



Strategic Development and Place

Folkestone & Hythe District Council
Planning Department
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FAO: Andrew Byrne

BY EMAIL ONLY

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Ask for: Kelly Bradshaw
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27th May 2025

Your Ref: 25/0586/FH
Our Ref: K/E/25/0586/FH KMB

Dear Andrew,

Planning Application: 25/0586/FH Provision and Delivery of County Council Community Services:

We refer to the above planning application which concerns proposed residential development at **NIC Instruments Ltd, Gladstone Road, Folkestone, CT19 5NF** and comprising of **10 new households**.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of the projects serving the development and proportionate contributions requested is set out in **Table 1**.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

Kent County Council (KCC) acknowledges that Folkestone & Hythe District Council (FHDC) is a CIL Charging Authority. However, KCC now welcomes FHDC's recognition that KCC Education infrastructure projects are to be funded via S106 Planning Obligations in line with the revised FHDC CIL Charging Schedule adopted on 29th March 2023 and national legislation. In this instance, education contributions are required from this development.

Table 1 – Contribution Request Summary

S106:

	Per applicable house (x8)	Per applicable flat (x1)	Total	Project
Secondary Education Expansion	£5,339.27	£1,332.32	£43,966.48	Towards the expansion of selective and non-selective secondary schools in Folkestone & Hythe District
Special Education Needs & Disabilities (SEND)	£559.83	£139.96	£4,618.60	Towards the provision of additional SEND places and/or additional SEND facilities to serve this development
Primary Education	Currently no Primary Education requirement			

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please confirm that 1x 1-bed unit is below this threshold?

Please note that these figures:

- are to be **index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.**
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas KCC will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendix.

Education

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

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

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

Secondary School Provision

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

Special Education Needs and Disabilities Provision

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

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

Mitigation of Need

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

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

Provision of Education Places

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

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its [Commissioning Plan for Education Provision in Kent](#) (updated annually).

CIL:

FHDC assigns 35% of its CIL receipts from the strategic pot towards KCC (non-education) infrastructure as listed below:

- **Community Learning and Skills**
- **Integrated Children's Services**
- **Libraries, Registration and Archives Service**
- **Adult Social Care**
- **Waste**

The site is located within Folkestone and Hythe's CIL Charging Zone A (£0.00 per sq m). Therefore, KCC will not receive any CIL income to mitigate the impacts of the development on other KCC services.

Community Learning and Skills

KCC provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling UP Kent and Priority 2 – Infrastructure For Communities).

Any shortfalls in provision created by additional demand from the development cannot be mitigated as no CIL is payable.

Integrated Children's Service – Youth Service/Early Years Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'. Any shortfalls in provision created by additional demand from the development cannot be mitigated as no CIL is payable.

Library, Registrations and Archives Service

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

Any shortfalls in provision created by additional demand from the development cannot be mitigated as no CIL is payable.

Adult Social Care

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

The **Department for Levelling Up, Housing and Communities** identified in June 2019 guidance [Housing for older and disabled people](#), that the need to provide housing for older & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely., KCC requests these dwellings are built to **Building Reg Part M4(2) standard** (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Any shortfalls in provision created by additional demand from the development cannot be mitigated as no CIL is payable.

Waste Disposal and Recycling

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Any shortfalls in provision created by additional demand from the development cannot be mitigated as no CIL is payable.

Implementation

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

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

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

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

Yours sincerely

Kelly Bradshaw

Kelly Bradshaw
Development Investment Team
Kent County Council

Cc Mr Steve Wisby, NIC Instruments Ltd c/o: Clague LLP, 62 Burgate,
Canterbury, Kent, CT1 2BH – FAO: Mr Christopher Sherlock-Scougall
KCC, Education & Communities

Appendices:

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

1. Education Assessment
- 1A. School Build Costs

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Folkstone and Hythe	Non-applicable units:	1
Site:	NIC Instruments Ltd, Gladstone Road, Folkstone	Houses:	8
Plan ref:	FH/25/0586	Flats:	1
Date:	16/05/2025	Total units:	10

