

Infrastructure Funding Statement



2020-2021



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1. Introduction

- 1.1. As part of changes in Central Government Planning Policy, Local Authorities have a responsibility to provide a summary of all financial and non-financial developer contributions that they have been involved with over the course of a given financial year. The Infrastructure Funding Statement (IFS) is the platform in which to do this and must include information on Section 106 (S106), Section 278 (S278) and legal agreements under the Community Infrastructure Levy (CIL).
- 1.2. Along with summary information, this IFS will also provide some examples of infrastructure projects that Kent County Council (KCC) has delivered, planned, or allocated contributions towards during 2020-21 as a means to demonstrate how developer contributions are an essential tool in unlocking and delivering growth across the county.
- 1.3. KCC is responsible for delivering and maintaining a wide range of strategic infrastructure such as roads, schools, and social care but it may not be the immediate Local Planning Authority for entering into legal agreements with developers. Thus, KCC works closely with its local District and Borough colleagues to ensure that its statutory responsibilities can be met and there is a smooth and timely transfer of developer contributions between the respective authorities. KCC will report the net result of such transfers within its IFS.
- 1.4. Throughout the IFS there will be references to the following definitions:
 - **Secured** – Contributions that have been included within a signed legal document for a planning application. These contributions have not been collected / delivered and if the planning application is not implemented, they will never be received.
 - **Received** – Contributions received, either monetary or non-monetary (in kind), that have been transferred to Kent County Council.
 - **Allocated** – Contributions that have been received and allocated to specific projects.
 - **Spent / Delivered** – Monetary or non-monetary contributions that have been spent or delivered.
 - **This Financial Year** - unless stated otherwise, this refers to the period 01/04/2020 – 31/03/2021.
 - **District** – unless stated otherwise, used to refer to one or more of Kent's District and Borough Councils.

2. Developer Contributions

Section 106 Planning Obligations

- 2.1. Section 106 Agreements, commonly referred to as S106 agreements, are a legal mechanism used to fund additional infrastructure needed as a result of increased demand caused by development within a local area.
- 2.2. Section 106 monies are secured for a range of infrastructure and can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms.
- 2.3. KCC secures contributions towards primary and secondary education, highways and transportation, adult social care, sustainable urban drainage, strategic waste services, libraries, adult education and youth and community facilities. Kent's District and Borough councils secure contributions towards infrastructure such as affordable housing, healthcare, local play areas and some aspects of further education. All of these items are essential in building and maintaining sustainable communities.
- 2.4. S106 agreements are secured on a site-by-site basis with payments typically being made in instalments as the development is built out. Contributions can only be spent against the purposes for which they are collected.
- 2.5. Unilateral Undertakings (UUs), which are a simplified version of a planning agreement entered into between the landowner and KCC will also be included within this section.

Community Infrastructure Levy (CIL)

- 2.6. Under CIL, each District is to create a charging schedule which is applied to the floor space of the development. The funding raised from CIL is collected by the Districts, pooled into a 'pot' and can be spent on a wide range of infrastructure types.
- 2.7. The infrastructure that receives CIL funding will be determined by the local Council. Whilst KCC is not directly responsible for collecting CIL, it is heavily involved in discussions about accessing these funds in order to deliver its statutory duties and ensure that all communities, both new and existing, within Kent benefit.

Section 278 Highway Agreements

- 2.8. Additional legal agreements that can fund infrastructure are Section 278 Agreements (S278). These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and Developers. S278 agreements are required to secure alterations or improvements to the highway.

Forecasting

- 2.9. National guidance recommends that Councils should consider reporting on estimated future income where possible. KCC will look at incorporating forecasting of developer contributions within future versions of the IFS, although KCC will ultimately rely on information provided by Kent's Districts and Boroughs.

3. S106 Contributions

Contributions received or invoiced before the start of 2020/21 that had not been spent

- 3.1. Table 1 below shows the total amount of S106 money held or invoiced but not spent by KCC on 31st March 2020, the end of the previous financial year (2019/2020). Invoiced money has not necessarily been received.
- 3.2. It is important to note that large accumulations of contributions are not uncommon as some projects require a great deal of starting capital, plus the sums are spread across 12 Kent Districts and Boroughs.

