



## Strategic Development and Place

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Thursday 9<sup>th</sup> November 2023

Your Ref: MA/23/504471/OUT

Our Ref: K/E/ MA/23/504471/OUT RJK

Dear Marion

**Planning Application:** MA/23/504471/OUT

**Provision and Delivery of County Council Community Services:**

We refer to the above updated planning application which concerns proposed residential development at **Land at Moat Road, Headcorn, Maidstone TN27 9NT** and comprising: **120 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. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of the projects serving the development and proportionate contributions requested is set out in **Table 1**.

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

Kent County Council acknowledges that Maidstone Borough Council is now a CIL Authority. However, we set out below the assessed impacts upon County services which cannot be accommodated within existing capacity.

It is requested that these impacts be noted in determining the application and that Maidstone Borough Council allocates CIL funds received from the development. Should CIL receipts be insufficient to cover the impacts demonstrated then the County Council requests that S106 also be applied (**as identified as best practice under the CIL Regs as amended August 2023**), to ensure the impacts of the development can be met and that the development can be regarded as sustainable.

**Table 1 – Contribution Request Summary**

	<b>Per Applicable House (120)</b>	<b>Total</b>	<b>Project</b>
<b>Primary Education (expansion)</b>	£5,412.74	£649,528.80	Towards the expansion of schools in the Maidstone Rural South East or neighbouring Primary education planning groups serving the development
<b>Secondary Education (expansion)</b>	£5,329.27	£639,512.40	Towards the expansion of secondary schools in the Maidstone District non-selective and Maidstone & Malling selective planning groups
<b>Special Education Needs &amp; Disabilities (SEND)</b>	£559.83	£67,179.60	Contribution requested for the provision of additional SEND places within the district.

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

	<b>Per Dwelling (120)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning and Skills</b>	£34.21	£4,105.20	Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.
<b>Integrated Children's Services</b>	£74.05	£8,886.00	Towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.
<b>Library, Registrations and Archives Service</b>	£62.63	£7,515.60	Towards additional resources, equipment, and book stock (including reconfiguration of space) at local libraries serving the development, including Headcorn Library.
<b>Adult Social Care</b>	£180.88	£21,705.60	Towards Specialist Housing Provision in the district, adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development.
	<b>All Homes built as Wheelchair Accessible &amp; Adaptable Dwellings</b> in accordance with Building Regs Part M 4 (2)		
<b>Waste</b>	No waste requirement as the location of the application is assessed as Ashford South		
<i>Highways, PRow, SUDS, Ecology, Heritage Conservation &amp; Minerals.</i>	<i>Please note other KCC Service areas may respond separately</i>		

Please note that these figures:

- are to be **index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.**
- 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 Developer Contributions Guide has been approved as County Council policy. Information on the areas KCC will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

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 below and in the attached appendices.

## **Education**

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

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

### **Primary Education**

The proposal gives rise to 34 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in **Appendix 1**. Financial contributions towards construction will be required to mitigate the impact of the projects identified in Table 1.

### **Secondary School Provision**

The proposal is projected to give rise to 24 additional secondary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in **Appendix 1**. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

### **Special Education Needs and Disabilities Provision**

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the county council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. KCC's [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an Education, Health and Care Plan (ECHP) which sets out the provision they are entitled to. School-age pupils with ECHPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

### Mitigation of Need

This proposal gives rise to additional pupils with Education and Health Care Plans (EHCPs) requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

### **Provision of Education Places**

Please note that the process of education places 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 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

### **Community Learning and Skills**

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).

**Appendix 2** provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

## **Integrated Children’s Service – Youth Service/Early Years Service**

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'.

**Appendix 2** provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

## **Library, Registrations and Archives Service**

Under the [Public Libraries and Museums Act 1964](#), KCC has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Maidstone at 1,039 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in **Appendix 2**. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

## **Adult Social Care**

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

**Appendix 3** provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon KCC to provide Adult Social Care services. The appendix demonstrates; the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

The **Department for Levelling Up, Housing and Communities** identified in June 2019 guidance [Housing for older and disabled people](#), that the need to provide housing for older & disabled people is critical. Accessible and

adaptable housing enables people to live more independently and safely., KCC requests these dwellings are built to **Building Reg Part M4(2) standard** (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

## **Waste Disposal and Recycling**

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. **Appendix 4** provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon KCC.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development, and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

## **Implementation**

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. Where contributions will not be fully met by CIL, the Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether or not the County Council are party to the agreement.

Any Section 106 or UU containing contributions for KCC services should be shared with the authority via the [Developer.Contributions@kent.gov.uk](mailto:Developer.Contributions@kent.gov.uk) email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow 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.

We look forward to hearing from you with details of progress on this matter.

Yours sincerely

*Richard Kidd*

Richard Kidd  
Development Investment Team  
Kent County Council

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KCC, Education & Communities,

Appendices:

The following Appendices contain the technical details of the County Council's assessment process.

1. Education Assessment
2. Communities Assessment
3. Social Care Requirement