



# Planning Obligations & Developer Contributions

Supplementary Planning Document

Adopted April 2010

## Thanet Local Development Framework

For more information call 01843 577591 or visit [www.thanet.gov.uk](http://www.thanet.gov.uk)



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# Aim of the guide

This guide is intended to provide developers and residents with essential information about the facilities that will be required to meet the needs of all new development, as set out in planning policy.

The guide sets out the following:

- Why contributions are needed
- How contributions are calculated
- What planning policies require
- How to submit a legal agreement

In order to provide detailed costings for development we strongly recommended that, after reading this guide, pre-application advice is sought from the Planning Applications Team, well in advance of preparing a planning application or purchasing a site.

## What is required?

### Thanet's priorities are:

- Transport Infrastructure
- Affordable Housing
- Leisure and Recreation
- Primary, Secondary and Adult Education
- Adult Social Services

Apart from the priorities<sup>1</sup>, other community facilities in Thanet may require provision or funding if there is a justified need and they are fairly and reasonably related to the development in scale and kind, which may include:

- Indoor sports facilities
- Art provision / contributions to cultural facilities *e.g. public art*
- Green infrastructure *e.g. improvements to parks*
- Heritage *e.g. repair of listed building*
- Kent Police contributions *e.g. town centre improvements*
- Libraries
- Healthcare

Thanet's priorities will take precedence unless there are exceptional site-specific needs that are considered to be of higher priority.

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<sup>1</sup> Identified in the Sustainable Community Strategy, Thanet District Council Vision, Thanet District Council Corporate Plan, Thanet Local Plan, South East Plan & national planning policy

**Policy CF2 of the Thanet Local Plan sets out what is required:**

*“Where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure, educational or recreational facilities or affordable housing), the local planning authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly and reasonably related in scale and in kind to the proposed development. A planning obligation to secure the contribution will normally be sought”*

This is complemented by a number of other policies in the Plan<sup>2</sup>, being:

- Policy H14 – affordable housing
- Policy TR3 – transport infrastructure
- Policy SR4 – outdoor sports facilities
- Policy SR5 – play space
- Policy H6 – new primary school at Westwood
- Policy D1 – art provision
- Policy D2 – tree planting

Nationally, the Secretary of State’s policy<sup>3</sup> is that where existing social and physical infrastructure is inadequate to address the impact of new development, it is reasonable to expect the developer to provide or contribute towards the financing of new or improved infrastructure, services or facilities directly relating to the development.

To meet Thanet’s infrastructure needs **development proposals that place additional demands on existing local community facilities and services** will usually be required to directly provide or pay for the necessary facilities and services.

Planning obligations must meet **all** of the following tests<sup>4</sup>:

- relevant to planning;
- necessary to make the proposed development acceptable in planning terms<sup>5</sup>;
- directly related to the proposed development<sup>6</sup>;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects

<sup>2</sup> Thanet Local Plan policies saved by Direction from the Secretary of State on 02 June 2009

<sup>3</sup> Circular 05 2005 (ODPM)



<sup>4</sup> Circular 05 2005 (ODPM)