Table 1 – Received or invoiced contributions yet to be spent and held by the Council at 31st March 2020

Service Area	Amount
Adult Social Care s106 agreements	£2,458,457
Adult Social Care UUs	£471,481
Community Services ¹ s106 agreements	£2,546,182
Community Services UUs	£770,016
Education ² s106 agreements	£27,351,521
Education UUs	£2,963,133
Highways ³ s106 agreements	£14,193,865
Highways UUs	£3,648,542
Kent Thameside s106 agreements	£3,352,216
Total	£57,755,412

- 3.3. The majority of the developer contributions held are in education and highways. To give some context, the timing of developer contributions rarely matches with when the spend is incurred. On some occasions KCC gets money in before the capital project and spend is due to take place; or KCC has to await match funding from other sources; but overwhelmingly KCC are asked to bear the risk on developer contributions by delivering schemes in advance and then having to wait and get in contributions over a number of years.

Contributions agreed in 2020/21 through S106 Agreements

- 3.4. Table 2 outlines the financial contributions that have been secured by KCC through signed S106 agreements this financial year. The majority of this will be transferred to KCC from Kent's Districts and Boroughs.
- 3.5. Whilst money may be secured through S106, it is not a guarantee that the money will ever be received. If the development does not go ahead or planning circumstances change through appeals, renegotiations etc., then the amounts of money that KCC actually receive will be different.

¹ Community services includes Community Learning and Skills, Libraries and Youth Services

² Education includes Primary and Secondary Educational facilities

³ Highways includes works to the road network, cycle lanes, pedestrian access, and public rights of way

Table 2 – Contributions secured in 2020/21 through S106 Agreements

Service Area	Amount
Community Services	£1,267,286
Education	£70,067,735
Highways	£21,419,086
Land (for Educational facilities)	£3,410,278
Social Care	£451,311
Strategic Waste Services	£142,364
Monitoring Fees	£1,422
Public Transport and Public Rights of Way	£1,526,287
Total	£98,285,768

Contributions received in 2020/21 (regardless of S106 Date)

- 3.6. Table 3 shows the total amount of money received by KCC from developer contributions this financial year. The majority of this money is transferred from Districts and Boroughs at KCC's request.
- 3.7. In many instances the money received was agreed and signed for in S106 agreements predating this financial year.

Table 3 – Total s106 contributions received this financial year by KCC

Service Area	Amount
Adult Social Care	£141,034
Community Facilities	£731,199
Education	£21,161,564
Highways	£1,349,358
Kent Thameside	£1,101,120
Strategic Waste Services	£0
Total	£24,484,276

Contributions spent in 2020/21

- 3.8. Table 4 provides details on the amount of S106 contributions spent by the KCC this financial year.
- 3.9. Some of this will be money that was received and allocated in previous years but could only be spent when sufficient sums were received to pay for a project in its entirety.

Table 4 – Total contributions spent by KCC in 2020/21

Service Area	Amount
Adult Social Care	£186,005
Community Facilities	£426,897
Education	£21,115,305
Highways	£2,525,102
Kent Thameside	£526,254
Strategic Waste Services	£0
Total	£24,779,563

Contributions returned in 2020/21

- 3.10. Most s106 agreements come with a return clause where if contributions remain unspent after a certain period, then KCC is legally obliged to hand the contribution back to the developer.
- 3.11. No s106 contributions had a return clause triggered during 2020/21.

Non-monetary contributions agreed in 2020/21 through S106 Agreements

- 3.12. Table 5 provides a summary of the non-monetary (in kind) contributions that were agreed through S106 agreements in the financial year 2020/21. The non-monetary contributions include provision of ultra-fast broadband and land transfers for the provision of Primary and Secondary schools.

Table 5 – Non-monetary S106 contributions

Item	Amount
Broadband	41 applications
Land transfers (education)	6 applications

Money borrowed

- 3.13. In the last financial year, no S106 money was spent repaying money borrowed.

