

On behalf of Kent County Council  
Site at Land North of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN28 1JR  
Application Ref. 22/00571/AS  
Appeal Reference: APP/E2205/W/24/3345454

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**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION REF. 22/00571/AS**

**APPEAL REFERENCE: APP/E2205/W/24/3345454**

**SITE: LAND NORTH OF POSSINGHAM FARMHOUSE, ASHFORD ROAD, GREAT CHART, KENT TN26 1JR (“THE SITE”)**

**DEVELOPMENT PROPOSAL:**

**THE DEVELOPMENT OF UP TO 655 RESIDENTIAL DWELLINGS (INCLUDING 30% AFFORDABLE DWELLINGS) TO CONSIDER ACCESS ONLY (EXCLUDING INTERNAL CIRCULATION ROUTES) WITH ALL OTHER MATTERS RESERVED (“THE SCHEME”)**

## **Introduction**

The table below sets out an analysis of the compliance of the planning obligations being agreed in relation to the proposed development of the Scheme at the Possingham Farmhouse Site ("**Proposed Development**"). The table sets out reasons why, in Kent County Council's opinion, they meet the three tests set out in regulation 122(2) ("**Reg 122**") of the Community Infrastructure Levy Regulations 2010 (the "**Regulations**") and (in the alternative) the test set out in regulation 122(2A) ("**Reg 122(2)(A)**") where appropriate.

The notes below set out some context in terms of how the Courts have suggested the three tests set out in Reg 122 should be applied.

## **Notes:**

Reg 122(2) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Reg 122 (2A) states:

Paragraph (2) does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority's area, provided—

- a. the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- b. the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

In terms of legal principles that apply to the application of the above tests the following case law is relevant:

## **Over-arching principle**

In the case of *R (Welcome Break Group Ltd) v Stroud District Council* [2012] the High Court established that the application of Reg 122 is a matter of planning judgment for the decision-maker.

### **Reg 122(a) – Necessity**

An assessment of whether or not a planning obligation is necessary requires an assessment of what is or is not acceptable in planning terms which is a matter for the decision-maker (case of *Oxfordshire County Council v Secretary of State for Communities and Local Government* [2015]). Whilst the phrase "planning terms" is not defined in the Regulations it was established in the case of *R v Westminster City Council ex parte Monahan* [1990] that a planning purpose was one that was concerned with the development and use of land.

### **Reg 122(b) – Direct relationship**

Regard can be had to any planning obligation with some connection to the proposed development which is not de minimis (case of *R (on the application of Hampton Bishop Parish Council v Herefordshire Council* [2014]).

### **Reg 122(c) - Fairly and reasonably related**

In terms of scale, whilst each case is fact sensitive, measures that merely mitigated, but not obviated, a significant adverse impact caused by a development were likely to be fairly and reasonably related in scale and kind to that development. What is appropriate will vary depending on the circumstances of each case (case of *(R (Tesco) v Forest of Dean District Council* [2015]). Whilst there will be some cases where some form of quantification of the impacts and benefits and their relationship to the development would be necessary because the decision-maker would have concluded that an adverse impact had to be reduced by a certain amount, or to a particular level, or in a certain way in order to be acceptable in planning terms; it does not follow however that such quantification is necessary in every case (case of *Tesco* again).

### Other Relevant Policies

The following policies are referred to in support of the case that the proposed planning obligations meet the Regulation 122 tests:

#### District Policy

Policies **COM1** ('Meeting the Community's Needs') and **IMP1** ('Infrastructure Provision') of the **Ashford Local Plan 2030** (adopted February 2019) ("Ashford Local Plan") confirm that the Borough Council will continue to seek financial contributions through the use of s106 Agreements to secure the delivery of infrastructure where it is justified to do so in line with the NPPF and the Community Infrastructure Levy Regulations 2010 (as amended). This refers to infrastructure and facilities required to meet the needs generated by new development such as education and community (including Integrated Children's Services and Community Learning).

### KCC Policy Guide

KCC has adopted the **Kent County Council Developer Contributions Guide 2023** (“Guide”) which sets out the developer contributions which may be required by KCC to support growth and mitigate any adverse impacts on its infrastructure from new development. Whilst not a statutory planning document, it is a material consideration and forms the basis for KCC’s re-assessment of the Proposed Development in order to provide an up-to-date response to this Appeal. The relevant parts of the Guide referred to in this document have also been included within Appendix 2 for ease of reference.

The use of developer contributions links to **KCC’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.