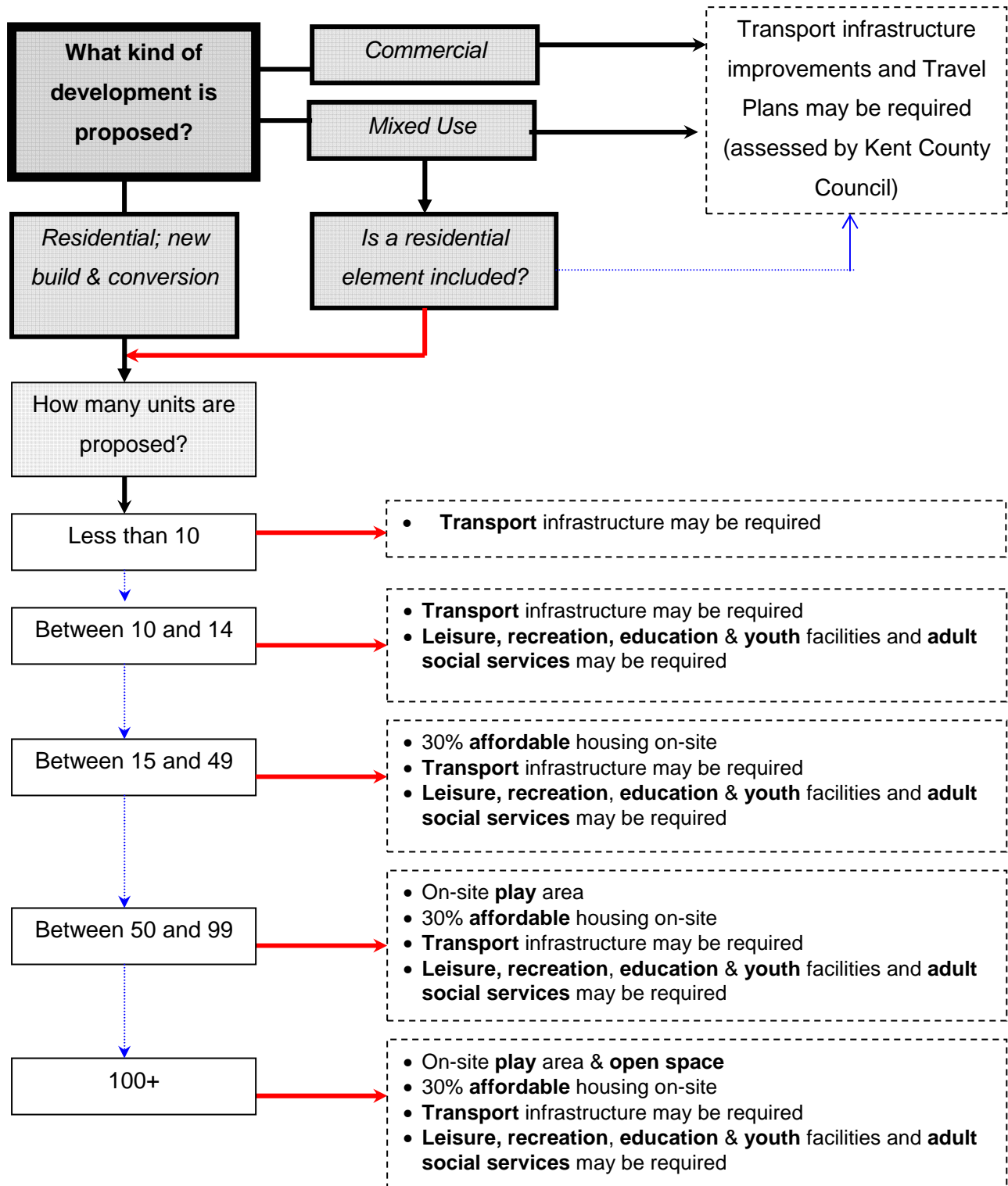
<sup>5</sup> i.e. in order to bring a development in line with the objectives of sustainable development as articulated through the relevant local, regional or national planning policies

<sup>6</sup> i.e. that the development ought not to be permitted without them

# When are planning obligations required?

Use the flow chart below to work out what is required for a development:

KEY	
	Yes
	No



Other facilities in Thanet may require provision or funding if there is a justified need and they are fairly and reasonably related to the development in scale and kind

# Transport

## When is transport infrastructure required?

Development proposals will need to include the **provision of necessary transport infrastructure to meet the needs of the development**. Where the local highway network cannot absorb additional traffic then planning permission may be refused unless the council can be satisfied that necessary improvements will be completed in order to serve the development.

Before buying a site or making a planning application we recommend that developers discuss the precise requirements with the Planning Applications Team or Kent Highway Services.

## What is a Transport Assessment?<sup>7</sup>

If the development is acceptable in all other respects, the developer will be required to provide, pay for, or contribute towards, the necessary improvements to the transport system. A **Transport Assessment** (TA) will be required where a new development is likely to have significant transport implications<sup>8</sup>.

A Transport Assessment (TA) sets out transport issues relating to a proposed development. The scope and detail of a TA will vary depending on the site location, scale and nature of the development, but should address the following issues<sup>9</sup>:

1. Reducing the need to travel especially by car
2. Promote accessibility by public transport, cycling and walking
3. Dealing with remaining car journeys to and from the site
4. Mitigation measures – physical highway measures or public transport, walking and cycling solutions

## What is a Transport Statement?

In some cases, the transport issues arising out of development proposals may not require a full Transport Assessment (TA). In these instances, it has become common practice to produce a simplified report in the form of a **Transport Statement** (TS).

