Planning Obligations & Developer Contributions
Supplementary Planning Document

Thanet Local Development Framework
For more information call 01843 577591 or visit 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 community and other facilities that will be required to meet the needs of all new development as set out in planning policy.

The aim is to provide greater certainty for residents and developers before a planning application is submitted or a site is purchased so that the cost implications of complying with planning policy are fully taken into account.

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, developers seek pre-application advice from the Planning Applications Team, well in advance of preparing a scheme for submission as a planning application or purchasing a site.

What is required?

Apart from the five priority areas, other community facilities in Thanet may require provision or funding if there is a justified need and the objective is fairly and reasonably related to the development in scale and kind.

District priorities will take precedence unless there are exceptional site-specific needs that are considered to be of higher priority.
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 specific policies in the Plan¹, being:

- Policy H14 (Affordable Housing)
- Policy TR3 (Transport Infrastructure Provision)
- Policy SR4 (Sports Facilities)
- Policy SR5 (Play Space)
- Policy H6 (New Primary School at Westwood)

The Secretary of State’s policy² 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 the district’s infrastructure needs the Council will ensure that where development proposals place additional demands on existing local community facilities and services a developer will usually be required to directly provide or pay for the necessary facilities and services.

All financial contributions will be index-linked and payable to Thanet District Council.

Planning obligations must meet all of the following tests³:

- Necessary
- Relevant to planning
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development
- Reasonable in all other respects

¹ Thanet Local Plan policies saved by Direction from the Secretary of State on 02 June 2009
² Circular 05 2005 (ODPM)
³ Circular 05 2005 (ODPM)
When are planning obligations required?

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

- **What kind of development is proposed?**
  - Residential; new build & conversion
  - Commercial
  - Mixed Use

- **Is a residential element included?**
  - Yes
  - No

- **How many units are proposed?**
  - Less than 10
  - Between 10 and 14
  - Between 15 and 49
  - Between 50 and 99
  - 100+

- **Transport infrastructure improvements and Travel Plans may be required (assessed by Kent County Council)**
  - No obligation unless transport infrastructure required
  - Transport infrastructure may be required
  - Leisure, recreation, education & youth facilities and adult social services may be required
  - 30% affordable housing on-site
  - Transport infrastructure may be required
  - Leisure, recreation, education & youth facilities and adult social services may be required
  - On-site play area
  - 30% affordable housing on-site
  - Transport infrastructure may be required
  - Leisure, recreation, education & youth facilities and adult social services may be required
  - On-site play area & open space
  - 30% affordable housing on-site
  - Transport infrastructure may be required
  - Leisure, recreation, education & youth facilities and adult social services may be required
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.

The size, type and tenure of dwellings sought on a particular development will depend upon the circumstances. The Council requires that affordable homes should be a mix of 70% social rent and 30% intermediate. The Council will normally accept no less than 70% of the affordable units to be social rented.

Since each development is different, negotiations will vary accordingly. However, the following matters are likely to be those that will need to be incorporated into the legal agreement for the provision of affordable housing:

Matters to be included in the legal agreement:

1. The definition of affordable 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 to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced

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4 Policy H14 of the Thanet Local Plan (2006)
5 Corporate Plan Policy (2007)
How should affordable housing be provided?

There are various ways that affordable housing can be provided. National policy sets out that the presumption is that affordable housing will be provided on the application site (without public subsidy) so that it contributes towards creating a mix of housing\(^6\).

Only in exceptional circumstances, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted.

Where a developer proposes to work in tandem with an affordable housing provider, the Council would expect that this should be one of the Council’s existing Registered Social Landlord (RSL) partners. Registered Social Landlords include housing associations that own and manage social rented and shared ownership housing. The Council has agreed a Preferred Partner Development Protocol, and has a number of RSL partners who are actively developing housing in Thanet.

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 identified as a priority by the Sustainable Community Strategy, South East Plan and national planning policy.

Affordable housing should\(^7\):

- 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 for future eligible households; or if these restrictions are lifted, for any subsidy to be recycled for alternative affordable housing provision.

Affordable housing includes social rented and intermediate housing, provided to specified, eligible households whose needs are not met by the market.


“Social rented” means homes (often owned and managed by local authorities and registered social landlords) for which target rents are determined through the national rent regime, and which are substantially lower than open market rents.

“Intermediate” means housing at prices above those for social rent but below market price or rents. This can include shared ownership housing, where more than one party has an interest in the value of the home e.g. an equity loan arrangement or a shared ownership lease.

