

Technical Appendix 8: General Land Transfer Terms – School Sites

Section 1

1.1 Site Suitability and Environmental Constraints

The following sets out KCC's general transfer terms for education land. Specific terms will be provided where abnormal site conditions exist. Prior to transfer, the developer/landowner must provide a site-specific information pack containing formal desktop reports and, if necessary, intrusive land investigation survey / reports by a competent registered expert(s). Please see list of surveys within the Appendix of Surveys.

It is the responsibility of the developer/landowner to ensure that any land identified for the purpose of education use should be level (not exceeding a gradient of 1:21 and that undulations, mounds, irregularities in levels do not exist) and associated areas are free from the following (together with details of any mitigation works):-

The land identified for education use must meet the following criteria:

- Located above flood plain level and adequately drained.
- Free from attenuation pits / ponds, ditches, culverts, or drainage ditches which are not related to the school
- Free from contamination (including asbestos, radiation, hydrocarbons, heavy metals), and should not be adjacent or within a 250m distance of such a site which would pose a risk.
- Free from protected or invasive species (ecology and arboriculture).
- Free from ordnance, unexploded ordnance (UXO), devices or similar, archaeological remains, rubbish (e.g. broken glass), arisings and adverse ground conditions (e.g. flooding, subsidence, heave, landslip, history of mining).
- Not occupied and free from any encumbrances.
- Not within consultation distance of major hazard sites or pipelines (as defined by the Health and Safety Executive).
- Not adjacent or within an agreed distance on a case by case basis to major roads (e.g. A or M roads).
- Not within 250m of mobile phone masts.
- Not within 100m of overhead electricity cables

- Free from noise or air pollution sources requiring mitigation in school design.
- Free from service mains/pipes or overhead cables that would affect development.
- Free from public rights of way (PROW).
- Not interrupted by air monitoring stations or statutory undertaker plant (e.g. substations)
- Associated earth works (where applicable) to ensure the education land is level is undertaken by the developer prior to transfer and is the agreed KCC acceptable standards

The land identified should be:-

- Capable of accommodating sports pitches and boundary fencing per DfE Technical Annex 2B, BB103, BB104 or updated guidance.
- Close to accessible public transport (bus stop or railway station).
- Shaped as a single, undivided site suitable for educational development and the site is level upon land transfer, as specified by County Council Officers to allow for the construction of the expansion / new school to the requirement of the DfE Output specification and the local planning authority.
- A BNG Unit Survey Assessment and Management Plan must be included.

1.2 Survey and Documentation Requirements

Prior to land transfer, the developer/landowner must provide a site-specific information pack including:

- Formal desktop reports and, if necessary, intrusive land investigation surveys by competent registered experts.
- A list of required surveys is provided in the Appendix of Surveys.
- All surveys must be valid (generally for 2 years), assignable to KCC, clearly stating expiry dates and required mitigation measures (e.g. vegetation management).
- All surveys must be provided at no cost to KCC.
- If construction or other activities occur after surveys are completed, the developer must submit completion and compliance reports confirming continued conformity, free from defects or non-conformances.
- Site plans must be provided at a scale of 1:1250, marked with GPS coordinates showing site levels, access, boundaries, and adjoining development. Plans must be supplied in both hard and electronic formats agreed by KCC.
- Details of past use of the education land
- Details of remediation works previously carried out on the education land along with all warranties and guarantees. Developer/landowner to arrange for the benefit of these to be assigned to KCC.

1.3 Remediation and Drainage Responsibilities

If any of the conditions in Section 1.1 are not met, the developer/landowner must:

- Implement an agreed remediation, removal, rectification, or diversion strategy at their own cost, prior to the transfer of the site to KCC.
- Liaise with statutory authorities and obtain necessary consents.
- Ensure all works are designed by competent professionals and covered by a collateral warranty in standard industry form for the benefit of KCC or its nominee. This will be at nil cost to KCC.
- Liaise with all statutory authorities and obtain all necessary consents from neighbouring landowners and others as required.
- Obtain KCC approval for all designs prior to commencement of remediation works

Drainage requirements include:

- Full surface water drainage rights approved by KCC at design stage, aligned with the flood risk assessment and planning approval.
- The owner / developer will provide KCC with foul drainage rights to discharge from the site into the main sewers. Designs of the plans are to be approved by KCC prior to the installation, which is in accordance with the wider development planning approval.
- Attenuation ponds/ditches where discharge is solely from the education land.
- KCC will not permit attenuation ponds / ditches etc. where discharge originates from the residential development; only in agreement with KCC if this is permitted, it will be the responsibility of the residential development to maintain these with the appropriate agreed permission to access the education land to undertake the works.

