

CANTERBURY CITY COUNCIL CIL COMPLIANCE STATEMENT

Appeal by Gladman Developments Limited

Site: Land at the Hill, Bekesbourne Lane, East of Bekesbourne Hill, Bekesbourne, Canterbury, CT4 5EA (also referred to by the parties as “The Hill, Littlebourne”)

PINS Ref: APP/J2210/W/25/3373183

LPA Ref: CA/23/00484

Inquiry dates: 17-19 February 2026

Introduction

1. This statement addresses the planning obligations sought by Canterbury City Council (“CCC”) in association with the appeal by Gladman Developments Limited (“the Appellant”) against the refusal of permission for 300 homes at the site, Land at the Hill, Bekesbourne Lane, East of Bekesbourne Hill, Bekesbourne, Canterbury, CT4 5EA. The site is also known as “The Hill, Littlebourne”, because it sits on the edge of the village of Littlebourne.
2. Regulation 122(2) of the the Community Infrastructure Levy Regulations 2010 provides:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

 - (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development; and*
 - (c) fairly and reasonably related in scale and kind to the development.”*
3. CCC is the Local Planning Authority and the CIL Charging Authority in respect of this application.
4. CCC’s Community Infrastructure Charging Schedule took effect on 01 April 2020. Development permitted from 01 April 2020 is liable to pay the Levy as set out in the CIL Charging Schedule.

5. This statement considers compliance in respect of each of the planning obligations proposed in the Appellant's currently draft s.106 under discussion with CCC.

Role of Kent County Council

6. Kent County Council ("KCC") is the relevant authority for a number of matters:
 - a. Statutory Authority responsible for Education and the Strategic Commissioner of Education Provision;
 - b. The Statutory Library Authority;
 - c. The provider of Adult (and Children's) Social Care under Part 1 of the Care Act 2014;
 - d. A provider of Community Learning and Skills facilities and services for further education.
7. CCC does not dispute the evidence base put forward by KCC in support of their specific contribution requests within the KCC CIL Compliance Statement in this appeal.

Policy context

8. The development plan for CCC is the Canterbury District Local Plan ("**CDLP**"), which was adopted by the Council in 2017. CCC is currently preparing a new Local Plan, titled "Draft Canterbury District Local Plan 2040", which covers growth in the district up to 2040 ("***the draft Local Plan***").
9. The following policies of the CDLP are referred to in support of the case that the proposed planning obligations meet the Regulation 122 tests.

Policy SP1: This provides for sustainable development, and that the Council will look to secure development that improves economic, social and environmental conditions in the area.

Policy SP4 : this provides that in the village of Bekesbourne, priority will be given to protecting the rural character of the district and infill development of an amount appropriate to the size of the settlement (or development to meet an identified local need for affordable housing), in a

location appropriate to the form of the settlement and of a design and scale that respects and enhances the character of the village.

Policy SP5: this provides for the Infrastructure Delivery Plan, to set out proposals for the use of s.106 agreements and CIL. Explanatory paragraphs 1.62-63 explain that such development will be supported by the Council's Infrastructure Delivery Plan, which will set out "necessary infrastructure" to support development proposed, to include "new primary and secondary schools / extensions to existing schools"; "new medical facilities"; as well as highways infrastructure, and explanatory paragraphs 1.66-1.67 explain the Council will consider how best to apply CIL and s.106 agreements.

Policy EMP9: this provides that the City Council will work with the Education Authority and other school and education providers to ensure that provision is made for educational needs, including those arising from new development. It confirms that provision may be secured through legal agreements

Policy T17: this provides for the Transport Strategy and explains that the Council will require developers to set out how transport infrastructure arising from the expected demand from proposed developments will be provided, such measures will be the subject of or included in a legal agreement or undertaking.

Policy QL5 – This provides for local community services, and explains that required funding for the community services and facilities shall normally be identified and agreed prior to grant of planning permission for residential developments.

Policy QL8: this provides for Health and Social Care facilities and explains that the Council will seek to improve facilities and ensure that adequate provision is made for health and social care facilities arising from the impact of new development, and that appropriate mechanisms are secured through legal agreements to deliver these facilities.