### **Drafting Note:**

***The CIL Compliance Statements dated 24 September 2024 and incorporates the latest comments on the section 106 agreement sent by KCC to Ashford Borough Council (ABC) on 24 September 2024. However, as the section 106 agreement is not yet in a final form, a revised CIL Compliance Statement shall be issued in the event any of the key obligations set out below are materially amended.***

**CIL COMPLIANCE TABLE**

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
<b>Monitoring Fee (Schedule 1)</b>			
<p>KCC's fee for monitoring of the s106 agreement/unilateral undertaking is £300 per payment trigger.</p>	<p>The contribution is required to ensure that the obligations are complied with by the relevant trigger points. This will primarily involve: monitoring the trigger points; requesting payments (where required) from the Applicant; liaising with the other relevant specialist teams regarding any non-financial obligations; arranging approval and sign off.</p>	<p>The contribution is put directly towards the monitoring of the obligations within the S106 Agreement.</p>	<p>KCC has sought £300 per trigger. If several obligations are paid at the same trigger point, this will reduce the monitoring contribution.</p>
<b>Adult Social Care Contribution (Schedule 2)</b>			
<p>Contribution of £180.88 per dwelling to be put towards specialist housing provision, adaption of community facilities, technology to promote independence, multi-sensory facilities and changing places within the Borough.</p>	<p>The proposed development will generate 61 additional clients (calculated as per Technical Appendix 1, Table 1 of the Guide). This number reflects those who would qualify for KCC services. It should be noted that KCC's high thresholds for accessing services mean there are much larger numbers of Kent adults with appropriate needs who are nevertheless unable to access these services.</p>	<p>The number of new clients will place an additional burden for a service that is already at capacity and consequently, financial contributions are sought.</p> <p>Contributions will be directed towards infrastructure provision that meets the County Council's priority of supporting independent living.</p> <p>Contributions for all (except adaptive technology) are District based, as facilities will be accessed by</p>	<p>A proportionate contribution of £180.88 per dwelling is based on the cost per user multiplied by the number of users per dwelling.</p> <p>The total contribution is proportionate to the number of additional users which are likely to be created by the development – as per Technical Appendix 1, Table 2 of the Guide.</p>

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
		<p>residents across the Borough and not just within the direct locality of the Proposed Development and adjacent areas.</p> <p>KCC provides services on a District level and funds are utilised for upcoming projects, which benefit the District, and not just the Proposed Development. This enables those using the services to travel further afield than just their locality.</p> <p>However, the services are still directly related to this scheme and the additional need which it will result in.</p>	
<b>Community Learning and Skills (“CLS”) (Schedule 9)</b>			
<p>Contribution of £34.21 per dwelling to mitigate the impact of the Proposed Development on KCC’s adult education service (CLS).</p>	<p>This development is predicted to create an additional 33 new CLS users which cannot be accommodated within the existing service.</p> <p>Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres.</p> <p>Whilst there is currently physical capacity within the hubs for</p>	<p>The contribution will be put towards additional equipment and resources for the new learners at Adult Education Centres (AECs) and outreach provision in the Borough serving the development, including Ashford Gateway and Homewood School AECs.</p> <p>Appendix 1 of this Document lists the outreach venues used in 2022 to deliver CLS services.</p>	<p>A proportionate off-site contribution of £34.21 per dwelling is based on the cost per user multiplied by the number of users per dwelling.</p> <p>The total contribution is proportionate to the number of additional users created by the development – as per Technical Appendix 2, Tables 2 &amp; 3 of the Guide.</p>

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
	<p>specialist courses, increased enrolments as a result of the development will place additional demands on IT, learning technology and other equipment.</p>	<p>Users access courses according to location, time of classes, type etc. and therefore, may not use the location nearest to home.</p>	
<b>Libraries Contribution (Schedule 13)</b>			
<p>Contribution of £62.63 per dwelling is sought to address the direct impact of the Proposed Development on these services. The contribution will be put towards the additional resources, equipment and stock (including digital infrastructure and resources and reconfiguration of space) at local libraries serving the development, including Ashford Gateway and Stanhope Libraries, to meet the demands of the additional borrowers which will be generated by the Proposed Development.</p>	<p>The Proposed Development will generate 189 additional library users (as per Technical Appendix 16, Table 2 of the Guide). The contribution is necessary meet this increased demand for library services and ensure that this community and existing communities continue to have access to high-quality library services, additional resources are required.</p> <p>Libraries play a crucial role in promoting education, learning, and community engagement. By investing in additional resources, KCC is able to enhance the library's ability to serve the needs of the growing population and contribute to the overall well-being of the community.</p>	<p>The contribution will be put towards the improvement of services of local libraries which would serve the Proposed Development, including Ashford Gateway and Stanhope libraries. 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 operates, enabling users to borrow from, and return to any library within the area, meaning that individuals may use libraries near to work or their child's school for example. Consequently, For this reason, the contribution will be put towards improvements to the services of a number of local libraries as it is anticipated that the residents of the Proposed Development will utilise more than one.</p>	<p>A proportionate off-site contribution of £62.63 per dwelling is based on the cost per user multiplied by the number of users per dwelling. The total contribution is proportionate to the number of additional users created by the development. This calculation is set out within Technical Appendix 16, Table 3 of the Guide.</p>