Case Study: Tunbridge Wells Cultural Hub; The Amelia Scott

Current RIBA Stage: 5 (Construction)

Expected Project Completion Date: November 2022

Project Forecast: circa £21 million



C1.1 Refurbishment of two grade 2 listed buildings formally used as a library, museum and adult education centre.

Project Background

C1.2 The Tunbridge Wells Cultural Hub now known as “The Amelia Scott” has been a long-term aspiration of Tunbridge Wells Borough Council and has been delivered in partnership with Kent County Council (KCC), to deliver a community facility for the people of Tunbridge Wells district and the wider Kent and South East region.

Project Deliverables

C1.3 The project includes the refurbishment and restoration of the grade II listed buildings, including key listed features such as a stained-glass window, hand carved stonework, terrazzo mosaic floors and art deco ceilings, glazed partitions, and doors. The construction of a new specialist archive and exhibition building and extension to the existing library. Once complete the facility will have a total floor area of 4,165m² and will contain the following accommodation:

- Library
- Adult Education Facility
- Gateway Service Centre & Call Centre
- Museum
- Quiet rooms, rest areas and private study areas
- Tourist Information Centre
- Print Studio, Pottery Studio and Silversmithing Studio
- Hireable rooms including an education space for young people

- New office space for staff
- Artwork restoration workshop
- Archive grade storage and archivist reading rooms
- Café and Outdoor courtyard and public realm area

C1.4 The project was funded with over £400k of Section 106 contributions and grants from Arts Council England, National Lottery Heritage Fund, Tunbridge Wells Borough Council, Kent County Council, fundraising and many other diverse grant pots and funding opportunities.

Project Timescales

- The project was initiated in 2014 by Tunbridge Wells Borough Council entering into a collaboration agreement with Kent County Council to deliver the project and join up public services in the district in the first of its kind across Kent
- Planning approval including listed building consent was then secured
- Willmott Dixon Interiors were awarded the traditional contract
- Works commenced on site in December 2019
- Contract completion date: Aug/Sep 2021
- Fit-out and specialist joinery commences September 2021
- Migration and scene setting December 2021 – March 2022
- Hub Launch April 2022

Current Project Challenges

C1.5 The grade two listed buildings have thrown up many surprises during construction including structural walls with no foundations, hazardous materials and contaminated land, World War 2 bomb shelter Ceilings, WW2 graffiti, the replacement of 80% of the original horsehair and lime plaster to ceilings and walls: all culminating in more than 200 changes in design. These were then on top of the impact of Covid, Brexit and the shortage of supplies when the world re-opened for business. Despite these issues, the building will shortly be ready for the installation of the specialist joinery and artworks.

Current Progress Project Photos

1. Archive reading room



2. Archive reading room



3. Library space



4. Library space



Case Study: Ebbsfleet Green Primary School; New Modular Primary School

Project Completion Date: August 2021

Project value: £8.8million to date

C2.1 Delivery of a new modular primary school at Ebbsfleet Garden City.



Project Background

C2.2 Ebbsfleet Garden City was announced as part of the Government's Garden City initiative in 2014. The vision is to create a modern development of 15,000 homes in the spirit of planned communities of the past, capitalising on good transport links to London, Kent, and Europe. The overall development comprises seven main areas; Eastern Quarry; Swanscombe Peninsula; Ebbsfleet Central; Northfleet Embankment West; Northfleet Embankment East, Springhead Park and Ebbsfleet Green. The development is being built mainly on brownfield sites from the former industries in the area; Ebbsfleet Green is being constructed on the site of a large National Grid Substation.

C2.3 Ebbsfleet Green is a development under construction by Redrow Homes; it was originally granted outline Planning Permission in March 2014 by Dartford Borough Council. The scheme consists of a mixed-use development of 950 residential dwellings, a village centre, primary school, pub, hotel, community centre, sports grounds, and green public space. Prior to the commencement of this scheme the site housed a large National Grid substation, with part of the site on the Southern boundary being retained for this purpose. The parcel of land for the school is situated in the centre of the Ebbsfleet Green development and borders the 'village centre' and green corridor.

