>	<b>Cost Per User</b>	<b>Contribution Per Dwelling</b>
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.

## 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	£173.33 / 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)

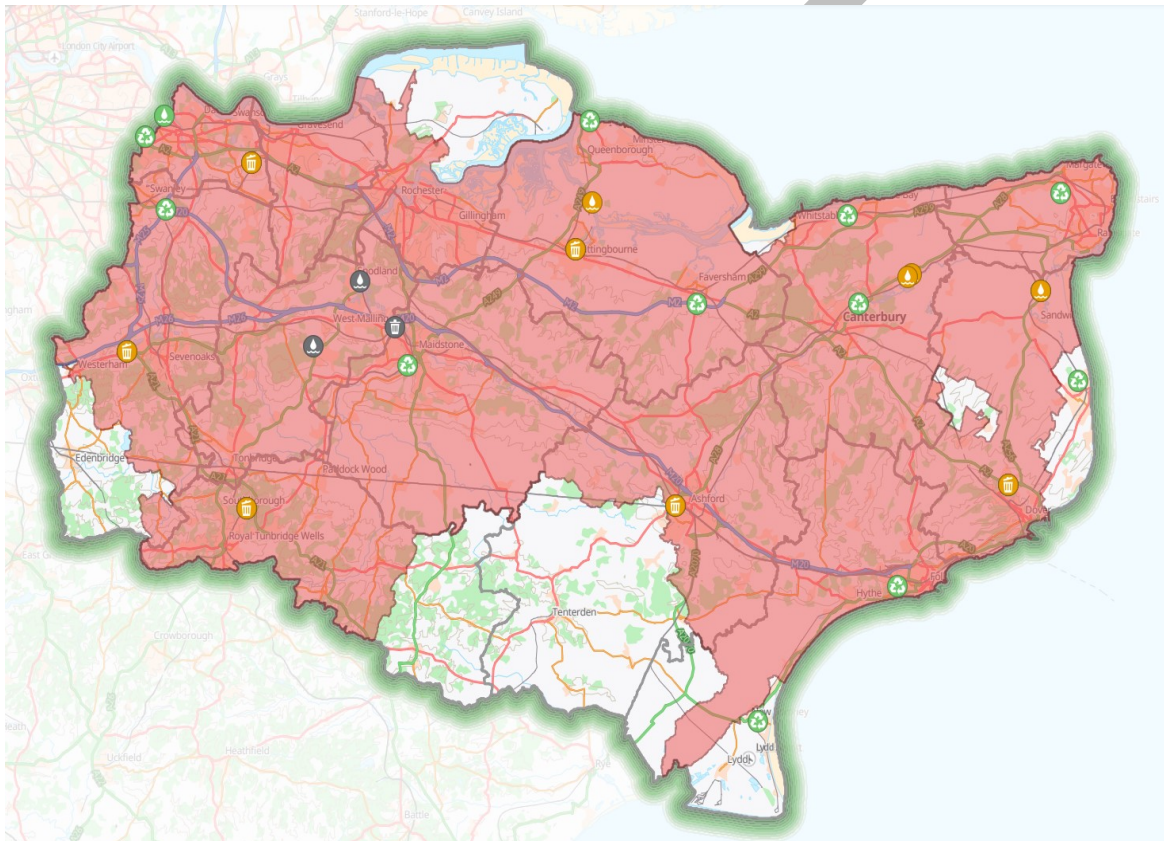
HWRC	Customer's postcode location						
	Ashford	Canterbury	Dartford	Dover	F&H	Gravesham	Maidstone
Ashford	91.3%	0.4%	0.0%	0.2%	2.4%	0.0%	4.5%
Canterbury	1.7%	89.1%	0.0%	4.4%	1.7%	0.1%	0.3%
Dartford	0.1%	0.1%	90.1%	0.1%	0.1%	1.4%	0.4%
Deal	0.1%	0.4%	0.0%	97.7%	0.3%	0.0%	0.0%
Dover	0.2%	2.2%	0.0%	93.4%	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)