A Transport Statement is required when the proposed development is expected to generate relatively low numbers of trips or traffic flows, with minor transport impacts.<sup>10</sup> A transport statement will need to set out:

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<sup>7</sup> Planning Policy Guidance Note 13: (2001) & Guidance on Transport Assessment (DfT, 2007 and KCC, 2008)

<sup>8</sup> Planning Policy Guidance Note 13: (2001) & Guidance on Transport Assessment (DfT, 2007 and KCC, 2008)

<sup>9</sup> Set out in Guidance on Transport Assessment (DfT 2007 & KCC, 2008)

<sup>10</sup> Guidance on Transport Assessment (DfT, 2007)

- How accessible the development is by all modes of transport;
- Whether the site access can accommodate any predicted level of traffic; and
- What measures can be undertaken to encourage travel by walking, cycling and public transport

## What is a Travel Plan?

Developers will be expected to include methods to reduce car dependence and single car occupancy as part of their development and to encourage travel by walking, cycling and public transport<sup>11</sup>. This will be set out within a **Travel Plan** or for small developments a **Travel Plan Statement**. It may include compensatory measures to be provided by the developer if objectives are not met.

Travel Plans are an important tool for promoting sustainable travel e.g. walking, cycling, public transport, and help reduce single occupancy car use. They also encourage effective use of current transport networks and support their enhancement<sup>12</sup>.

Travel Plans are used to secure the provision of sustainable travel choices, both to new developments and to extensions of existing sites, whatever their use<sup>13</sup>. It is possible that a Travel Plan may allow otherwise harmful transport impacts to be sufficiently reduced for planning permission to be granted<sup>14</sup>.

## When is a Travel Plan required?<sup>15</sup>

Travel Plans should be submitted alongside planning applications which are likely to have significant transport implications, including those for:

- Major developments
- Smaller developments:
  - In or near an air quality management area
- New and expanded school facilities
- If the transport network cannot accommodate additional traffic
- If the development exceeds the minimum threshold for the requirement of a travel plan<sup>16</sup>

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<sup>11</sup> Planning Policy Guidance Note 13: (2001)

<sup>12</sup> Guidance on Transport Assessment (DfT, 2007)

<sup>13</sup> Guidance on Good Practice Guidelines, Delivering Travel Plans through the Planning Process (DfT/CLG, 2009)

<sup>14</sup> Guidance on Good Practice Guidelines, Delivering Travel Plans through the Planning Process (DfT/CLG, 2009)

<sup>15</sup> Planning Policy Guidance Note 13: (2001)

<sup>16</sup> Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)

**What should be included in a Travel Plan?<sup>17</sup>**

1. A clear statement of targets and objectives
2. An assessment of existing transport infrastructure and facilities at the site
3. An assessment of the travel needs that are – or will be – generated by the site
4. A programme of measures to will improve accessibility and promote sustainable travel options
5. A programme for implementation of the plan, including:
  - a. Dates when measures will be put in place
  - b. Who will be responsible for actions
  - c. How funding will be provided
6. A commitment to implement the measures identified in the Travel Plan

**How is a Travel Plan monitored?**

Following implementation of the Travel Plan regular monitoring of the targets and indicators will be required. Compensatory measures will need to be provided by the developer if targets are not met, which may include financial contributions for transport infrastructure improvements.

A robust monitoring and review strategy must be incorporated within the Travel Plan and agreed with the District Council and Kent Highway Services. A baseline situation needs to be set, against which monitoring results will be judged.

A Travel Plan may be monitored for an agreed period up to and including the lifetime of the development. A one-off monitoring fee may be payable for major developments, to be agreed by the developer and payable to the District Council. This is to meet the cost of ongoing administration, monitoring and support for the Travel Plan over the agreed monitoring period.

**How are transport improvements provided?**

In addition to Travel Plan targets, additional transport improvements may be required. These can be delivered either by the developer or by Kent County Council with a financial contribution from the developer, and may include the following measures:

- Provision or improvement of road network
- Traffic calming
- Public transport improvement
- Cycle/walking network provision or improvement
- Promoting or establishing car share schemes
- Enhancing train/bus interchanges and the links to them
- Marketing alternative transport modes
- Shared parking provision in town centres

<sup>17</sup> Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)



## What is the need for transport infrastructure?

### National Transport Objectives:

1. Promote more sustainable transport choices
2. Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling
3. Reduce the need to travel, especially by car

*As set out in Planning Policy Guidance 13: Transport (2001)*

Transport is a critical factor in the council's aspirations for sustainable economic regeneration. Thanet is a compact, highly urbanised district, with a relatively low level of car ownership and a high proportion of low-income groups and older people. This group has been disadvantaged, as the car has become increasingly necessary to access a range of goods and services<sup>18</sup>.