1.4 Access, Boundaries and Site Entry

Prior to land transfer (unless otherwise stated in the s106 agreement):-

- KCC shall be granted a licence for access to the education land, including across adjoining land to conduct surveys and technical investigations. KCC shall be responsible for making any disturbance good.
- , boundaries must be clearly pegged out and fenced in accordance to the DfE Output Specification Technical Annex 2B; External Spaces and Grounds – December 2023; BB103 and BB104 Guidance (as appropriate) or any updated version and to KCC's satisfaction, using agreed GIS coordinates.
- Developer must provide free and uninterrupted construction access to an agreed location on the site boundary.
- Haul roads (where required) must be constructed and maintained to accommodate HGVs, at no cost to KCC
- Temporary haul roads outside the educational site must be removed by the developer at their own cost.

- Minimum of two permanent separate highway entry/exit points for vehicles and pedestrians, built to KCC highways adoptable standards and in compliance with the Highway Authority's "in and out" access requirements
- Developers must provide crossing points, pedestrians, railway (if required), and cycling routes on adjoining highway networks, including active travel routes linking the school to the development and existing dwellings.
- KCC will not be liable for maintenance charges, should the developer choose not to build roads to an adopted highway standard.

1.5 Utilities and Service Provision

- Developer/landowner must provide at their own cost and subject to KCC approval, adopted services and utilities at an agreed point within the boundary of the education land, including fresh water, foul and surface water drainage, electricity, gas (if applicable), telecommunications with high-speed fibre optic broadband (minimum internal speed of 1000mbps), and fire hydrants with flow rate approved by the Fire Authority.
- All services must be of sufficient capacity and depth to accommodate maximum potential requirements without mechanical aid, to enable build out of the educational provision.
- All permanent services must be installed prior to land Transfer
- Only under exceptional circumstances will KCC agree to accept the transfer of the education land if the permanent supply is not in place. Should such an instance arise, the developer / landowner must provide temporary electricity, drainage, and water supplies to the boundary of the education land, such temporary supply to have been agreed by KCC, ensuring it meets the needs of the site in all eventualities
- Statutory undertaker plant (e.g. substations, transfer stations) must be located outside the education land. KCC shall not be liable for any costs (including legal costs) associated with the installation and commissioning of such plant.
- No wayleaves crossing the education land boundary will be permitted. Pump stations will not be accepted on the education land.

1.6 Legal and Transfer Conditions

- The education land shall be conveyed / transferred as freehold, and registered at the Land Registry unencumbered, with vacant possession and full title guarantee, with free, and unrestricted access without cost to KCC to a public highway such access to be agreed by KCC
- The education land must be free from covenants restricting use as a school or ordinary school activities.
- The education land must be transferred free of any charges or onerous restrictions
- No new covenants shall be imposed that restrict future use of the education land.

- Where possible the developer / landowner must impose a covenant on the rest of their land to ensure no telephone mast is erected within 250m of the education land
- Developer/landowner to covenant with KCC to not allow any activity to take place on their retained land now or in the future which could be a danger or hazard to the education land
- Developer/landowner shall cover all legal, surveyor, and administrative costs incurred by KCC during land transfer and Section 106 Agreement completion, including Land Registry fees, easements/licences, civils/layout designs, project management agreements, surveys and reports.
- During ongoing residential development, the developer must ensure no disruption to school operation or delivery of the national curriculum, from noise, dust, fumes, traffic, lighting, closure of any roads giving access to the education land or other adverse conditions.
- There should be a clear definition of handover and acceptance process, which will be through the acceptance from the review of surveys and on-site inspections. A validation schedule, compliance report, Health & Safety and check list exercise will be undertaken prior to the acceptance of the education land which will be documented.
- Land Registry compliant transfer plans to be provided by the developer/landowner
- The developer /landowner to arrange for the removal of restrictions from title or to provide certificates of compliance/consent to allow KCC ownership of the education land to be registered at the Land Registry
- The developer/landowner will put in place prior to land transfer any required Deeds of Grant of Easement or Deeds of Grant of Release to enable KCC to use the education land and or access the education land

1.7 Biodiversity Net Gain (BNG)

- KCC will require the developer/landowner to provide a specific BNG assessment of the land, at outline planning approval stage and the education land will be required to be actively maintained as the existing habitat or managed as a habitat with the same BNG value¹ by the developer/landowner at that standard until the education land is transferred
- Where there is a land transfer required for an expansion / change of use for a school site, the costs of the necessary BNG units will be required to be provided by the developer / landowner for both the existing site and the new land provision. The education land will be required to be actively maintained as the existing habitat or managed as a habitat with the same BNG value² by the developer/landowner at that standard until the education land is transferred.

