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Ask for: Stephen Dukes
Your Ref.: SE/19/05000
Our Ref.:
Date: 15th November 2019

For the Attention of Mr Richard Morris, Chief
Officer, Planning & Regulatory Services

Dear Richard

**Application SE/19/05000 – DSTL Fort Halstead
Provision and Delivery of County Council Community Services.**

I refer to the above hybrid planning application concerning proposed mixed-use development comprising up to 750 dwellings, 27,659m² of business space, a mixed-use village centre, a primary school and a historic interpretation centre with workshop space.

The County Council has assessed the implications of this proposed development in terms of the delivery of its community services and is of the opinion that it will have an additional impact 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 (CIL) Regulations 2010 (Regulation 122) require that requests for development contributions must comply with three specific legal tests, namely they must be: -

- 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.

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements which are summarised below. Evidence supporting these requirements is set out in the attached Appendices covering:

- Appendix 1A & 1B – Primary Education Assessment
- Appendix 2 – Secondary Education Assessment
- Appendix 3 – Community Services Assessment
- Appendix 4 – Families & Social Care Assessment

Further justification for the infrastructure provision/developer contributions requested is also provided.

Summary of Requests

	per Applicable Flat	per Applicable House	Total	Project
Primary Education	£1,833	£7,333	£4,143,111	For the provision of a new 1FE primary school on the development site with the capacity to for 210 pupils
Primary Land	The provision of a 1.6ha serviced site of regular shape, level and free of any encumbrances within the development site.			
Secondary Education	£1,277	£5,107	£2,885,499	For the provision of additional secondary school places at a new secondary school within the Sevenoaks & Borough Green Non-Selective Secondary Planning Group
Secondary Land	£892	£3,569	£2,016,451	
Land costs are based on an average cost for school land of £1m per acre and the requirement for a 6FE secondary school of 6.5 hectares.				

Note(s): “Applicable” excludes 1-bed units of less than 56m² gross internal area. The Indicative Housing Mix submitted as part of the application provides information on the housing types but not their size. The assessment has, therefore, assumed that all the 1-bed units do not apply giving 136 Applicable Flats and 531 Applicable Houses.

	per Dwelling	Total	Project
Community Learning	£16.42	£12,315	Towards the improvement of facilities and services at Sevenoaks AEC and for its outreach programmes.
Youth Services	£65.50	£49,125	Towards the improvement of facilities and services operated at Swanley Youth Centre and for its outreach programmes.
Libraries	£55.45	£41,588	Towards the improvement of book stock and equipment and the delivery of library services through either Otford Library or the Mobile Library Service.
Social Care	£82.52	£61,890	For the provision of Assistive Technology and improvements to facilities at local centres for older people and those with physical and learning disabilities.
	9 Wheelchair Adaptable Homes as part of the on-site affordable housing provision.		
Waste	£237.54	£178,155	Towards the rebuilding of the Dunbrik Waste Transfer Station and/or upgrade of Swanley Household Waste Recycling Centre.
Highways	Kent Highways Services will provide a separate response.		
High Speed Fibre Optic Broadband Connection	Informative: Kent County Council recommends that all developers work with a telecommunications partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise broadband connection is provided. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in the design of any development. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest gigabit connection. Kent County Council understands that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to developers. For advice on how to proceed with providing broadband access please contact broadband@kent.gov.uk .		

All the above figures are at May 2019 price base and would be Index-linked using the General Build Cost Index as published by the Building Costs Information Service.

Justification for Infrastructure Provision/Development Contributions Requested.

Education Provision

The proposed development 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.

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

The County Council 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 2019-2023 and Delivering Bold Steps for Education, Learning and Skills Vision and Priorities, December 2013 as amended or replaced from time to time.

1. Primary

The proposed development falls within two primary school planning groups. Sevenoaks Northern Villages Primary Planning Group comprises Halstead Community, Otford, Shoreham Village and St Katherine’s Knockholt primary schools. Sevenoaks Primary Planning Group comprises Amherst, Chevening St Botolph’s, Dunton Green, Lady Boswell’s, Riverhead Infant, Sevenoaks, St John’s CE, St Thomas’ RC and Weald Community primary schools. The proposed development has been assessed relative to both primary planning groups although it is expected that it would have a greater impact on the Sevenoaks Northern Villages planning group.

The development has been assessed as giving rise to 158 additional primary school pupils. This need, cumulatively with other new developments in the area, cannot be accommodated within either the Sevenoaks Northern Villages Primary School Planning Group or the Sevenoaks Primary Planning Group. The demand generated by the development can, therefore, only be accommodated through the provision of a new primary school which the County Council would expect to be delivered within the development.