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
<b>SEND Contribution (Schedule 15)</b>			
<p>Contribution of:</p> <ul style="list-style-type: none"> <li>(1) £559.83 per applicable house; and</li> <li>(2) £139.96 per applicable flat,</li> </ul> <p>to mitigate the impact from the Proposed Development through the provision of additional SEND places and/or additional SEND facilities to serve the needs of the Proposed Development within the District.</p>	<p>The SEND contribution is necessary to meet the needs of the new population generated by the Proposed Development which cannot be accommodated within the existing SEND provision in the district and further afield in the county.</p> <p>Both nationally and within Kent, the number of children and young people with an Education Health Care Plans (EHCP) is increasing every year. SEND infrastructure in Kent is currently at capacity, so KCC is seeking contributions from all housing proposals that meet the threshold (see Technical Appendix 7, Section 4 of the Guide) to mitigate this new demand.</p> <p>In accordance with Technical Appendix 7, based on the dwelling mix of the Proposed Development, it is expected to produce an additional 4.7 SEND pupils which cannot be accommodated in existing infrastructure.</p>	<p>The contribution will be expended within the District of Ashford. SEND pupils attend the school which is most appropriate for their individual needs rather than the school closest to where they live. Therefore, seeking for additional provision in the District is still directly linked to the Proposed Development.</p>	<p>A proportionate contribution of £559.83 per house and £139.96 per flat is based on the cost per pupil multiplied by the pupil yield per house/flat. The total contribution is proportionate to the number of additional pupils created by the development – as per Technical Appendix 7, Section 4 of the Guide.</p>



Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
<b>Secondary Education Contribution (Schedule 4716)</b>			
<p>Contribution of:</p> <p>(3) £5,587.19 per applicable house; and</p> <p>(4) £1,396.80 per applicable flat, is required towards the provision of a new secondary school at Chilmington Green and/or the provision of a secondary school extension project or projects for the existing secondary schools in the District in order to provide additional secondary school places to accommodate secondary school pupils from this Proposed Development.</p>	<p>The contribution is necessary to meet the needs of the new population generated by the Proposed Development which cannot be accommodated within existing secondary schools in the District.</p> <p>As per Technical Appendix 6, Section 4.1 of the Guide, the Proposed Development is expected to produce an additional 86 secondary school pupils which cannot be accommodated in existing infrastructure within the District.</p>	<p>Contributions are sought for expenditure in the District of Ashford. KCC has established and agreed planning groups with the Department for Education (DfE) which are based upon travel to learning patterns. Consequently, secondary aged pupils from the Proposed Development will attend a selection of schools across the District and the contribution will be distributed accordingly. In addition, the DfE's 'Securing developer contributions for education (August 2023)' advises (paragraph 47) "We recommend that you identify a preferred and 'contingency' school expansion project in a planning obligation, or list all schools in the pupil planning area, if any of the identified options would address the needs from development and comply with the Section 106 tests."</p>	<p>A proportionate off-site contribution of £5,58.19 per house and £1,396.80 per flat is based on the cost per pupil multiplied by the pupil yield per house/flat.</p> <p>The total contribution is proportionate to the number of additional pupils created by the development – as per Technical Appendix 6, Section 4.1 of the Guide.</p>
<b>Public Rights of Way Contribution (Schedule 17)</b>			
<p>The contribution of <del>£3529,000-300</del> will be utilised as follows:</p> <p>(5) Improvements to Public Footpaths AW237 <del>and AW220</del> in terms of</p>	<p>The public rights of way contribution is necessary to ensure connectivity is in place to and from the Proposed Development and is of a satisfactory quality to match the proposals within the Proposed Development.</p>	<p>The contribution will be put towards the works which are described in the S106 Agreement and arise directly as a result of the Proposed Development.</p>	<p>The contribution relates to works directly linking to the Proposed Development in order to ensure that the route improvements match the standard of works within the Proposed Development.</p>