C2.4 S106 monies have part funded Ebbsfleet Green Primary School. It was constructed by Kier to serve the wider and local community as surrounding houses are constructed and occupied. The school has initially opened as a one-form entry school (1FE), expanding to a two-form entry school (2FE) as the numbers of pupils in the area increases. The school also includes a specialist resource base provision for up to 15 pupils with a diagnosis of Autism Spectrum Disorder plus a 26-place nursery.

Project Deliverables

- C2.5 Construction of a modular new build primary school consisting of a variety of learning spaces including nursery, reception, infant and junior classrooms, food/science/ design technology area, library, special educational needs (SEN) resource base, SEN therapy / medical inspection room, food technology room, hall spaces, staff, and administration areas. External areas include a multi-use games area, sports field, playground, and parking and drop off area.

Project Timescales

- Kier Construction were awarded the Design and Build contract on 24th October 2019.
- Works commenced on site: 14th September 2020.
- Contract Completion date: 31st August 2021.

Construction Description

- **Foundations:** CFA piles, pile caps and ground beams
- **Structure:** 98No. Modular units fabricated off-site and lifted into position with 300t Mobile Crane
- **Roof:** Built-up felt and zinc roof sheeting, PV panels, Monodraught windcatchers, air conditioning condensers on roof
- **Façade:** Walls constructed offsite as part of the modular process, windows and doors fitted off-site.
- Brick Slip system and cement plank cladding and associated closures and flashings applied on site from MEWPS
- **Externals:** SUDS drainage system with permeable surfacing and attenuated sub-base. Attenuation tank, Detention Pond and Swale.
- Fenced hard court area.
- "Public Realm" Plaza Area at front of school - The school entrance was sited to create a focal point using the relationship with the adjacent green and soon to be built community centre to give a Village feel to the area.
- Staff and visitor's car park constructed of permeable paving and attenuated sub-base
- Cycle and scooter storage shelters
- Allotments and wildlife area forming Forest School
- Playing Field and extensive soft landscaping with planting

Project Challenges

- C2.6 The school site is based within the Redrow housing site. Kier worked closely with Redrow homes to facilitate statutory services to the site and ensured logistic routes for the large modular units to be accommodated. Works were carried out during COVID-19 period.
- C2.7 This scheme had a complex drainage system, in order to fit in with the wider development at the Garden City. There were existing foul and surface water drainage systems around the site. Soakaways were not viable due to the depths of made ground being between 3m and 4m deep in the area of the development. There were existing ponds adjacent to the site, but these were at capacity from the other development and Highways works.
- C2.8 The site naturally falls from North to South towards the surface water sewer. A

pond was constructed at the top of the site. This was lined to ensure 50% of the water remained in the pond for teaching purposes and 50% was used as storage for rainfall. The MUGA was constructed with storage to hold some rainwater and there were tanks associated with the car parks. There is a controlled discharge from these holding tanks into the main existing surface water sewer as well as an unlined swale to allow a small amount of natural infiltration to reduce the load on the surface water system.

Environmental

- C2.9 The new building's form is designed to maximise natural light and natural ventilation and has achieved a BREEAM very good rating. Whilst ensuring that items such as timber for the construction was brought from a responsible source and enhancements to the site's ecology and long-term biodiversity were designed and implemented.

Completion Project Photos



4. Community infrastructure Levy (CIL) Contributions

- 4.1. As mentioned earlier, KCC is not responsible for collecting CIL. However, as part of ongoing negotiations between the County Council and those Districts and Boroughs charging CIL, governance exists or is in the process of being formed that sets out the requirements for KCC to access these funds.
- 4.2. The processes set out for KCC to access a District's CIL receipts varies between Districts. These processes may take the form of either a set percentage of CIL receipts transferred from a District to KCC annually, or a requirement to make bids against a District's CIL receipts. Further details can be found in Section 6.

Unallocated receipts from previous years

- 4.3. KCC has no unallocated CIL receipts from previous years.

Total CIL receipts

- 4.4. KCC has not received CIL monies during 2020/2021.

CIL retained at end of year

- 4.5. Table 6 below outlines the CIL monies that KCC has retained at the end of year (31st March 2021). This relates to CIL monies received in 2019/2020 that were allocated towards Swanley Train Station. These monies were spent on the Station project in July 2021 and will be reported in the IFS for 2021/22.