- If the developer/landowner does not actively manage the education land to ensure that habitats do not change from what was recorded within the BNG assessment, the developer / landowner will also be liable to pay for any additional costs for Units. Once the education land is passed to KCC ownership, it will become KCC's responsibility who will then ensure the land is actively managed until the planning application is submitted
- In advance of the land transfer, evidence must be submitted that the agreed management regime has been implemented as agreed. If this is not the case a new BNG assessment is required to be undertaken prior to any land transfer of the deemed site.
- In advance of the land transfer, KCC will be obligated to provide a feasibility study of the proposed school design. Following receipt of the BNG assessment from the developer / landowner, KCC to advise the developer / landowner regarding what Units will be required, which will be determined as standard (10%) or higher as depicted by the Local Planning Authority (LPA).
- In advance of the land transfer, the developer / landowner will need to identify; provide sufficient; and demonstrate where the BNG Units³ for the school provision will be located which is agreed by KCC, and there after funded / provided by the developer / landowner.
- To note the identified Units could be in three forms; additional land transferred to KCC for BNG, BNG delivered by the developer/landowner and reserved for the school build within the wider application site, or off-site mitigation secured by the developer/landowner specifically for the school build
- If the BNG Units are allocated within the wider development site, then the education land identified within the wider development site, will require a legal agreement to be in place.
- The education land is not to be used as a BNG Unit contributor for the wider outlined scheme (as the statutory space requirements cannot be compromised for the educational provision).
- Where a new school site is separate from the development, a proportionate contribution will be required to cover the costs of surveys, the delivery of BNG in line with the regulations, and any associated legal fees.

2. Section 2

Please note these are indicative requirements. KCC will need to confirm exact requirements at the detailed design stage. Utility supplies will be guided by the utility appraisal, which will vary from project to project. This will be clarified with regard to the type of provision, supply and installation of meters, and to what is required if for a temporary / permanent provision.

In accordance with the DfE output specification General Design Brief (December 2023) and Technical Annexes or any updated version.

PRIMARY SCHOOL - Example for 2 Forms of Entry (FE) (420 pupils 26 place nursery)

Minimum Service Requirements

2.1 Permanent Utilities

ELECTRICAL

350KVa (500 amp) 3 phase incoming electrical supply for main base building with possible additional capacity/supplies for: nursery provision.

Should a new substation be required, conduct a risk assessment on the type (i.e. GRP or Masonry) of the new substation required and comply with these requirements. Any new or existing substation to be positioned outside the site boundary. The electrical supply cable should be suitably sized and be terminated via a pot ended cable. This should be installed at the correct depth (NJUG) within 1 meter at an agreed location outside of the site boundary. The pot end cable should be safely isolated, appropriately marked via staked position at ground level and designated with signage.

2.1.1 FIRE HYDRANT

The Hydrant supply shall be BS PD 7974:2014+A1:2020 Assembly and recreation (ADB Group 5) 14 Litres/sec fire supply and in accordance with National Guidance Document on the Provision of Water for Firefighting latest edition. This is to be in the Highway adjacent to the school entrance and within 90m from any entrance to the school building and to the satisfaction of Kent Fire and Rescue's requirements.

The Hydrant supply shall be BS PD 7974:2014+A1:2020

2.1.2 GAS

A gas supply is not likely to be required. If it is, this will be agreed at the early design stage.

2.1.3 WATER

15 cu m / day, 4 l/s (63mm NB) in a position to be agreed 'The position to be agreed within 1 meter outside of the site boundary'. This size of the supply is a variable subject to the building use and type.

2.1.4 BROADBAND

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

2.1.5 DRAINAGE

Following a drainage engineer review, an appropriate manhole chamber shall be constructed in an appropriate position within 1m of the inside of the site boundary with invert levels and flow rates agreed by KCC Officers.

Surface water drainage shall be discharged in accordance with the approved strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

In general, surface water flow from impermeable areas must discharge to the ground in the first instance, as stated within Building Regulations H3. Where underlying ground conditions are not acceptable, the site discharge rate shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed as 4 l/s/ha from the total impermeable area or can be calculated using standard guidance approved by the LLFA.

On some occasions, management of surface water runoff generated from the school site may be included within wider development site provision through a strategic surface water drainage system. This must comply with the allowances and provisions specified in the Drainage Strategy approved as part of the original site-wide planning application: the applicant must contact the LLFA before pursuing this approach.

The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the education land for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the education land boundaries. It must also provide adequate access for inspection and maintenance.

Any drainage strategy shall comply with the latest version of Kent Drainage and Planning Policy.