10. The following policies of the Draft Local Plan which are also relevant include:

Draft Policy SS5: this provides for the Infrastructure Strategy for the district, and explains that new development should make provision for, or appropriate contributions towards, any new or improved infrastructure needed to serve it, and explains that the council will use appropriate

mechanisms (such as s.106 and CIL – see para 1.66) to secure the delivery of, or contributions towards, necessary infrastructure from new developments.

Draft Policy DS7: this provides for Infrastructure delivery, and explains that where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement. The policy specifies for s.106 contributions (para 5) and CIL (para 6).

Draft Policy R7: this provides for the Hill as an allocated development site. It explains the site will require “*Proportionate land and build contributions towards early years, primary, secondary and SEND education plus proportionate contributions for primary healthcare and other necessary off-site community infrastructure*”, as well as other matters including open space, pedestrian and cycle connectivity, and improvements to the PRow.

Proposed Planning Obligations

11. The proposed planning obligations in the s106 are divided between those subject to the CIL Transfer Mechanism, and those falling outside of the CIL Transfer Mechanism. There is a shortfall between amount of CIL expected to be received, and the total cost of the infrastructure provision, and therefore, in order to make the development acceptable in planning terms, a top up contribution is required.
12. The planning obligations which are subject to CIL transfer, and which are to be topped up, are:
 - Adult Social Care
 - Healthcare
 - Community learning and skills
 - Integrated Children’s Services
 - Library
 - Primary Education
 - Secondary Education
 - Secondary Education - land
 - SEND

- SEND - land

13. The planning obligations which fall outside of CIL, and are obligations in the ordinary way, are:

- Network Rail
- Off Site Sports
- PROW
- Waste
- Travel Plan contribution
- Bus vouchers

Application of the Reg 122 tests

Planning Obligations subject to CIL transfer mechanism

Adult Social Care

14. The appeal scheme will generate an additional demand for services provided by KCC under Adult Social Care services. This includes support for older people and adults with learning disabilities, physical disabilities, and/or mental health needs. CCC agrees with KCC’s calculations in Appendix 4 to their Appeal Statement that it will generate an additional demand of 28 instances of client need. CCC accepts the other contentions relied upon by KCC, including that all available Social Care capacity is fully allocated and there is no spare capacity to meet additional demand arising from this or any other development. CCC agrees that in order to mitigate the impact of the proposed development KCC would require an Adult Social Care Contribution of £180.88 per dwelling to be put towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, multi-sensory facilities, and Changing Places locally in the District.

Application of tests – Adult Social Care		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind

all available social care capacity is fully allocated and there is no spare capacity to meet additional demand;	28 additional client needs will be generated by the proposed development;	the contribution of £180.88 users per dwelling is proportionate, as set out in KCC's calculations.
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Healthcare

15. The appeal scheme will generate an additional demand for services provided by the health authority.

Application of tests – Healthcare		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
There is no spare capacity to meet additional demand;	The development generates the need for this contribution	This is the proportionate amount required for this provision

Community Learning and Skills

16. CCC agrees that the development will add approximately 15 users to KCC's community learning and skills facilities and services. CCC agrees that the development requires a Community Learning Contribution of £34.21 per dwelling to mitigate the impact of the development on KCC's adult education service.

Application of tests – Community Learning and Skills		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
CCC agrees that the new users cannot be accommodated within the existing service provided by KCC.	The contribution is to be put towards services serving the development.	The contribution of £34.21 per dwelling is considered proportionate.

Integrated Children's Services

17. There will be an increased demand in young people using the Kent Youth and Early Years Services. CCC agrees with KCC's modelling in their Appeal Statement's Appendix 3, that the appeal scheme will add an additional 42 young people to service users, as well as add costs of migration relating to the youth participation. CCC agrees that the development requires an Integrated Children's Services Contribution of £74.05 per applicable dwelling.

Application of tests – Integrated Children's Services		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The development will lead to an increase in service users. CCC agrees with KCC that the current Integrated Children's Services model is operating at full capacity, and the contribution is necessary to allow provision to meet the development.	The contribution will go to services serving the development.	The contribution of £74.05 per dwelling is considered proportionate.