As the estimated demand for primary school provision generated by the development would require the provision of a new 1FE school the County Council requests the development to cover the cost of the provision of this school. The County Council, therefore, seeks a financial contribution towards this cost of **£1,833 per Applicable Flat and £7,333 per Applicable House at May 2019 prices**. The County Council also seeks the provision of a 1.6-hectare, serviced site within the development for the provision of this school. This site should be centrally located within the development to provide good accessibility, should be level and of regular shape.

The County Council acknowledges that the proposed development identifies a site for such a primary school which would have an indicative floorspace of 1,345m² (GEA). It is assumed that this figure was arrived at through the early pre-application discussions with KCC Education. The request for a 1.6-hectare site is to allow for the possible future expansion of the school beyond 1FE should the need arise. The County Council is willing to further discuss with the landowner and/or developer the size of the school site to be provided, its location and the delivery of the school itself.

2. Secondary

The proposed development has been assessed as giving rise to gives 113 additional secondary school pupils. This need, cumulatively with other new developments in the area, cannot be accommodated within the Sevenoaks & Borough Green Non-Selective Secondary School Planning Group (comprising Knole Academy, Trinity and Wrotham School). The expected demand from the development can only be accommodated through the provision of a new secondary school within Sevenoaks District. To achieve this the County Council requests a financial contribution towards the costs of constructing a new secondary school of **£1,277 per Applicable Flat and £5,107 per Applicable House at May 2019 prices.**

It is not anticipated that the development site would accommodate a new secondary school and, therefore, land acquisition would be required. The County Council, therefore, also requests a proportionate contribution towards these land acquisition costs of **£822 per Applicable Flat and £3,289 per Applicable House at May 2019 prices.** 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 contributions not be used or required. The contribution towards the land acquisition will need to be reassessed immediately prior to the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

Community Learning & Skills

The proposed development has been assessed and is estimated to give rise to 27 additional clients requiring Community Learning & Skills services utilising both the Sevenoaks Adult Education Centre and, where applicable, outreach facilities in the vicinity of the development.

The assessment also shows that there is an assessed shortfall in provision for this service with participation more than the current service capacity. To accommodate the increased demand on Community Learning & Skills services the County Council requests a financial contribution of **£16.42 per Household at May 2019 prices** towards the cost of improving services at Sevenoaks AEC or through the provision of outreach programmes serving the development.

Please note this process will be kept under review and may be subject to change.

Libraries

The County Council is the statutory authority for providing library services under the Public Libraries & Museums Act 1964 and is required to provide “a comprehensive and efficient service”. The Local Government Act 1972 also requires the County Council to take “proper care” of its libraries and archives.

The nearest libraries operated by the County Council to the proposed development are at Otford (approximately 1.7 miles away) and Riverhead (approximately 2.2 miles away). The nearest District Centre providing libraries, archives and registration services is at Sevenoaks Library approximately 3.5 miles away. These are supplemented by the County Council operating mobile library services for the more rural areas which currently call at Badgers Mount and Halstead.

The proposed development has been assessed as giving rise to an estimated 219 additional borrowers who are likely use library services. The number of additional borrowers is in excess of the available capacity and to mitigate the increased demand the County Council requests a financial contribution of **£55.45 per Household at May 2019 prices.** This contribution would be put towards the cost of improving facilities and book stock at either Otford Library or through the Mobile Library Service whichever is best placed to serve the needs of the development.

Please note this process will be kept under review and may be subject to change.

Youth Service Provision

The proposed development has been assessed and is estimated to give rise to 38 additional clients likely to access Youth services. The nearest youth hub operated by the County Council is at Swanley Youth & Community Centre roughly 6 miles from the development.

The assessment shows that there is an assessed shortfall in provision for this service with the expected demand from the development more than the current service capacity. To accommodate the increased demand on Youth services the County Council requests a financial contribution of **£65.52 per Household at May 2019** prices towards the cost of improving services at Swanley Youth & Community Centre or through the provision of outreach programmes serving the development.

Please note this process will be kept under review and may be subject to change.

Families & Social Care Provision

The proposed development will result in an additional demand from an estimated 25 clients requiring Social Care services (older people and people with learning or physical disabilities). However, all available care capacity is already fully allocated and there is no spare capacity to meet the additional demand arising from this and other new developments which the County Council is under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, and no spare funding is available to address the additional capital costs for social care clients generated from new developments.