A reliable and efficient transport system is therefore essential to:

- support continued economic growth
- generate a more diverse local economy
- provide the Thanet's citizens with convenient day-to-day access to services and jobs

Thanet District Council's objectives for transport are<sup>19</sup>:

1. To promote safe and efficient transport systems, supporting sustainable economic regeneration and enabling Thanet citizens to conveniently access services and facilities
2. To introduce effective traffic management to safeguard Thanet's environment and quality of life
3. To guide location of new development and infrastructure in order to reduce the need to travel, promote use of environmentally friendly means of travel, and reduce reliance on private cars, especially for local journeys
4. To support development promoting sustainable travel
5. To secure the provision of satisfactory transport infrastructure to meet existing and future patterns of movement
6. To promote high standards of road safety, accident reduction and safe convenient movement of pedestrians and cyclists.

## What is our transport policy?

The **South East Plan's** vision is for:

- a high quality transport system
- continued economic growth
- improved quality of life for all

<sup>18</sup> Thanet District Council's Transport Plan 2005-11

<sup>19</sup> Thanet District Council's Transport Plan 2005-11

The **Sustainable Community Strategy's** vision of East Kent is for:

- a high quality, integrated transport network
- reduced congestion and pollution
- a wide choice of accessible transport to all sections of the community

The aim of **Policy TR3** of the **Thanet Local Plan** is to:

- provide for necessary and relevant transport infrastructure, based on an assessment of:
  - the development's impact on the capacity and safety of the transport network
  - any social and economic impacts arising from the proposal

# Affordable Housing

## When is affordable housing required?

On sites of 0.5 hectares or more, or consisting of 15 or more dwellings, 30% of all new dwellings granted consent should be affordable<sup>20</sup>

The size, type and tenure of dwellings sought on a particular development will depend upon the circumstances. The council will normally accept no less than 70% of the affordable units to be social rented and will encourage the provision of affordable housing without public subsidy where possible.

The table below sets out the matters to be included in a legal agreement for affordable housing:

1. The **definition** of affordable housing (as set out in Planning Policy Statement 3: Housing)
2. The **number, tenure and mix** of affordable housing
3. The **location** of the affordable housing, which shall be shown **in small clusters or 'pepper-potted'** individual dwellings, and shown on an attached plan
4. The **timing** of the construction of the affordable housing
5. The arrangements to ensure that such provision is affordable for both **initial and subsequent occupiers** of the affordable housing
6. The **occupancy criteria** and how it will be enforced
7. The **arrangements for transfer** of affordable housing to a registered social landlord

## How should affordable housing be provided?

There are various ways that affordable housing can be provided. National policy sets affordable housing should be provided on the application site so that it contributes towards creating a mix of housing<sup>21</sup>.

<sup>20</sup> Policy H14 of the Thanet Local Plan (2006)

<sup>21</sup> Planning Policy Statement 3: Housing (2006) & Companion Guide - Delivering Affordable Housing

However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of a mixed community<sup>22</sup> in Thanet.

Where a developer proposes to work with an affordable housing provider, the council expects this to be a Registered Social Landlord (RSL) Preferred Partner<sup>23</sup>. Registered Social Landlords include housing associations that own and manage social rented and shared ownership housing.

## What is affordable housing?

The provision of affordable housing is essential to meet the needs of those who cannot access market housing within the new development. Affordable housing provision contributes to the aim of inclusive and sustainable communities<sup>24</sup>.

Affordable housing should<sup>25</sup>:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and
- Include provisions for the home to be retained as affordable housing

Affordable housing is provided to specified, eligible households whose needs are not met by the market, defined below:

- **Social rent** – homes for which target rents are determined through the national rent regime, and which are substantially lower than open market rents (these are often owned and managed by local authorities and registered social landlords)
- **Intermediate** - housing at prices above those for social rent but below market price or rents. This can include shared ownership housing,

## What is the need for affordable housing?

Housing need is defined as ‘the quantity of housing required for households who are unable to access suitable housing without financial assistance’<sup>26</sup>.

<sup>22</sup> Planning Policy Statement 3: Housing (2006)

<sup>23</sup> The council has agreed a Preferred Partner Development Protocol

<sup>24</sup> identified as a priority by the Sustainable Community Strategy, South East Plan and national planning policy

<sup>25</sup> Planning Policy Statement 3: Housing (2006) & Companion Guide - Delivering Affordable Housing

<sup>26</sup> As defined in Planning Policy Statement 3: Housing (2006)



The Strategic Housing Market Assessment<sup>1</sup> (SHMA) reported a widespread shortage of affordable housing in the Thanet District. It found that the total current housing need (gross) in Thanet is 6,036. These are households who either lack their own housing or live in unsuitable housing and cannot afford to meet their housing need in the market. The report identified a specific net annual housing need for 1,544 new affordable homes.