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’\(^8\).

The Strategic Housing Market Assessment\(^9\) (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\(^10\). The delivery of affordable housing is therefore a priority target within Thanet District Council’s Corporate Plan.

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\(^8\) As defined in Planning Policy Statement 3: Housing (2006)  
\(^9\) for the East Kent Sub Region (June 2009)  
\(^10\) Thanet District Council Annual Performance Report 2007-8
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\(^1\). 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 H3 of the South East Plan expects local authorities and their partners to work to bring together households in need with new affordable housing. Policy H14 of the Thanet Local Plan seeks to deliver this objective through the provision of affordable housing in new housing developments, and confirms that for sites covered by the policy the willingness of the developer to provide an element of affordable housing will be a consideration in deciding planning applications.

\(^1\) Planning Policy Statement 3: Housing (2006)
Transport

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, and
3. Reduce the need to travel, especially by car

A Transport Statement will be required on all but the smallest developments to identify whether there will be an impact on the surrounding transport network\textsuperscript{12}.

A Transport Statement should include\textsuperscript{13}:
- 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

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\textsuperscript{14} set out within a Travel Plan on all but the smallest developments, which will include compensatory measures to be provided by the developer if objectives are not met.

A full Transport Assessment will be required\textsuperscript{15} where there will be a significant impact on the transport network, and will establish what transport measures are needed to offset any negative impacts from the development, and improve the transport system. The Transport Assessment should address the following issues\textsuperscript{16}:

1. Reducing the need to travel especially by car
2. Sustainable accessibility
3. Dealing with residual trips
4. Mitigation measures

\textsuperscript{12} Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)
\textsuperscript{13} Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)
\textsuperscript{14} Planning Policy Guidance Note 13: (2001)
\textsuperscript{15} As set out in Planning Policy Guidance Note 13: (2001)
\textsuperscript{16} Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)
If the development is acceptable in all other respects, the Council will ensure that the developer pays for, or contributes towards, the necessary improvements to the transport system.

When should a Travel Plan be produced?

A Travel Plan is aimed at promoting sustainable travel options to the site and reducing car dependence and single car occupancy. It will enhance the accessibility and transport efficiency of the site, while minimising any adverse impacts on either the local highway network or other elements of the local transport system.

A Travel Plan will be required if:

- If there are particular transport, accessibility or environmental issues relating to the proposed site
- If the acceptability of the proposed development on highway grounds depends on a significant proportion of the trips to be generated by the proposal made by non-car means
- If the development exceeds the minimum threshold for the requirement of a travel plan
- If significant amounts of travel would be generated where there are local initiatives to reduce road traffic or promote public transport, walking and cycling

A Travel Plan will need to include:

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 appropriate measures which will improve accessibility and promote sustainable travel options
5. A programme for implementation of the plan, giving details of the dates by which the various measures will be put in place, of who will be responsible for the various actions and of how funding will be provided
6. A commitment to implement the measures identified in the Travel Plan

17 Guidance on Transport Assessments and Travel Plans: Kent County Council (2008)
18 Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)
19 Set out in Guidance on Transport Assessments & Travel Plans: Kent County Council (2008)
A high quality Travel Plan will be an important factor in determining the acceptability of planning applications for any development with significant transport implications, to ensure that all new developments comply with sustainable development policies.

Monitoring will be integral to the success of the Travel Plan, with compensatory measures to be provided by the developer if targets are not met, including financial contributions for transport infrastructure improvements.

Developers may wish to discuss these issues with the Planning Applications Team and Kent Highway Services prior to the submission of an application or indeed before purchasing a site.

**How is a Travel Plan monitored?**

An effective monitoring and review strategy is integral to the success of the Travel Plan. In all cases, 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 of £5000 will be payable to the District Council to meet the cost of ongoing administration, monitoring and support for the Travel Plan over the agreed monitoring period.

If targets set by the Travel Plan are not met then additional transport improvements may be required of the developer.

**When is transport infrastructure needed?**

Development proposals will need to include the [provision of necessary transport infrastructure to meet the needs of the development](#) and in cases 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.
How are transport improvements provided?

Having sought to reduce car dependence through Travel Plan means there may also be the need for additional transport improvements, which will be delivered as part of the development either by the developer or by Kent County Council through a financial contribution, and may include the following measures:

**Transport infrastructure improvements:**

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

What is the need for transport infrastructure?