2.1.7 EV Charging

Requirements for EV charging Building Reg 3; Document S and local government policy is to be provided at whatever specification is higher.

SECONDARY SCHOOL Service Requirements – Example for 6 Forms of Entry (FE)

SECONDARY SCHOOL Service Requirements – Example for 6 Forms of Entry (FE) – 1200 Pupil

Permanents Utilities:

Electrical:

500KV_a (700 amp) 3 phase incoming electrical supply for main base building with possible additional capacity/supplies for future expansion. Should a new substation be required, conduct a risk assessment on the type (I.e. GRP or Masonry) of the new substation required and comply with these requirements. Any new or existing substation to be positioned outside the site boundary. The electrical supply cable should be suitably sized and be terminated via a pot ended cable. This should be installed at the correct depth (NJUG) within 1 meter at an agreed location outside of the site boundary. The pot end cable should be safely isolated, appropriately marked via staked position at ground level and designated with signage.

Hydrant

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The Hydrant supply shall be BS PD 7974:2014+A1:2020

GAS

A gas supply is not likely to be required but is subject to the scope of the contract i.e. science labs requirements or other

WATER

15 cu m / day, 4 l/s (63mm NB) in a position to be agreed 'The position to be agreed within 1 meter of the site boundary'. This size of the supply is a variable subject to the building use and type.

BROADBAND

Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This must provide sufficient capacity, including duct sizing, to cater for all future development phases, and flexibility to existing and future educational delivery

needs. The infrastructure shall be laid out in accordance with the approved details, at the same time as other services during construction.

DRAINAGE

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The surface water drainage system must provide service levels that ensure the drainage network does not surcharge for a 1-in-1 year event or result in flooding within the site for the 1-in-30-year event and manages the 1-in-100-year plus climate change event within the site boundaries. It must also provide adequate access for inspection and maintenance.

Any drainage strategy shall comply with the latest version of Kent Drainage and Planning Policy.

EV Charging

Requirements for EV charging Building Reg 3; Document S and local government policy is to be provided at whatever specification is higher.

NOTE

Where a bus provision is needed, with the access road leading onto the school provision, the maximum BB103 / BB104 area will be required to ensure safe bus travel on the curtilage of the education land. KCC Highways input will also be required.

Separate check list will be provided for community builds.

- Wrap around care on site / joined community facilities e.g. library, adult education etc
- Check meters for community shared buildings

Appendix of Surveys

Land Transfer - Survey and Compliance Reports			
			Rev: V02
Key:			
Pre Land Transfer Survey Required			
Post Land Transfer Surveys Required			
Description	Required (Yes / No)	Rate Required	Date Received
Pre-Design Surveys			
1 Phase 1 Contamination and Ground investigation Desk Top Study			
2 Phase 2 Geotechnical Investigation			
3 Asbestos soil sampling / Radon / Water monitoring			
4 Phase 1 UXO Pre-Desk Study Assessment			
5 Phase 1 Detailed UXO Risk Assessment			
6 Phase 2 UXO Phase 2 GPR and monitoring during Phase 2 SI			
7 Phase 1 / 2 Acoustic Background Noise / Monitoring			
8 Topographical Survey (Site-wide)			
9 PAS128 Level B Utility and Services Mapping			
10 Phase 1 Drainage Survey - Desktop			
11 Phase 2 Drainage CCTV Condition Survey Phase 2			
12 Phase 1 Ecological Appraisal			
13 Phase 2 Ecological survey - Bat & Reptile Surveys			
14 Phase 2 Specific Specialist Ecological Surveys - i.e. Bat/Badger emergence			
15 Phase 1 Archaeology Desktop			
16 Phase 2 Archaeology Intrusive (subject to desktop)			
17 Utility surveys and capacity checks			
18 Transport / Highways surveys- Road safety audits/assessments			
19 Flood Surveys and Risk Assessment			
20 Tree Risk Assessment/ Arb Surveys			
21 Air Quality Survey / Assessment			
22 Heritage Surveys / Assessments			
23 Other (Please list)			
Existing Building Evaluation (if applicable)			
1 Visual structural (non-intrusive)			
2 Visual MEP systems			
3 Asbestos Management Survey and Asbestos Register			
4 Existing Health and Safety File Gathering			
5 Building fabric condition survey			
6 R & D Intrusive asbestos (Needs suitable access to permit)			
7 Measured building survey (3d Scanned for Revit use) - Point cloud			
8 Intrusive MEP (i.e. above ceilings / behind voids if necessary inc full plant survey)			
9 Intrusive fabric/structural condition survey (as required)			
11 Legacy FF&E Survey			
TBC and Other surveys - subject to Phase 1 surveys, planning and highway engagement			