Current and forecast pupils on roll for schools within

DFE no.	School	Folkstone & Hythe non-selective and Folkstone & Hythe District selective planning groups										
		2023-24 (A)	2024-25 (A)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2033-34 (F)
5466	Brockhill Park Performing Arts College	1,181	1,198	1,231	1,231	1,249	1,262	1,231	1,230	1,201	1,163	1,149
4020	Folkstone Academy	953	888	918	892	884	876	853	848	828	806	783
5437	Folkstone School for Girls	901	901	871	847	821	798	798	798	796	796	791
4101	Harvey Grammar School	787	793	776	765	736	705	707	709	710	714	715
4021	Turner Free School	886	881	908	914	918	922	904	901	886	873	870
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2023)		4,708	4,661	4,704	4,649	4,608	4,563	4,494	4,486	4,422	4,352	4,309
Required capacity to maintain 2% surplus capacity		4,804	4,756	4,800	4,744	4,702	4,656	4,585	4,578	4,512	4,440	4,397

Current and forecast capacity for schools within

DFE no.	School	Folkstone & Hythe non-selective and Folkstone & Hythe District selective planning groups										
		2023-24 (A)	2024-25 (A)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2033-34 (F)
5466	Brockhill Park Performing Arts College	1,175	1,175	1,175	1,175	1,175	1,175	1,175	1,175	1,175	1,175	1,175
4020	Folkstone Academy	1,050	1,050	1,020	990	960	930	900	900	900	900	900
5437	Folkstone School for Girls	900	900	900	900	900	900	900	900	900	900	900
4101	Harvey Grammar School	780	780	780	780	780	750	750	750	750	750	750
4021	Turner Free School	900	900	900	900	900	900	900	900	900	900	900
Current and forecast capacity (1)		4,805	4,805	4,775	4,745	4,715	4,655	4,625	4,625	4,625	4,625	4,625

(1) including expansion projects at **existing schools** that have successfully passed through statutory processes but may not yet be complete

Expected pupil yield from new developments within

Planning reference	Details	Folkstone & Hythe non-selective and Folkstone & Hythe District selective planning groups		
		Houses	Flats	Secondary product
FH/24/1616	Land Opposite 22, Pilgrim Spring, Folkstone	12	0	2
FH/24/0125	Land adjoining 385 Canterbury Road, Densole, Folkstone	41	0	8
FH/23/1935	Land adjoining Fencing Yard, Potten Farm, Sellinge	105	0	21
FH/23/1591	Land West of Ashford Road, New Romney (S106)	68	31	0
FH/23/1413	Land At Elmtree Farm, Main Road, Sellinge, Ashford, TN25 6JY	105	0	21
FH/23/1375	118 Cheriton Road, Folkstone, CT19 5HQ	0	1	0
FH/23/1324	Land Rear of Rhodes House, Sellinge TN25 6GJ	50	0	10
FH/23/0963	Folkstone Garden Centre, Canterbury Road, Swingfield Minnis, Folkstone, CT15 7HX	4	0	1
FH/23/0944	Roann House, 91 Bouverie Road West, Folkstone, CT20 2PP (S106)	0	4	0
FH/23/0864	Apples Joy, Straight Lane, Brookland, Romney Marsh, TN29 9QS	1	0	0
FH/23/0814	Former Station Yard, Station Road, Lydd, Kent, TN29 9LL	28	0	1
FH/23/0801	Land Adjoining 16 Cherry Gardens, Littlestone, TN28 8QR (S106)	9	0	0
FH/23/0675	Two Bells, 58 Canterbury Road, Folkstone, CT19 5NU	0	6	0
FH/23/0410	Land Rear Broad Street House, Broad Street, Lyminge (S106)	49	0	0
FH/23/0211	52-54 Guildhall Street, CT20 1EE	0	8	0
FH/22/1900	19 Mill Road, Dymchurch, Romney Marsh, TN29 0NY	1	0	0
FH/22/1762	Selsted Farm, Canterbury Road, Selsted, Dover, CT15 7HJ	10	0	2
FH/22/1109	70-72 High Street, Hythe, CT21 5AL	0	29	1
FH/22/1077	Cheriton Parc House, Cheriton High Street, Folkstone, CT18 8AN (S106)	36	36	0
FH/21/2552	Land at Aerodrome Road & Elvington Lane, Hawkinge, CT18 7BF (S106)	110	0	0
FH/21/2525	Land Adjoining High Knock Farm, Seabourne Way, Dymchurch, Romney Marsh, TN29 0PX (S106)	117	15	0
FH/21/2035	Fairfield Court Farm, Brack Lane, Brookland TN29 9RX (S106)	3	0	0
FH/21/1811	the Black Horse Inn, 366 Canterbury Road, Densole, Folkstone, CT18 7BG	3	0	1
FH/21/0553	Land Opposite 24 Station Road, Hythe	28	12	6
FH/21/0116	Heron's Park, Dengemarsh Road, Lydd, TN29 9JH	56	0	3
FH/20/1706	Etchinghill Golf Club, Etchinghill, Folkstone, CT18 8FA (CIL)	6	0	0
FH/20/1608	Tanners Hill, Land adjacent to Saltwood Care Centre, Tanners Hill, Hythe, CT21 5UQ	12	0	2
FH/20/1009	Hunter Health Club, The Metropole, The Leas, Folkstone, CT20 2LU	0	12	1
FH/20/0604	Land to the South of Ashford Road, Sellinge	55	0	11
FH/20/0015	Fowwood and Highview School, 59 Seabrook Road, Hythe, CT21 5QJ (CIL)	23	119	0
FH/19/1492	Nickolls Quarry/Martello Lakes, Dymchurch Road, Hythe	650	0	130
FH/19/1275	Hope All Saints Garden Centre Ashford Road New Romney Kent TN28 8TH	25	0	1
FH/19/1159	114 Sandgate Road Folkstone Kent CT20 2BW (CIL)	0	2	0
FH/19/0866	East Station Goods Yard Southern Way Folkstone Kent (S106)	39	2	0
FH/19/0704	Highview School Moat Farm Road Folkstone (CIL)	27	0	0
FH/19/0071	Smith Medical UK, Boundary Road, Hythe (CIL)	78	4	0
FH/18/1035	Land Adjoining The Mount Barrow Hill Sellinge Kent	11	0	2
SH/18/0768	Land adjoining 39 Victoria Road West Littlestone	80	0	4
SH/17/1099	Former Rotunda Amusement Park Marine Parade Folkstone	261	483	76
New developments within the planning area		2,103	764	307
This development		8	1	2