Table 6 – CIL Monies retained at end of year

Item	Amount
Swanley Train Station	£750,000

CIL receipts allocated and spent in the year 2020/21

- 4.6. No CIL receipts were allocated or spent by KCC in 2020/21.

Amount of CIL spent on administrative expenses

- 4.7. No CIL receipts were spent on administrative expenses by KCC in 2020/21.

5. S278 Contributions

- 5.1. KCC, as the local highways authority is responsible for the maintenance and development of the local road network within its borders. If planning permission has been granted for a development that requires changes or improvements to public highways, then KCC will often enter into a Section 278, or S278, Agreement with the developer. This agreement details and enables these changes to be made which the developer pays for and constructs. Examples of works that may be featured in a S278 include roundabouts, improved facilities for pedestrians and cyclists; and traffic calming measures.
- 5.2. The value of S278 agreements takes the form of a performance bond paid to KCC by the developer based on the cost of the highway works (including utility works). A performance bond protects KCC against the risk of unforeseen expenditure if the works are not completed by the developer. If the works are delivered, then the bond is repaid to the developer, generally in parts based on completion stages.
- 5.3. KCC can also request a commuted sum payment from the developer. A commuted sum covers the maintenance and renewal costs (for 30 years) of assets built by the developer as part of an S278 agreement and then adopted into public ownership by KCC.
- 5.4. S278 agreements are subject to reasonable and proportionate fees which KCC can charge as part of delivery and monitoring arrangements outlined within each agreement. These charges cover KCC costs associated with the necessary work involved for example commissioning road safety audits.

Bonds agreed in 2020/21 through S278 Agreements

- 5.5. Table 7 outlines the value of bonds within signed S278 agreements this financial year.

Table 7 – Total value of S278 bonds signed in 2020/21

Item	Amount
S278 bonds signed with KCC	£9,938,038

Fees received in 2020/21 (regardless of S278 Date)

- 5.6. Table 8 outlines the total value of fees that have been paid to KCC as part of S278 agreements this financial year.

Table 8 – Total value of S278 fees received in 2020/21

Item	Amount
S278 fees received by KCC	£1,113,635

Case Study: New Cut Road, Maidstone; Invicta Science and Technology School

S278 bond value: £1,262,970

- C3.1 The works comprised of a new four-arm roundabout with shared cycleway / footway facility along the western side of the roundabout and a toucan crossing to promote sustainable access to and from the school.
- C3.2 Alterations were made to the existing footways to widen them to accommodate a 3.0m wide cycle way/footway facility. A roundabout was used to facilitate continual traffic flow through New Cut Road. Further enhancements to the network, such as splitter islands to further promote footfall around the site with ease, were put in place along with new footways to mitigate the impact of the development. The works included new carriageway surfacing, kerbing, and white lining.
- C3.3 The design review and approval were conducted from December 2018 to November 2019 and the works were delivered between March and May 2020 and adopted in May 2021.



6. CIL Spending Governance

- 6.1. KCC's process for receiving CIL is determined at District level. It is important to note that not all Districts have adopted a CIL. Table 9 below summarises the current position of local planning authorities with regards to a CIL charging regime; and how these funds can be accessed.

Table 9 – District CIL regimes and access to CIL funding

District	CIL Position	Process for accessing CIL funds
Ashford	No CIL	-
Canterbury	Adopted Apr 2020	Bidding process under development
Dartford	Adopted Apr 2014	Representation within Leader's Advisory Group and projects within Dartford's Infrastructure Delivery Plan
Dover	No CIL	-
Folkestone and Hythe	Adopted Jul 2016	Set proportion of funds passed to KCC annually to spend on CIL infrastructure priorities
Gravesham	No CIL	-
Maidstone	Adopted Oct 2017	Application to annual bidding process
Sevenoaks	Adopted Feb 2014	Application to CIL Spending Board
Swale	No CIL	-
Thanet	No CIL	-
Tonbridge and Malling	No CIL	-
Tunbridge Wells	No CIL	-

- 6.2. Future IFS publications will update this CIL information. Given consultations held in Autumn 2020 by Central Government on reforms to the planning system including CIL, this is subject to change.
- 6.3. KCC has created a CIL working group which includes representation from all of KCC's infrastructure services that make use of developer contributions including Highways, Education, Adult Social Care, Libraries, Youth Services, Community Learning and Skills, Sustainable Urban Drainage; and Strategic Waste Services. The role of this group will be to consider how to bid for and spend any CIL receipts it receives.