Market housing in Thanet is not affordable for those on a lower income, who would need a mortgage of approximately 8 times their salary to afford a property. For a market property to be affordable it should cost no more than 3.5 times the gross household income.

Although house prices in Thanet are lower than elsewhere in the South East, the low level of household incomes means that the affordability gap is as great as the rest of the region. The large number of households on low incomes or benefits in Thanet means that the need for affordable/social housing is high<sup>27</sup>. The delivery of affordable housing is therefore a priority target within Thanet District Council's Corporate Plan.

## **What is our affordable housing policy?**

Everyone should have the opportunity of living in a decent home, which they can afford, in a community where they want to live<sup>28</sup>. This means providing a wide choice of housing to meet the needs of the whole community in terms of type and price ranges.

This should include affordable housing, both social rented and intermediate, to achieve the Government's aim of ensuring high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.

Policy H14 of the Thanet Local Plan sets out the council's policy on affordable housing. Planning Policy Statement 3 (Housing) was introduced five months after the Local Plan and strengthens affordable housing policy.

**Policy H3** of the South East Plan expects local authorities and their partners to work to bring together households in need with new affordable housing.

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<sup>27</sup> Thanet District Council Annual Performance Report 2007-8

<sup>28</sup> Planning Policy Statement 3: Housing (2006)

# Leisure & Recreation

## When are leisure and recreational facilities required?

- For new residential development of **10 or more units**, and where a need for play space, outdoor sports facilities or open space is identified, a developer will be expected to provide or contribute towards these facilities.
- Where the **site area is 1Ha or more** native tree planting will be required.
- A developer may be required to restore facilities, resources or amenities<sup>29</sup> if:
  - An existing feature or resource (e.g. an open space, right of way or landscape feature of biodiversity interest) is lost or damaged as a result of the development.

## How are leisure and recreation facilities provided?

### i) Play Space

#### a) **10 – 49 residential units**

A developer will be expected to make a **commuted payment for the provision, maintenance and upgrade of play facilities** within 0.87km<sup>30</sup> of the site<sup>31</sup>.

The financial contribution will be calculated as follows<sup>32</sup>:

- cost of providing and maintaining 2.5 sqm of equipped play area per person (a)
- multiplied by the average number of people per household in Thanet (2.5) (b)
- multiplied by the number of units proposed (c)

*Example calculation:*

*a = £350 (current average cost of 2.5 sqm of equipped play area)*

*b = 2.5 (average no. of people per family home in Thanet)*

*c = 20 (no. of dwellings provided)*

<b><math>a \times b \times c = £17,500</math></b>
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#### b) **50 or more residential units**

A developer will be expected to provide **0.7 hectares per 1000 population**<sup>33</sup> play space on the site, made up of:

- 36% equipped play area
- 64% casual or informal play space.

<sup>29</sup> to a quality equivalent to that existing before the development, as set out in Circular 05/2005

<sup>30</sup> Average walking distance from home to access provision for young people; An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)

<sup>31</sup> Taking into account inflation and increased costs at the appropriate time

<sup>32</sup> As set out in policy SR5 of the Thanet Local Plan

<sup>33</sup> Based on 2.5 persons per dwelling

The play space should be:

- Within a maximum safe walking distance of **200 metres** from any family dwelling within the development
- Made available before occupation of the first dwelling<sup>34</sup>.

The legal agreement should identify who responsible for the maintenance and management of the play area is (which may be the council if a commuted payment is made).

In exceptional circumstances, where it would be impractical to provide adequate and suitably located play space as part of the development, the council may consider a commuted payment from a developer. This would offset the cost of additional use and need for increased maintenance of existing play spaces within of 0.87 kilometres of the application site.

## **ii) Outdoor Sports Facilities**

The type and amount of outdoor sports provision (or contribution towards provision) required will depend upon:

- The scale and nature of development proposed
- The quality and quantity of facilities provided in the vicinity

The contribution will be based on:

- Current costs of provision and maintenance at the time of the application
- Guidance set out in national planning policy<sup>35</sup>

## **iii) Open Space**

Where tree planting is required on sites of 1Ha or more, this shall:

- Consist of native tree species
- Cover 10% of the site

Adequate arrangements for continued maintenance of this landscaping will be required<sup>36</sup>.