Assessment summary

Details	2023-24 (A)	2024-25 (A)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	2033-34 (F)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2023)	1	49	-25	1	13	-1	40	47	113	185	228
Expected pupil yield from new developments	307	307	307	307	307	307	307	307	307	307	307
Surplus / (deficit) capacity including the expected pupil yield from new developments	-306	-258	-331	-305	-294	-308	-267	-259	-193	-122	-78
Expected pupil yield from this development	2	2	2	2	2	2	2	2	2	2	2
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-307	-259	-333	-307	-296	-309	-269	-261	-195	-124	-80
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	2	2	2	2	2	2	2	2	2	2	2

Background notes:

Pupil forecasts 2024 employed from September 2024. Incorporating roll data from Schools Census Autumn 2023 and 2024. Data from the Health Authority includes pre-school children born up to 31st August 2023. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets) or the application has been permitted with contributions covered by CIL (indicated by code CL in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

Education Build Contributions**Appendix 1a**

Site Name	NIC Instruments Ltd, Gladstone Road,
Reference No.	25/0586/FH
District	Folkestone and Hythe

	Houses	Flats	Total
Unit Numbers	8	1	9

Secondary Education

	Per house	Per flat
<i>Secondary pupil generation rate</i>	0.20	0.05

New Secondary Pupils generated from this development 2

Secondary School expansion contribution

	per Pupil	per House	per Flat
<i>Expansion Rate</i>	£26,646.36	£5,329.27	£1,332.32

Contribution requested towards Secondary School Expansion £43,966.48

Total Secondary Education Expansion contribution £43,966.48

Education Build Contributions**Appendix 1a**

Site Name	NIC Instruments Ltd, Gladstone Road,
Reference No.	25/0586/FH
District	Folkestone and Hythe

	Houses	Flats	Total
Unit Numbers	8	1	9

Special Education Needs

	Per house	Per flat	
<i>SEN pupil generation rate</i>	0.0110	0.0027	
New SEN Pupils generated from this development		<1	
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
<i>New Build/Expansion Rate</i>	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£4,618.60
Total SEN Build contribution			£4,618.60

Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
 Totals above will vary if development mix changes and land prices change