7. Future Spending Priorities

7.1. Table 10 – Received or invoiced contributions yet to be spent and held by the Council at 31st March 2021 (Year-end position)

Service Area	Amount
Adult Social Care	£2,884,967
Community Facilities	£3,620,501
Education	£30,360,912
Highways	£16,666,662
Kent Thameside	£3,927,082
Total	£57,460,125

7.2. During the financial year 2020/21, KCC's position with unspent contributions has moved from £57,755,412 to £57,460,125. This is a net reduction of £295,287 (-0.5%). i.e., KCC has spent more contributions during 2020/21 than it has received.

7.3. The largest planned infrastructure projects that monies are allocated towards are summarised in Table 11. The delivery schedule of these infrastructure projects is down to a number of factors, including whether sufficient finance is available but also land availability and Central Government policy.

Table 11 – Largest planned infrastructure projects with unspent contributions

Project	Unspent Monies (Allocated) £m	Timescales ⁴	Potential additional funding
St. James Lane Primary School	£3.5	2023/24 onwards	
Garrison Primary School	£3.3	Beyond 3 years	
Hermitage Lane Primary School	£3.2	Within 5 years	
Herne Bay Primary School	£2.7	5 to 10 years	
Cornwallis Academy	£1.6	Within 5 years	
Marden Primary School	£1.0	Within 5 years	
Pilgrims' Way Primary School	£1.0	2024	DfE funding ⁵
A228 and B2160 junction improvements with B2017 Badsell Road Paddock Wood	£1.5	3 to 5 years	
Maidstone Integrated Transport	£2.9	3 to 5 years	Part funded by LGF ⁶
Sturry Link Road	£1.1	5 years	Part funded by LGF
Strategic Transport Infrastructure Programme (formerly Kent Thameside Strategic Transport Programme)	£4.3	3 to 5 years	
Total	£26.1		

⁴ Project timescales are estimated and will be subject to a range of factors.

⁵ Department for Education Building Programme Funding

⁶ Local Growth Fund (LGF)

8. Future Funding Priorities

- 8.1. KCC remains committed to seeking developer contributions across the County to ensure that development pays a fair proportion for its impact on Kent's infrastructure, both existing and new.
- 8.2. Kent County Council emphasises the importance on taking an 'Infrastructure First' approach, reflected in KCCs Interim Strategic Plan (December 2020):
 - 8.2.1. *"Kent's population is growing quickly, and it is essential that development is well-planned and well-supported to protect and enhance the unique identity of local areas and quality of life. We need to use our influence to improve the planning system, so it better meets the needs of local areas. There are also opportunities to work more closely with our partners to take a strategic approach to planning across the county. Growth requires investment in infrastructure and there is a gap of around £4 billion for essential infrastructure to support the necessary housing growth in Kent and Medway to 2031. This is why we are taking an 'infrastructure first' approach, to allow us to secure funding to put necessary infrastructure, like road improvements, more school places and broadband, in place before housing is completed. There are also current opportunities to bring forward investment in new infrastructure to stimulate economic growth and instill confidence in key sectors like construction."*
- 8.3. Districts' Infrastructure Delivery Plans (IDP) provide a long-term plan of infrastructure requirements arising from the allocation of housing within their Local Plans. These IDPs set out what is needed, where it is needed and when it is needed. These plans include KCC services.
- 8.4. KCC will continue to work in partnership with those Districts that are CIL charging authorities and set out governance arrangements in order to comply with their bidding processes. Regardless of the bidding requirements, KCC will prioritise the infrastructure projects that should be delivered first given the possible CIL monies available for KCC to bid for or spend.