

Technical Appendix 8: General Land Transfer Terms – School Sites

1. Section 1

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.

NB: Surveys should set out their expiry date and the mitigation measures required to ensure the integrity of the reports right up to the point of transfer. e.g., for ecology, vegetation management when required.

- 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.

1.2. 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.

- 1.3. 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.
- 1.4. 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.
- 1.5. 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](#))
- 1.6. KCC shall be granted a Licence for access onto the land prior to transfer to conduct surveys and technical investigations.
- 1.7. 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.
- 1.8. 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.
- 1.9. 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.
- 1.10. 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.
- 1.11. 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.

- 1.12. 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.
- 1.13. Where a new build school is to be delivered by the County Council, and the school site forms part of the wider development site, the developer will be expected to deliver the mandatory minimum 10% biodiversity net gain (BNG) for the school site, alongside the wider site BNG requirements. Where a new school site is separate from the development, a proportionate contribution will be required to cover the costs of surveys, the delivery of BNG in line with the regulations, and any associated legal fees.
- 1.14. 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.
- 1.15. 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.
- 1.16. 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.
- 1.17. 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.
- 1.18. 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.
- 1.19. 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.

- 1.20. 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.
- 1.21. 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.

2. Section 2

PRIMARY SCHOOL Service Requirements – Example for 2 Forms of Entry (FE)

2.1. INCOMING SERVICES

2.1.1. ELECTRICITY

350KVa (500amp) 3 phase incoming electrical supply for main base building with possible 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.

2.1.2. GAS

A gas supply is not likely to be required.

2.1.3. WATER

15 cu m / day, 4 l/s (63mm NB)

2.1.4. 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.

2.1.5. 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.

2.1.6. 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.

2.1.7. 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)

2.2. INCOMING SERVICES

2.2.1. 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.

2.3. GAS - 134 cu m/hr 1,440 kWh

2.3.1. WATER - 5.5 l/s (63mm NB)

2.3.2. 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.

2.3.3. 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.

2.3.4. 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.

2.3.5. NOTE

These are indicative requirements. KCC will need to confirm exact requirements at the detailed design stages.