## **iv) Youth facilities:**

The type and amount of youth facilities provision (or contribution towards provision) required will depend upon:

- The scale and nature of development proposed
- The quality and quantity of facilities provided in the vicinity

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<sup>35</sup> Assessing the Needs and Opportunities: A Companion Guide to Planning Policy Guidance Note 17: Planning for Open Space, Sport & Recreation (2002)

<sup>36</sup> As set out in policy D2 of the Thanet Local Plan

## What is the need for leisure and recreation facilities?

There is strong evidence that high quality sport and physical activity delivered in the right settings can<sup>37</sup>:

- Create a healthy, safe, strong and sustainable community;
- Tackle health inequality
- Improve economic vitality and workforce development
- Meet the needs of children and young people

Thanet District Council's vision for sports facilities<sup>38</sup> is:

- Broaden the range of active leisure facilities
- Improve existing provision
- Engage a wider audience through increased choice
- Contribute to greater participation within the local community

This can be achieved by:

- A range of high quality facilities accessible to the whole community and to encourage people from outside the district to visit
- Supporting well run sustainable sports clubs working in partnership with public and private facilities

The 2006/7 Active People survey shows that participation in sport is lower in Thanet than in Kent, the SE and England. In addition to Thanet's elderly population structure and significant levels of deprivation, satisfaction with sports and recreation facilities is lower in Thanet than in Kent, the South East and England.

### i) Play Space

Currently there are 33 play areas across the district providing equipped play, ball play, wheeled play and teenage shelters. The current level of provision equates to 0.2 hectares per 1000 population (based on 0-15 age group population of the district of 25,200). This is well below the national recommended standard of 0.8 hectares per 1000 population<sup>39</sup>.

The quality of these play areas is 'below average'<sup>40</sup>. There is clear evidence that the number and quality of play area facilities needs to increase. The council aims to provide 0.7 hectares of play space per 1000 population of children and young people, and raise the quality of sites to 'good'<sup>41</sup>.

<sup>37</sup> Thanet Sports Facilities Improvement Plan (2010)

<sup>38</sup> Thanet Sports Facilities Improvement Plan (2010)

<sup>39</sup> An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)

<sup>40</sup> Royal Society for the Prevention of Accidents (ROSPA) 'Play Value Assessment; An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)



## **ii) Outdoor Sports Facilities**

The Thanet Sports Facilities Improvement Plan<sup>42</sup> identifies a need for the following outdoor sports facilities:

- Junior football pitches – insufficient supply of junior football pitch provision
- Outdoor tennis courts – poor quality sites, uneven distribution of facilities, improvements needed to surfacing, fencing and ancillary facilities, and increased floodlighting needed.
- Synthetic turf pitch – insufficient quantity and full size pitch is of poor quality, poor accessibility for residents in Margate, Broadstairs and the villages
- Five a side pitches – poor accessibility for Broadstairs residents
- Skate parks – well-used but in need of some refurbishment/modernization
- Changing provision for football and cricket facilities – only ‘average’ standard and significant scope for improvement

## **iii) Open Space**

There is an existing level of provision 0.95 hectares per 1000 population of ‘Natural/Semi-Natural’ green space. This is well below the minimum standard set by Natural England of 2 hectares per 1000 population (excluding beach areas, coastal paths and SSSIs). This equates to 4% of Thanet’s land, which does not compare well with other districts in Kent.

A number of natural/semi natural sites, mainly within Birchington, Westgate, Broadstairs, and Margate, fall below the council’s ‘good’ quality rating<sup>43</sup>.

## **iv) Youth Facilities**

Kent County Council have identified that there is a significant deficit of youth facilities locally to accommodate the need generated by housing development in Thanet<sup>44</sup>.

In the long-term a new youth centre is planned to address this identified deficiency. In the interim youth buses will be provided for young people to improve access to existing centres with a wider range of facilities<sup>45</sup>.

## **What is our leisure and recreation policy?**

The planning system has a role to play in preventative measures to address the causes of ill health by developing and shaping healthy, sustainable communities. This includes community access to amenities such as parks, open spaces, physical recreational facilities and cultural facilities<sup>46</sup>.