Transport is a critical factor in the Council’s aspirations for sustainable economic regeneration. Thanet is a compact, highly urbanised district, with a low level of car ownership and a high proportion of low-income groups and older persons. This group has been disadvantaged, as the car has become increasingly necessary to access a range of goods and services.20

A reliable and efficient transport system is therefore essential to support the continued growth and diversification of Thanet’s economy and to provide the District’s citizens with convenient day-to-day access to services and jobs.

Thanet District Council’s objectives for transport are21:

1. To promote safe and efficient transport systems, supporting sustainable economic regeneration and enabling Thanet citizens to conveniently access services and facilities

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20 Thanet District Council’s Transport Plan 2005-11
21 Thanet District Council’s Transport Plan 2005-11
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 sets out to deliver a vision of a high quality transport system which acts as a catalyst for continued economic growth and provides for an improved quality of life for all, in a sustainable and socially inclusive manner.

The Sustainable Community Strategy’s vision of East Kent is for a high quality, integrated transport network, with reduced congestion and pollution, offering a wide choice of accessible transport to all sections of the community.

Policy TR3 of the Thanet Local Plan seeks to ensure that proper provision is made for necessary and relevant transport infrastructure, based on an assessment of the development’s impact on the capacity and safety of the transport network and any social and economic impacts arising from the proposal.
Leisure & Recreation

When are leisure and recreational facilities required?

If **10 or more dwellings are proposed**, the leisure and recreation needs of the **development** will be met by the developer.

How are leisure and recreation facilities provided?

i) Play Space

On all schemes for **10 to 49 units** the developer will be expected to make a **commuted payment for the provision, maintenance and upgrade of play facilities within 0.87km of the site**, taking into account inflation and increased costs at the appropriate time.

The financial contribution will be calculated in the following way:\textsuperscript{22}:

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

*Example calculation:*

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a = £350 \text{ (average cost of 2.5 sqm)} \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \quad \Quad
This should be available within a maximum safe walking distance of 200 metres from any dwelling incorporating one or more child bed space within the development. This must be available prior to the occupation of the first dwelling.

Responsibility for maintenance and management of local play areas shall be vested in a specified individual, or subject to a commuted payment to meet such costs, in the district council. The Council will usually seek to secure such arrangements by means of a planning agreement.

In exceptional circumstances where the district council agrees that it would be impractical to provide adequate and suitably located play space as part of the development, then commuted payment may instead be acceptable to offset the costs resulting from the additional use and need for increased maintenance and play equipment at suitably located existing play spaces, within a distance of 0.87 kilometres from the application site.

**ii) Sports Facilities**

All schemes for *more than 10 units will be assessed in terms of adequacy of existing sports facilities provision.*

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.

The amount will be based on the current costs of provision and maintenance at the time of the application and will follow the guidance set out national planning policy.

The Council produced the Thanet Sports Facilities Improvement Plan (2009) that identifies deficiencies in sports facilities in the District. The Council will be guided by this publication as to where to direct funds.

However, the exact type and amount of provision will depend upon the size of the development and facilities provided in the vicinity.

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iii) Open Space

In addition to the requirements set out above, where the site area is 1Ha or more native tree species shall be planted on 10% of the site, either within, or at the boundary of, the site. The Council will need to be satisfied that the developer has made adequate arrangements to ensure continued maintenance of this landscaping in addition to play and open space requirements.25

iv) Youth facilities:

All schemes for 10 or more units will be assessed in terms of adequacy of existing youth facilities provision.

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.

What is the need for leisure and recreation facilities?

There is strong evidence available that high quality sport and physical activity delivered in the right settings can:

- 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

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.27

25 As set out in policy D2 of the Thanet Local Plan
26 Thanet Sports Facilities Improvement Plan (2009)
27 An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)
The average quality of these play areas equates to a below average rating. 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’.

ii) Sports Facilities

The Thanet Sports Facilities Improvement Plan 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 the district’s land, which does not compare well with other districts in Kent. This is due to the very high quality of agricultural land in the area, which has meant that historically the island has been very intensively farmed leading to the low level of natural habitats.

The average quality of sites is rated as ‘good’, although the average quality scores range between 33-78%, which demonstrates that a number of sites, mainly within

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28 An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)
29 Thanet Sports Facilities Improvement Plan (2009)
30 An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)
Birchington, Westgate, Broadstairs, and Margate, fall below the Council’s ‘good’ quality rating\textsuperscript{31}.

**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\textsuperscript{32}. A new youth centre is therefore planned to address this identified deficiency. In the interim youth buses will enable the provision of youth facilities within the community and allow youngsters from the community access to existing centres in order to provide them with a wider range of facilities\textsuperscript{33}.

