

**TM/20/01218/OA - Land Adjacent Ditton Common North of Rede Wood Road
Oakapple Lane Barming Kent**

Annex 3: Comments from KCC (Economic Development)

Initial comments:

We refer to the above planning application which concerns proposed residential development at **Land Adjacent Ditton Common, North Of Rede Wood Road, Oakapple Lane, Barming, Kent** and comprising: **118 new households**.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

	Per 'applicable' House	Per applicable Flat	Project
Primary Education	£6,800.00	£1,700.00	Towards the new Aylesford Primary School
Primary Land	£3,208.18	£802.05	Towards land acquisition for the new Aylesford Primary School
Secondary Education	£5,176.00	£1,294.00	Towards the new Broadwater Farm Secondary School
Secondary Land	£4,173.24	£1,043.31	Towards the land costs of the

			Broadwater Farm Secondary School
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'Applicable' excludes 1 bed units of less than 56 sqm GIA and sheltered accommodation

	Per Dwelling (x118)	Total	Project
Community Learning	£16.42	£1,937.56	Towards additional equipment for new learners at Aylesford Adult Education Centre, Teapot Lane
Youth Service	£65.50	£7,729.00	Towards additional resources for the Youth Service in Tonbridge and Malling
Library Bookstock	£55.45	6,543.10	Towards additional services and bookstock for the new borrowers at Larkfield Library
Social Care	£146.88	17,331.84	Towards Specialist care accommodation within the Tonbridge and Malling Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£221.92	£26,186.56	Towards new WTS, a MRF and new and improved HWRC's to serve Tonbridge and Malling residents
Broadband	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.		

	Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.
Highways	<i>Kent Highway Services will respond separately</i>

Please note that these figures:

- are to be **index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (April 2020 index = 361.9)**
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Justification for infrastructure provision/development contributions requested

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices below.

Primary Education

The proposal gives rise to additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new Primary School in Aylesford.

The additional Primary School pupils arising from the proposal could only be accommodated through the construction of a new primary school; there are no existing local schools which can be expanded to mitigate the direct demand generated. The ability for the County Council to mitigate the impact of the proposed development is dependent on securing land in the local area of sufficient size to accommodate a two-form entry primary school; this process is currently ongoing through both the Borough's Local Plan process and as part of a current separate planning application (TM/17/01595).

Land required for the school is not within this application site and is not yet within the County Council's ownership nor is the landowner of the intended school land obligated to transfer it to the County Council as part of an existing planning obligation. The intended new school, which will form mitigation for this proposal, is within site LP28 of Tonbridge and Malling's draft Local Plan, the proposed policy for which includes provision of a Two Form Entry Primary School Site. The Local Plan is at examination stage as of June 2020 and consequently is not yet adopted policy; there is not yet assurance that the provision of a Two Form Entry primary school site will be made within the Aylesford area.

The proposed allocation site (LP28) is subject to a current planning application (TM/17/01595) for 840 new dwellings and a primary school, the application does include provision of land for a school but the planning obligation has not yet been finalised; should the obligation not be completed to accommodate a two form entry school then the new school within TM/17/01595 would not be able to act as mitigation for this application site TM/20/01218/OA.

A suitable mechanism such as a Grampian condition to prevent the development from generating pupil demand prior to the necessary school site being secured by the County Council would be required to ensure the direct impact of the proposal could be mitigated.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

The County Council requires a financial contribution towards the build costs of a **new Primary School in Aylesford at £6,800.00 for each 'applicable' house and £1,700.00 per applicable flat** ('applicable' means: all dwellings, except 1 bed of less than 56sqm GIA and any sheltered accommodation).

The County Council also requires proportionate contributions towards the new **Primary School land acquisition cost at £3,208.18 per applicable house and £802.05 per applicable flat.**

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2020-24 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of a new Secondary School at Broadwater Farm, north of Kings Hill within LP30 of the submitted Local Plan.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be provided through a new Secondary School at Broadwater Farm and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

The County Council requires a financial contribution towards construction of the new Broadwater Farm Secondary school at £5,176.00 for each 'applicable' house and £1,294.00 per applicable flat ('applicable' means: all dwellings except 1 bed or less than 56sqm GIA and any sheltered accommodation – please confirm if any 1 bed or sheltered accommodation is proposed).

Whilst KCC is expecting and will be using every endeavour to secure the new Broadwater Farm Secondary School site as an 'allocation' in the Local Plan at no cost to the County Council, KCC will require an undertaking for proportionate contributions up to a maximum of £4,173.24 per applicable house and £1,043.31 per applicable flat from this site towards any land acquisition costs for the Broadwater Farm Secondary School.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£16.42 per dwelling** towards the cost of providing additional equipment for new learners at Aylesford Adult Education Centre, Teapot Lane.

Libraries

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient

service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Tonbridge and Malling Borough at 1,110 items per 1,000 population is below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively.

To mitigate the impact of this development, the County Council will need to provide additional services and stock to meet the additional demand which will be generated by the people residing in these dwellings.

The County Council therefore requests **£55.45 per household** to address the direct impact of this development, and the additional services and stock will be made available at Larkfield Library, as and when the monies are received.

Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional resources for the Kent Youth Service locally in Tonbridge and Malling.

Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.

To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of **£146.88 per household** (as set out in Appendix 3) towards specialist care accommodation locally in the Borough.
- The **Ministry of Housing, Communities and Local Government** identified in June 2019 guidance *Housing for older and disabled people* the need to provide housing for older & disabled people is critical. **Accessible and adaptable housing** enables people to live more independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to **Building Reg Part M4(2) standard** to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant's requirements.

Waste

Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste

Recycling Centres (HWRC), Material Recovery Facility (MRF) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of **£221.92 per household** is required towards a new WTS, an MRF and new and improved HWRC's to serve Tonbridge and Malling residents to mitigate the impact from new housing growth, including this development.

Broadband: Fibre to the premise/gigabit capable

The NPPF (para 112) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Please include a Planning Condition to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available? If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

Subsequent response

TMBC commentary: *The subsequent response from KCC requests the same level of contributions for the same purposes set out in its initial response. Therefore, the full response is not reproduced in this annex. However, a slight change concerning*

the justification for the contributions for primary school and primary land has been provided given that permission for the development the subject of planning application TM/17/01595/OAEA had been granted since the initial response was provided. KCC's revised justification for the requested contribution is set out below..

The additional Primary School pupils arising from the proposal could only be accommodated through the construction of a new primary school; there are no existing local schools which can be expanded to mitigate the direct demand generated.

Permission has recently been granted for the new Aylesford 2FE Primary School under TM/17/01595, and site secured by s106 Agreement, often referred to as Whitepost Field.

Whitepost Field are to hand over the entire school site including: services (gas, water, electricity, drainage, broadband), build the road access, supply fencing, undertake earthworks (levelling) and remediation as well any Archaeology and protected species removal, and cover all parties land transfer costs.

Whitepost Field housing proposal generates more than 1FE of pupils. Schools are built in full FE's and KCC Education have no other capacity to accommodate those pupils in excess of 1 FE elsewhere. Hence a full 2 FE school and site are required.

In the s106 for Whitepost field, KCC are to receive the 2FE School site for £1. KCC are then to transfer to the Owner, Primary School land contributions from Contributing sites, at rates of £3,208.18 per applicable house and £802.05 per applicable flat as set out in the Whitepost Field s106 agreement.

The school land calculation apportions the cost of the land on a per pupil basis.