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<sup>41</sup> An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)

<sup>42</sup> Thanet Sports Facilities Improvement Plan (2010)

<sup>43</sup> An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)

<sup>44</sup> Kent County Council Developer Contributions Assessments 30 April 2009 (2)

<sup>45</sup> Kent County Council Community Infrastructure Provision (2009)

<sup>46</sup> Policy S1 of the South East Plan (2009)

- **Policy S5** of the South East Plan encourages:
  - Provision for increased and sustainable participation in sport, recreation, and cultural activity
  - Improvement of overall fitness
  - Enhanced cultural diversity
  - Improvement of overall quality of life.
- The **Corporate Plan** (2007-2011) aims to increase the future opportunities for exercise and play by:
  - Developing and improving play areas in Margate and Ramsgate,
  - Improving our swimming pools and associated leisure facilities
- **Policy SR4** of the Thanet Local Plan establishes outdoor sports facility policy for Thanet
- **Policy SR5** of the Thanet Local Plan sets out the council's policy on play space
- **Policy D2** of the Thanet Local Plan refers to native tree planting

# Education

## When is provision for education required?

For new residential development<sup>47</sup> of **10 or more units**, and where a need for primary, secondary or adult education is identified, a developer will be expected to provide or contribute towards education facilities.

**Where a need exists for additional provision** a contribution towards provision or upgrading of existing facilities will be sought to accommodate the need generated by the occupiers of the development.

## How are facilities provided?

The education facilities to be provided or upgraded will be identified by Kent County Council, who will deliver the required improvements using financial contributions from developers.

## What is the need for educational facilities?

East Kent has relatively low levels of educational attainment and skills, which contributes to economic underperformance and poverty<sup>48</sup>. The concern in East Kent is that too many residents currently lack skills at the right level to respond to labour market changes<sup>49</sup>:

- East Kent has about 72,800 working age residents with qualifications at or below GCSE level, of these, almost half have no qualifications at all
- Less than 25% of working age residents have qualifications to degree level, compared to 31% in the South East and the long-term national target of 40%
- Forecast labour demand to 2014 suggests that 61% of the net annual demand of 11,300 jobs in East Kent would require a skill level to at least A- standard, with only 13% being available to new entrants qualified below GCSE level.

### i) Primary

In 1991 there were 9,078 primary school children were enrolled in schools in Thanet, which rose to 10,708 children in 2002 and fell to 9,665 in 2010. These numbers are forecast to rise slightly after 2010<sup>50</sup>.

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<sup>47</sup> Sheltered housing and 1 bed units are exempt from primary and secondary education requirements

<sup>48</sup> Sustainable Community Strategy – East Kent Local Strategic Partnership (2009)

<sup>49</sup> Sustainable Community Strategy – East Kent Local Strategic Partnership (2009)

<sup>50</sup> Kent County Council Community Infrastructure Provision (2009)

## ii) Secondary

For pre-16 age groups, 7,195 young people were enrolled in secondary education in 1991, which rose to 9,207 in 2007. Numbers are expected to decline until 2017<sup>51</sup>.

For post-16 age groups, 560 pupils stayed on into post-16 education in 1991, which rose to 13.9% in 2007 and is expected to increase to 15%<sup>52</sup>.

## iii) Adult Education

There is currently spare capacity at adult education facilities. However the capacity and future requirements of adult education facilities will be assessed to determine whether there is an identified need for additional provision or upgrading of these facilities required as a direct result of the proposed development<sup>53</sup>.

## What is our education policy?

The **Sustainable Community Strategy's** vision is that by 2030 East Kent will:

- Take pride in educational excellence
  - Support ambition, achievement and skills for the workplace and beyond.
- 
- **Policy S6** of the South East Plan's aim is to:
    - Ensure community infrastructure supports economic growth and regeneration, with particular priority to health and education provision.
    - Increase the levels of employment
    - Address skills needs among socially excluded populations
    - Increase the economic activity levels amongst those on incapacity benefit
  
  - **Policy CF2** of the Thanet Local Plan sets out the council's policy on community facility provision

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<sup>51</sup> Kent County Council Community Infrastructure Provision (2009)

<sup>52</sup> Kent County Council Community Infrastructure Provision (2009)

<sup>53</sup> Kent County Council Developer Contributions Assessments 30 April 2009 (2)



# Adult Social Services

## When is provision for adult social services required?

For new residential development of **10 or more units**, and where a need for adult social services is identified, a developer will be expected to provide or contribute towards adult social services facilities.

## How will adult social services be provided?

The adult social services to be provided or upgraded will be identified by Kent County Council, who will deliver the required improvements using financial contributions from developers.

## What is the need for adult social services?

The Kent population, in common with that of the country as a whole is ageing. The South East plan identifies that the specific needs of an ageing population is a key challenge for the South East. This means there will be increased numbers of older people needing support to live independently<sup>54</sup>.

In Thanet, the total number of older people is predicted to increase by 15% between 2001 and 2016. The 65-69 age group is predicted to increase by 46% in this period<sup>55</sup>. The number of people with physical or learning disabilities or mental health problems is forecast to increase<sup>56</sup>.