**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, including community access to amenities such as parks, open spaces, physical recreational facilities and cultural facilities\textsuperscript{34}.

Policy S5 of the South East Plan encourages provision for increased and sustainable participation in sport, recreation, and cultural activity by the Council, public agencies and their partners, in order to improve the overall standard of fitness, enhanced cultural diversity and enrich the 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, and;
- Improving our swimming pools and associated leisure facilities.

Policy SR4 of the Thanet Local Plan states that for new residential development which in its completed form would amount to more than ten residential units or is considered likely to form part of a future development cumulatively totalling more than ten residential units, the district council will seek a financial contribution for the provision of sports land and facilities together with a commuted payment for continuous maintenance. Where residential development takes place within the

\textsuperscript{31} An Assessment of Open Space, Sport & Recreation (PPG17 Compliant) (2006)
\textsuperscript{32} Kent County Council Developer Contributions Assessments 30 April 2009 (2)
\textsuperscript{33} Kent County Council Community Infrastructure Provision (2009)
\textsuperscript{34} Policy S1 of the South East Plan (2009)
vicinity of existing sports facilities, a financial contribution for their upgrade or renewal and continued maintenance will be sought.

Policy SR5 of the Thanet Local Plan sets out the Council’s policy on play space and policy D2 requires native tree planting on sites over 1 Hectare.

Thanet District Council’s vision for sports facilities is:

‘To broaden the range of active leisure facilities and improve existing provision to engage a wider audience through increased choice and 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.

National planning policy states that planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational facilities. Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.

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35 Thanet Sports Facilities Improvement Plan (2009)
36 Planning Policy Guidance Note 17: Planning for Open Space, Sport & Recreation
Education

When is provision for education required?

All schemes for 10 or more units will be assessed in terms of adequacy of existing primary, secondary and adult education provision.

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 the financial contribution from the developer.

What is the need for educational facilities?

The relatively low levels of educational attainment achieved by local people and their corresponding lack of skills compounds economic underperformance and associated poverty in East Kent⁵⁷.

Employment projections forecast the strongest demand for people with intermediate and higher skill levels. The concern in East Kent is that too many residents currently lack skills at the right level to respond to these labour market changes and will thus struggle to compete effectively. This is borne out by current evidence⁵⁸:

- 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-
Level standard, with only 13% being available to new entrants qualified below GCSE level.

i) Primary
Primary school rolls stood at 9,078 in 1991 and rose to a high of 10,708 in 2002. Since then they have fallen and are predicted to continue to fall to a low of 9,665 in 2010 at which point they are expected to level out and show some limited recovery beyond that time\(^{39}\).

Primary school facilities will therefore be assessed in terms of capacity & forecasts within 2 mile radius of development site, to determine whether there is an identified need for additional provision or upgrading of primary school facilities.

ii) Secondary
Secondary schools rolls (without post-16) stood at 7,195 in 1991 and rose to a high of 9,207 in 2007. From here they are expected to decline slowly through to 2017. Some recovery is expected following that\(^{40}\).

Post-16 – in 1991 approximately 560 pupils stayed on into post-16 education (this represents 7.8% of the total roll, or 40.6% of Yr 11 pupils). This proportion has risen to 13.9% in 2007 and is expected to continue to rise to 15%, as pupils are encouraged to continue their education and training to age 18\(^{41}\).

Secondary school facilities will therefore be assessed in terms of capacity & forecasts within a 3 mile radius of the development site to determine whether there is an identified need for additional provision or upgrading of secondary school facilities\(^{42}\).

iii) Adult Education
Currently there is existing spare capacity at adult education facilities. However the capacity and future requirements of adult education facilities will be assessed to

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\(^{39}\) Kent County Council Community Infrastructure Provision (2009)  
\(^{40}\) Kent County Council Community Infrastructure Provision (2009)  
\(^{41}\) Kent County Council Community Infrastructure Provision (2009)  
\(^{42}\) Kent County Council Community Infrastructure Provision (2009)
determine whether there is an identified need for additional provision or upgrading of these facilities required as a direct result of the proposed development.

What is our education policy?

The Sustainable Community Strategy’s vision is that by 2030 East Kent will take pride in educational excellence that supports ambition, achievement and skills, for the workplace and beyond.

Policy S6 of the South East Plan seeks to ensure that community infrastructure supports economic growth and regeneration, with particular priority to health and education provision. This follows the aim of the plan, which is to increase the levels of employment; address skills needs among socially excluded populations and increase the economic activity levels amongst those on incapacity benefit.