Library

18. The development will generate additional clients and library users and additional resources are required to cope with this additional demand. The Library Service is a universal non-discriminatory service statutorily required to be available to all. CCC agrees with KCC's technical assessment that an additional 87 new library users will be created, increasing the demand for library resources. CCC agrees that a library contribution of £62.63 per dwelling is required to address the direct impact of the development on these services.

Application of tests – Library		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The development is likely to attract a higher ratio of families with children who are more frequent borrowers and so increase library users; KCC's existing service provision is below the recommended National Library Standard's threshold,	To be put towards services of local libraries including mobile library services.	The contribution of £62.63 per dwelling is considered proportionate.

Primary Education

19. The proposal will give rise to 84 additional primary school pupils from the date of full occupation of this development (KCC Appeal Statement, Appendix 2). CCC accept that there should be a discount of 3 pupils for the reasons set out by KCC in their Appeal Statement. The need (81 places), cumulatively with other new developments in the planning group, can only be met through the expansion of Littlebourne primary school and/or provision of additional places in the in the neighbouring Canterbury City planning group in order to provide additional primary school places to accommodate pupils from this proposed development.

20. CCC agrees with KCC's assessment that based on the above additional 81 pupil numbers a Primary Education Contribution of £6,832.28 per applicable house and £1,707.53 per applicable flat is required toward the expansion of Littlebourne Primary School and/or provision of a new primary school (Thanington) and/or additional places in the neighbouring Canterbury City planning group to accommodate pupils generated by the proposed development.

Application of tests – Primary Education
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Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The new population cannot be accommodated within existing primary schools	Contributions are sought for expenditure in Littlebourne itself: in the Littlebourne and Wickenhambreaux planning group or neighbouring planning group of Canterbury City.	The contributions set out by KCC in their CIL Compliance Statement of (1) £6,832.28 per applicable house; and (2) £1,707.53 per applicable flat considered proportionate.

Secondary Education

21. The proposal will give rise to 60 additional secondary school pupils from the date of full occupation of this development as set out in Appendix 2 of KCC's Appeal Statement. This need, cumulatively with other new developments in the vicinity, can only be met through provision of a new secondary school in the Canterbury district or the provision of a secondary school extension project or projects for the existing secondary schools in the Canterbury City non-selective and Canterbury & Faversham selective planning groups in order to provide additional secondary school places to accommodate secondary school pupils from this proposed development. CCC agrees that a Secondary Education Contribution of £5,587.19 per applicable house and £1,396.80 per applicable flat is required towards the provision of additional places within the District and/or at a new secondary school.

Application of tests – Secondary Education		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The new pupils generated by the development cannot be accommodated within existing secondary schools in	It will be used to provide additional secondary school capacity within the district of Canterbury that is required to	A contribution of £5,587.19 per house and £1,396.80 per flat is considered proportionate.

the planning groups in the area.	accommodate the secondary pupils generated by the development.	
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Secondary Education - land

22. CCC agrees that a Secondary Land Contribution is required in the sums of £5,037.86 per applicable house and £1,259.47 per applicable flat is required towards the land acquisition costs of a new secondary school site in the district.

Application of tests – Secondary Education - land		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The new pupils generated by the development cannot be accommodated within existing secondary schools in the planning groups in the area.	Current secondary schools are operating at or near capacity, and CCC accepts KCC's position that without securing land for a new secondary school, KCC will be unable to fulfil its statutory duty to provide sufficient school places.	The contribution equates to £1,511,358.49 in total, apportioned as £5,037.86 per applicable house and £1,259.47 per applicable flat, based on pupil generation rates of 0.20 per house and 0.05 per flat, is considered proportionate.

SEND

23. A proportionate SEND contribution of £559.83 per applicable house and £139.96 per applicable flat is therefore required to mitigate the impact from this development through the provision of additional SEND places and/or additional SEND facilities to serve the needs of the development within the Canterbury District.

Application of tests – SEND		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The new population generated by the development cannot be accommodated within existing SEND provision	Contribution to be expended within district of Canterbury – allowing for pupils to attend schools most appropriate to their needs rather than the most local.	A contribution of contribution of £559.83 per house and £139.96 per flat is proportionate.