Older people and those with impairments (of all kinds) want to live in their own homes within the community, and be part of the community, just like everyone else<sup>57</sup>.

There are outline plans for several projects in Thanet for existing services and building capacity for future increases in the population. The services will target older people, people with learning and physical disabilities and those with mental health problems.

## What is our adult social services policy?

**Policy CC5** of the South East Plan identifies key issues in planning for an ageing population:

- Adaptation of the existing housing stock, provision in new developments and sheltered and extra care housing to support older people lives independent lives in their own homes
- Provision of reasonable access to services, through:
  - Provision of public transport
  - Extension of communications and information technology

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<sup>54</sup> South East Plan (2009)

<sup>55</sup> Kent County Council Community Infrastructure Provision (2009)

<sup>56</sup> Kent County Council Community Infrastructure Provision (2009)

<sup>57</sup> Kent County Council Community Infrastructure Provision (2009)

- Provision of leisure, recreational and community facilities that help older people maintain active and healthy lifestyles
- Facilitating access to training and development opportunities that support available employment for the workforce beyond the existing retiring age

## What about economic viability?

In some instances, perhaps arising from site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable<sup>58</sup>.

In such cases, and **where the development is needed to meet the aims of the development plan**, the council will decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers (e.g. Kent County Council) in the area.

Where the development is needed to meet the aims of the development plan, the decision on the level of contributions will be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable whilst still allowing development to take place.

In some instances, factual information needs to be validated for negotiations to continue. In these cases a developer may wish to agree and fund an independent third party with relevant expertise (e.g. valuation) to help progress the negotiation<sup>59</sup>. Responsibility for the final determination of the application remains with Thanet District Council.

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<sup>59</sup> As set out in Circular 05/2005

## How to submit a legal agreement

It is important that the negotiation of planning obligations does not unnecessarily delay the planning process, thereby holding up development. It is therefore essential that all parties proceed as quickly as possible towards the resolution of obligations. Deadlines and working practices should be agreed in advance as far as possible.

Attention is drawn to the statutory requirement that all those who have an interest in land must enter into the planning obligation<sup>60</sup>.

## Type of Contribution

Contributions may either be in kind or in the form of a financial contribution. In the case of financial contributions, these will be payable to Thanet District Council. Payments can be made in the form of a lump sum or an endowment, or, if beneficial to all parties and not unduly complex, as phased payments over a period of time, related to defined dates, events and triggers.

## Monitoring

Obligations and/or financial contributions will be monitored to ensure that they are being undertaken or paid at the agreed trigger points. The negotiation and expenditure of any contributions received as a result of development will be monitored and recorded in a public and accountable way, recorded in a planning obligation monitoring database.

## Payback Clause

A clause should be included within the legal agreement to ensure that contributions are paid back if they have not been spent within five years from the date of payment.

## Land Charges

Applicants are reminded that agreements and undertakings under s.106 of the Town and Country Planning Act 1990 have to be registered as land charges. They will therefore have to establish title to the site and third parties such as mortgages may have to be made party to the agreement.

## Index Linking Contributions

Contributions will be index-linked in the legal agreement, as the commencement of development may not take place immediately after an agreement has been reached.

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<sup>60</sup> As set out in Circular 05/2005

The retail price index is the most commonly used index of inflation, however alternative indices may be applied where appropriate, such as the all in tender price. Contributions will be index-linked between the date of the legal agreement and the date that the (first) payment is made.

## **Legal fees**

The developer will be required to pay the council's legal costs in connection with the preparation and execution of an agreement or where such an agreement needs subsequently to be modified. An undertaking will be required from the applicant to pay the council's reasonable legal costs, whether or not the agreement is completed.

A straightforward agreement may cost around £400 to prepare and execute, whereas a more complex agreement with a number of clauses and schedules may cost up to £700.

## **Model Legal Agreement**

A planning obligation can be enacted under section 106 of the 1990 Town and Country Planning Act and can be a unilateral undertaking<sup>61</sup> or an agreement between two or more parties, depending on the circumstances. It is a private legally binding agreement negotiated between the council and persons with an interest in the land.

Standard model agreements are available from the council offices. There will be specific circumstances that will require particular changes to the agreement. Any difficult clauses or terms in the standard document should be raised with the council<sup>62</sup>.

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<sup>61</sup> where only the developer needs to be bound by the agreement with no reciprocal commitments made by any other party

<sup>62</sup> As set out in Circular 05/2005





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