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
<p><del>vegetation clearance</del>, new signage and improved junctions with Ashford Rd and Chilmington Green Road respectively (£<del>104,000</del>300).</p> <p>(6) Byway improvement works from AW245 to junction with AW237, in terms of new improved all weather surface, edging, clearance, new signage (£25,000 - £70 per sqm).</p>			
<b>A28 Dualling Works/Bond (Schedule <a href="#">2423</a>)</b>			
<p>The S106 Agreement provides for either:</p> <ul style="list-style-type: none"> <li>- The Applicant to enter into a S278 Agreement to undertake the A28 dualling works; or</li> <li>- <del>The Applicant provides a bond in the amount</del>Contribution of £5,941,400 for KCC to undertake the A28 dualling works</li> </ul>	<p>The works to be undertaken relate to the dualling of the A28 Chart Road between the Matalan and Tank roundabouts together with junction improvements to the Matalan and Tank roundabouts and Chart Road / Loudon Way traffic signal junction as shown on the A28 Plan (appended to the S106 Agreement).</p> <p>The A28 dualling scheme is required to mitigate the Proposed Development's traffic impact on the A28 corridor.</p> <p>The Chilmington Green S278 Agreement already secures</p>	<p>The <del>bond</del> contribution will be used towards the A28 dualling works which will mitigate the traffic impact from the Proposed Development.</p> <p>KCC is mindful that there may also be other schemes which would also have a traffic impact on the A28 corridor, and the Applicant's contribution should be proportionally refunded accordingly in these circumstances.</p> <p>This will be reflected within the S106 Agreement by providing a mechanism which proportionally refunds the payment received by the</p>	<p>The <del>bond</del> contribution as set out in the obligation summary is the current funding shortfall when comparing the existing project cost with the maximum amount that can be secured under the existing Section 278 Highway Agreement for the Chilmington Green planning permission.</p> <p>The contribution is fairly and reasonably related to the Proposed Development and considered to be proportionate. As set out in the 'directly related' column, the S106 Agreement shall include a mechanism to proportionally refund</p>

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
	<p>£32,763,600 of the current total cost of the scheme which is £38,705,000</p> <p>The S106 Agreement therefore requires the Proposed Development to provide a <a href="#">bond-contribution</a> for the remaining amount of £5,941,400. However, this contribution may be proportionately refunded in the event that other schemes also come forward (through a planning permission) and would be required to also fund the works.</p>	<p>Proposed Development. This will be reduced proportionately based on the level of impact of any other development(s) on the A28 corridor through trip generation assessment.</p>	<p>the payment accordingly in the event that other schemes come forward which would also cause impacts to the A28 corridor.</p>
<b>Provision of Bus Services (Schedule <a href="#">2519</a>)</b>			
<p>The Applicant is required to provide:</p> <ul style="list-style-type: none"> <li>- Two bus stops to serve the Proposed Development</li> <li>- A maintenance scheme for the bus stops;</li> <li>- Provide a bus service to operate between the Proposed Development and the town centre/railway station <a href="#">and monitor the service</a></li> <li>- Provide related bus infrastructure</li> </ul>	<p>A bus service to Ashford Town Centre / International Station is required to provide sustainable transport options for future residents so that they are not solely reliant on accessing the site by private motor vehicle in accordance with the NPPF and Ashford Local Plan policies regarding promotion of sustainable transport.</p> <p>Two bus stops and associated infrastructure are required to so that passengers can use the proposed bus service.</p>	<p>The Applicant is required to directly deliver the bus service and bus stops and therefore this is directly related to the proposed development.</p>	<p>The site currently has no public transport accessibility and the existing bus service that calls along the A28 runs only once every two hours so is not a high-quality public transport service.</p> <p>The provision of this bus service to serve future residents is therefore fairly and reasonably related to the Proposed Development and considered to be proportionate.</p>