To mitigate the impact that the development has on Families & Social Care services the County Council requests:

- i. a proportionate monetary contribution of **£82.52 per household at May 2019 prices** towards the costs of providing Assistive Technology to clients enabling them to live independently in their own homes and/or adaptations to existing community facilities to make them more accessible and capable of providing services to those in need; and
- ii. the provision of **8 Wheelchair Adaptable Homes** (as part of the affordable housing provision on the development site), with nomination rights given in consultation KCC Social Care.

Waste Services

Kent County Council is a statutory Waste Disposal Authority (WDA) for the receipt and onward processing/disposal of Kent's household waste collected by the District and Borough Councils as the Waste Collection Authorities (WCAs). The County Council manages this through a network of eight Waste Transfer Stations (WTS). The County Council also has the statutory responsibility to provide a Household Waste Recycling Centres (HWRC) service to residents, for the disposal of household waste only, and accept a wide range of materials. The County Council manages this through the operation of 18 HWRCs.

In the vicinity of the development the Dunbrik HWRC/WTS is at capacity and needs to be re-built and the Swanley HWRC is due to reach capacity and needs to be upgraded. The additional level of waste generated by the proposed development will increase pressure on the Dunbrik WTS and increased demand from householders is likely to exceed the capacity of both the Dunbrik and Swanley HWRCs. The County Council, therefore, requests a financial contribution of **£237.54 per Household at May 2019 prices** towards the costs of improving the capacity of either of these waste facilities.

Broadband: Fibre to Premise/Gigabit Capable

The Department for Culture, Media & Sport requires fibre optic connection to the premise/gigabit capable for all. Please include within any Planning Consent the requirement to provide “fibre to the premise” broadband connection of gigabit capacity to all premises within the development.

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. The County Council acknowledges that Sevenoaks DC is a CIL Charging Authority and that the provision of infrastructure to mitigate the impact of development is generally sought from funding collected via CIL, supported by the Council’s Infrastructure Delivery Plan. The County Council seeks confirmation from the Council as to what elements of the assessment for additional infrastructure provision contained in this letter would be covered by the Council’s CIL Charging Scheme and what elements could be secured through an obligation under section 106 of Town & Country Planning Act 1990 (as amended).

In the case of the Education Provision needed to mitigate the impact of the proposed development it is, however, the County Council’s view that the financial contributions and land acquisition being sought are directly related to the development and required solely to mitigate the demand generated by the proposed development. **The County Council, therefore, requests that the Local Planning Authority regard these as exemptions to the CIL Charging Scheme and seek obligations under section 106 of the Town & Country Planning Act 1990 (as amended) with the developer/interested parties prior to the grant of planning permission.** The use of s106 obligations rather than CIL is particularly relevant in this situation as the developer has already identified a site within the development for a primary school. In relation to the provision of a new secondary school the use of a s106 obligation is also pertinent as substantial investment is required which, with the level of CIL charging currently adopted, would place an undue burden on the level of CIL funding collected. In the event of the education requests being secured through s106 obligations, an obligation should also include provision for the reimbursement of the County Council’s legal costs and any other fees and expenses incurred in completing a Deed under section 106.

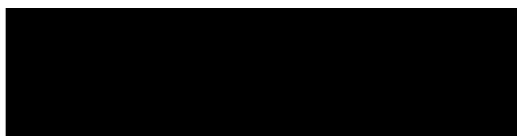
The County Council has noted that, in addition to the provision of a primary school, the developer/interested parties are proposing a range of community facilities as part of mixed-use village centre within the development. The provision of such facilities, with suitable design, may enable the County Council to deliver its services alleviating the need for financial contributions. The County Council would welcome the opportunity of further discussions with the developer/interested parties on the opportunities for the direct provision of community facilities that would meet the demand generated for KCC services.

Where the assessment for additional infrastructure to mitigate the impact of the development on KCC services falls within the Council’s CIL Charging Scheme this assessment should be viewed as the County Council’s request for the allocation of CIL receipts within the Governance arrangements that the Council has established for this purpose. The County Council would welcome the opportunity for further discussions regarding the cumulative impact of development on KCC service provision within the Sevenoaks area and the delivery of appropriate infrastructure improvements using CIL receipts and other available funding.

Could you please confirm when this application will be considered and provide us with a draft 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 in advance of any report being finalised and the application being determined.

Yours sincerely



for Director of Economic Development
Stephen Dukes
Growth, Environment & Transport Directorate