SEND land

24. A SEND Land Contribution is calculated on the basis of £456.44 per applicable house and £112.04 per applicable flat required towards the land acquisition costs of a new SEND school and/or new specialist resource provision within the Canterbury District.

Application of tests – SEND land		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The development will generate additional demand for specialist education provision that cannot be met within the existing SEND infrastructure in Canterbury or the wider Kent area. This will secure land towards a new SEND school.	Contribution to be expended within district of Canterbury – allowing for pupils to attend schools most appropriate to their needs rather than the most local.	The contribution (set out in KCC’s formula in their CIL Compliance Statement) equates to £136,933.13 in total, which is apportioned as £456.44 per applicable house and £112.04 per applicable flat, based on the SEND pupil generation rates of 0.011 per house and 0.0027 per flat. This is proportionate.

Planning obligations falling outside CIL transfer mechanism

Network rail

25. The proposal will give rise a need for this infrastructure to be provided as requested by
Network rail

Application of tests – Network Rail		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
This funding is necessary to make the development sustainable	The need arises from the additional people who will use this facility directly related to the development	The contribution sought is proportionate to the infrastructure need generated by the development

Sport

26. The proposal will give rise a need for this infrastructure to be provided.

Application of tests – Sport		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
This funding is necessary to make the development sustainable	The need arises from the additional people who will use this facility directly related to the development	The contribution sought is proportionate to the infrastructure need generated by the development

PROW

27. The development will increase impacts on public rights of way. CCC agrees that to mitigate the increased use of and impact on these public rights of way, a Public Right of Way Contribution of £30,000.00 is appropriate towards improvement, clearance and surface repairs to public footpaths CB143 (to include a new tarmac surface), CB156, CB147 and CB155A.

Application of tests – PROW		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
The development will significantly increase pedestrian movements along existing public footpaths (CB143, CB156, CB147 and CB155A) that provide essential connectivity between the site and local facilities, including Littlebourne Primary School, shops, and community amenities. These routes are currently in poor condition and cannot accommodate the additional usage safely or to an appropriate standard.	To be used to improve the specific footpaths at the development (CB143, CB156, CB147 and CB155A).	A fixed sum of £30,000 is considered proportionate, which reflects the actual cost of the identified upgrade works and is not intended to fund wider network improvements.

Waste

28. The development will add pressure to KCC’s household waste recycling centre infrastructure. CCC notes KCC explains (para 3.11(ix)(d)) of their Appeal Statement that the existing household waste recycling centres are over capacity “*and additional*

housing is having a significant impact on the manageability of waste within Kent”, and CCC does not disagree.

Application of tests – Waste		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
Dwellings in the proposed development are expected to create an additional 0.26 tonnes of waste per dwelling per year. That waste cannot be accommodated within the existing capacity of the Household Waste Recycling Centres (HWRCs) serving the Canterbury Area, which are operating at or near capacity. Without investment, it will lead to service failure and non-compliance with statutory waste disposal obligations.	To be used to expand HWRCs within the catchment area that will serve residents of the development.	A contribution of £52 per dwelling is considered proportionate.

Travel Plan contribution

29. The contributions are necessary to make this development sustainable and reduce travel to and from the site by car

Application of tests – Travel Plan		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
This funding is necessary to make the development sustainable	The need arises from the additional people who will	The contribution sought is proportionate to the

	use this facility directly related to the development	infrastructure need generated by the development
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Bus vouchers

30. The contributions are necessary to make this development sustainable and reduce travel to and from the site by car

Application of tests – Sport		
Necessary	Directly related to the proposed development	Fairly and reasonably related in scale and kind
This funding is necessary to make the development sustainable	The need arises from the additional people who will use this facility directly related to the development	The contribution sought is proportionate to the infrastructure need generated by the development

Conclusion

31. The obligations sought in respect of these requirements would not be duplicated through CIL funding and they are all necessary, directly related to the development and fairly and reasonably related in scale and kind to the appeal scheme. They are considered to comply with the CIL regulations for the reasons set out above.