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
<b>Travel Plan Monitoring Contribution (Schedule 2524)</b>			
Contribution of £1,000 is payable <a href="#">per annum for 5 years</a> .	The contribution is necessary to fund KCC's costs in monitoring compliance of the provisions of the travel plan.	The contribution will be spent directly in respect of the Proposed Development's travel plan.	The contribution is fairly and reasonably related to the Proposed Development and considered to be proportionate.
<b>Integrated Children's Services (ICS) (Schedule 25)</b>			
Contribution of £74.05 per dwelling is sought to be put towards additional resources and equipment for the Integrated Children's Services in Ashford Borough to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the Proposed Development.	<p>The proposed development will directly lead to a significant increase in the number of children and families in the area, resulting in a higher demand for integrated children's services. KCC has estimated an additional 91 clients (calculated as per Technical Appendix 15, Table 1 of the Guide).</p> <p>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</p>	The contribution will be put towards improving the children's services within the vicinity of the Proposed Development, including expanding the mobile and outreach services. The contribution is sought due to the children and families of the Proposed Development likely to require the services.	A proportionate off-site contribution of £74.05 per dwelling is based on the cost per user multiplied by the number of users per dwelling. The total contribution is proportionate to the number of additional users created by the development – as per Technical Appendix 15, Tables 1 & 2 of the Guide.

Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
	developments, increasing the likelihood of children, young people and parent/carers engaging with them.		
<b>Waste Disposal Contribution (Schedule <a href="#">2726</a>)</b>			
<p>A contribution of £142.13 per dwelling to be put towards the provision of a new Waste Transfer Station (WTS) within the Folkestone &amp; Hythe District.</p>	<p>Dwellings within the Proposed Development are expected to create an additional 0.82 tonnes of waste per dwelling, per year – as per Technical Appendix 18, Table 2 of the Guide.</p> <p>All waste collected from the kerbside in the Ashford Borough is received at the Ashford WTS, located off Brunswick Road, Ashford. The Ashford WTS is shared with Folkestone and Hythe District (F&amp;H). However, the facility has reached operational capacity, with long wait times reported by both Ashford and F&amp;H councils as the Waste Collection Authorities. There is therefore no opportunity for expansion of the Ashford WTS, as it is surrounded by commercial development and the railway line. In response to this need, KCC conducted a site search and has found land within the adjacent Folkestone and Hythe District to construct an additional WTS.</p>	<p>The contribution will be used to fund this strategically necessary project.</p> <p>Whilst it is acknowledged that the Proposed Development will not use the new WTS, the funding is still directly related to the Proposed Development. This is because the new WTS will be used by Folkestone and Hythe and therefore free up capacity within the existing Ashford WTS (which is currently shared with Folkestone and Hythe). Without this funding, the Ashford WTS would not be able to service the Proposed Development.</p>	<p>A proportionate contribution of £142.13 per dwelling is sought, based on the cost of providing the new facility, divided by the total dwellings served by the facility – as per Technical Appendix 18, Section 4.4 of the Guide.</p>

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Obligation Summary	Necessity	Directly Related to the Proposed Development	Fairly and Reasonably Related
	The contribution is necessary for this strategic proposal, as once operational, this will allow Folkestone and Hythe vehicles to use the new facility, providing much needed capacity for Ashford developments at the existing Ashford WTS.		

## Appendix 1

### Community Learning and Skills – Outreach Venues

District	Venue Name	Address	Postcode
Ashford	Ashford Volunteer Centre	8 Elwick Road, Ashford, Kent	TN23 1PD
Ashford	Assembly Rooms	New Romney Town Council, Town Hall, High Street, New Romney, Kent	TN28 8BT
Ashford	Chilmington Green Primary	Jemmett Road, Ashford, Kent	TN23 4QL
Ashford	East Stour Primary School	Earlsworth Road, South Willesborough, Ashford, Kent	TN24 0DW
Ashford	Finberry Primary School	Avocet Way, Finberry, Sevington, Ashford, Kent,	TN25 7GS
Ashford	Homewood School	Ashford Road, Tenterden, Kent	TN30 6LT
Ashford	Kingsnorth CEP School	Church Hill, Kingsnorth, Ashford, Kent	TN23 3EF
Ashford	Lady Joanna Thornhill Primary School	Bridge Street, Wye, Ashford, Kent	TN25 5EA
Ashford	New Romney Children's Centre	Craythorne Lane, New Romney, Kent	TN28 8BL
Ashford	Ray Allen Sure Start Childrens Centre	Stanhope Road, Ashford, Kent	TN23 5RN
Ashford	Romney Resource Centre	Units 4 and 12A, Mountfield Road Industrial Estate, New Romney, Kent	TN28 8LH
Ashford	St Mary's C of E Primary School	Western Avenue, Ashford, Kent	TN23 1ND
Ashford	St Nicholas CEP (sch)	FairField Road, New Romney, Kent	TN28 8BP
Ashford	Sure Start Willow Centre	The Willow Centre, 28 Brookfield Road, Ashford, Kent	TN23 4EY
Ashford	Sure Steps Children's Centre	Belmont Road, Kennington, Ashford, Kent	TN24 9LS
Ashford	The North School	Essella Road, Ashford, Kent	TN24 8AL
Ashford	Victoria Road Primary School	Victoria Road, Ashford, Kent	TN23 7HQ
Ashford	Waterside Children's Centre	Turner Close, Willesborough, Ashford, Kent	TN24 0PQ
Ashford	Waterside Sure Start	The Swan Centre, Turner Close, Willeborough, Ashford, Kent	TN24 0PQ
Ashford	Woodchurch CE Primary School	Front Road, Woodchurch, Ashford, Kent	TN26 3QJ
Ashford	Wyvern School	Great Chart Bypass, Ashford, Kent, Room - Conference Room,	TN23 4ER