Policy CF2 of the Thanet Local Plan seeks contributions towards educational provision from developers, to help provide new or upgraded educational facilities that are required as a result of pressure on existing facilities, created by occupants of new housing development.

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\[23 \text{Kent County Council Developer Contributions Assessments 30 April 2009 (2)}\]
Adult Social Services

When is provision for adult social services required?

All schemes for 10 or more units will be assessed in terms of adequacy of existing adult social services provision.

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 will adult social services be provided?

Should Kent County Council provide evidence that adult social services provision is required to meet the needs of the development; a contribution will be sought from developers towards the cost of such provision. The contribution will allow Kent County Council to deliver additional provision within the identified catchment area, and within an identified time period.

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 independently44.

In Thanet, the total number of older persons is predicted to increase by 15% between 2001 and 2016. There is a significant predicted change of 46% for the 65-69 age group45.

Alongside this the number of people with physical or learning disabilities or mental health problems is growing due to improvements in medical treatment and care46.

44 South East Plan (2009)
45 Kent County Council Community Infrastructure Provision (2009)
46 Kent County Council Community Infrastructure Provision (2009)
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. There are outline plans for several capital projects in Thanet encompassing 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.

The capacity and future requirements of adult social services will be assessed across the whole of the district, to determine whether there is an identified need for additional provision or upgrading of these facilities.

What is our adult social services policy?

Policy CC5 of the South East Plan seeks to ensure that local authorities and public agencies should pay particular regard to assessing and planning for the social needs that will arise as a result of a significant increase in the proportion of older people in the region. The key issues are identified as:

- 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 the provision of public transport and the extension of communications and information technology
- 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

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47 Kent County Council Community Infrastructure Provision (2009)
What about development viability?

The purpose of this guide is to ensure that likely requirements as a result of development are clearly set out at the outset. This allows for costs to be factored into early negotiations on land acquisition and when development schemes are prepared. Full contributions will be sought in all applicable cases, other than in very exceptional circumstances.

Exceptional circumstances may exist only where viability is demonstrated to be a barrier to a developer proposing an exceptionally high quality and sustainable form of development on a key regeneration site.

In such exceptional cases the Council will ask the developer to demonstrate by means of a detailed viability assessment that some or all of the community or other facilities cannot be provided without making the development unviable.

The viability assessment will need to be independently assessed on behalf of the Council and the developer will pay the entire cost of an independent valuation advisor to assess submitted viability evidence.

It will be important to consider if a development that is not viable should be assisted to come forward. Conversely, there may well be developments that are not critical to the delivery to the Council’s strategic objectives, for example on smaller sites. This could result in an application being recommended for refusal because the full community infrastructure requirements are not met.
How to submit a legal agreement

A legal agreement should start to be prepared before a planning application is made so that a draft is ready to submit with the application, as the process must be concluded within the government set target (currently 8 weeks for minor and other applications and 13 weeks for major applications).

The target date is set out within the acknowledgement letter received upon submission of a valid application. If the obligation to support the application cannot be successfully completed within the time frame, the Council may refuse the application on this reason alone, or as an additional reason for refusal on an already unacceptable scheme.

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.

A clause will be included in s106 agreements so that if the Council does not spend contributions within 10 years from the date of payment it will be paid back to the applicant. Should the applicant wish to negotiate a shorter time period, the Council will need to be satisfied that circumstances will allow for the money to be spent within the agreed time.

Applicants are reminded that agreements under s.106 of the Town and Country Planning Act 1990 and s.278 of the Highways Act 1980 have to be registered as land charges. They will therefore have to deduce title to the site and third parties such as mortgages may have to be made party to the agreement.

Index Linking Contributions

Contributions sought from developers will be index-linked in the legal agreement in order to maintain the value in money in delivering future provisions, as the commencement of development may not take place immediately after an agreement has been reached and could take a number of years.
The retail price index is the most commonly used index of inflation, however alternative indices may be applied where appropriate. They 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. To this end the Council’s solicitor will require an undertaking from the lawyer acting on behalf of the applicant to pay the Council’s reasonable legal costs in full, whether or not the agreement is completed.

**Model Legal Agreement**

A model legal agreement will be available for more complex developments where the Council or Highways Authority needs to be party to the agreement.

A planning obligation can be enacted through a section 106 agreement or unilateral undertaking, and is a private legally binding agreement negotiated between local planning authorities and persons with an interest in the land, and are intended to make acceptable development that would otherwise be unacceptable in planning terms.
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