**APPENDIX 2**  
**RELEVANT EXTRACTS FROM THE GUIDE REFERRED TO IN THE CIL COMPLIANCE SCHEDULE**

**Appendix 1, Table 1**

Table 1: Adult Social Client Numbers (compiled 2021) by Infrastructure Need.

<b>Infrastructure Service Area</b>	<b>Number of ASC clients (2019/20)</b>	<b>Clients per 1,000 adult population [4] (2019/20) [5]</b>	<b>Clients<sup>(Ref.2)</sup> per Dwelling (2019/20)</b>
<sup>(Ref.1)</sup> Specialist Housing [6]	3,007	2.40	0.0044
Assistive Technology and Home Adaptation Equipment	6,365	5.08	0.0094
Equipment including Changing Places and sensory equipment/facilities	51,077	40.73	0.0754
Day care (adapting Community Facilities)	2,035	1.62	0.003



Appendix 1, Table 2

Table 2: Adult Social Care Contribution Rates Per Dwelling.

Infrastructure Area	Number of Clients (2019/20)	Cost Per Client <sup>(Ref.1)</sup> (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>

Appendix 2, Table 2

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<sup>(Ref.2)</sup></b>	<b>£692.74</b>

Appendix 2, Table 3

Table 3 - Contribution Per Dwelling.

	Contribution for Infrastructure/Equipment Per Dwelling (Cost Per New Enrolment * New Enrolments Per Dwelling)
Community Learning & Skills Contribution	<b>£34.21</b>

## Appendix 6, Section 4.1

### 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.

	Per Pupil	Per House (Per Pupil Rate x Pupil Yield Per House)	Per Flat (Per Pupil Rate x Pupil Yield Per Flat)
Primary Education - New Build	£25,290.00	£7,081.20	£1,770.30
Primary Education - Extension	£19,331.20	£5,412.74	£1,353.18
Secondary Education – New Build	£27,935.96	£5,587.19	£1,396.80
Secondary Education - Extension	£26,646.36	£5,329.27	£1,332.32

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.

### Appendix 7, Section 4

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.
- 4.2.2. 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/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.
- 4.2.4. 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.
- 4.2.5. An example of build and land costs for SEND can be found in the Technical Appendix 11: Example Build and Land Contributions.

**Appendix 15, Table 1**

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 = $0.55 \times 0.25$	<b>0.14</b>
Average occupation per dwelling = 2.4 person	
Average 0–18-year-old occupation per dwelling = 0.55	

**Appendix 15, Table 2**

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 = <math>0.14 \times 187.50</math></i>	<b>£25.78</b>

**Appendix 16, Table 2**

Table 2: Additional Users Per Dwelling.

Kent Population	1,576,100 [1]
Library Users Per Year	188,807 [2]
% 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>

**Appendix 16, Table 3**

Table 3: Per Dwelling Contribution Rate. [3]

Project	Cost Per User	Contribution Per Dwelling
Book Stock	£145.44	£41.81
Shelving and Furniture	£56.72	£20.82
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] Figures shown in calculations have been rounded to 2 decimal places and may therefore, not sum correctly.

**Appendix 18, Table 2**

Table 2: WTS - Contribution Per Dwelling.

New WTS	Cost	Cost Tonne £13,000,000 / 75,000	Per	Waste Dwelling	Per	Cost Dwelling (£173.33 * 0.82)	Per
75,000 Tonne Capacity (Per Annum)	£13,000,000	£173.33		0.82 Tonnes Per Annum		£142.13	