



Community Infrastructure Levy Background Paper





Affordable housing,
Armstrong Road, Maidstone



Scania Depot, Brooklyn Yard




Lenham Village Square




Kent Institute of Medicine
and Surgery, Maidstone




Langley Park, Maidstone



Sandling Lane, Penenden
Heath, Maidstone



Captain Nolan Sculpture,
Old Ophthalmic Hospital



Mote Park, Maidstone



Marden



Fremlin Walk

Maidstone Community Infrastructure Levy (CIL) Draft Charging Schedule

CIL Background Paper

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1. Introduction

1.1 The Maidstone Community Infrastructure Levy (CIL) Draft Charging Schedule is submitted for independent examination in accordance with Regulation 19 of the CIL Regulations 2010 (as amended). This paper seeks to provide some context to the submission, and to address areas of evidence which are not already covered by other submission documents.

Maidstone Borough Local Plan

1.2 The Maidstone Borough Local Plan (MBLP) 2011-2031 was submitted for **independent examination in May 2016 and sets out the council's proposed strategy and policy framework for future development in Maidstone. The MBLP Inspector's Interim Findings Report was published in December 2016 and** consultation on a series of Main Modifications is taking place between March and May 2017. Accordingly, the MBLP examination is now well advanced and there is increased certainty as regards the final content of the MBLP. It is now anticipated that the MBLP will be adopted by the council in September 2017.

1.3 The MBLP requires that new housing and commercial development is supported by necessary infrastructure, such as improvements to transport networks, education and health infrastructure, social and community infrastructure and environmental improvements. The **Council's Infrastructure Delivery Plan (IDP) (May 2016)** identifies a series of infrastructure schemes and measures which have been developed to support planned growth, through various evidence base studies, complimentary strategies, and active engagement with infrastructure providers themselves. Although the IDP itself was not subject to examination, it formed a key element of the evidence base submitted with the MBLP.

1.4 As proposals for development come forward, it is necessary for the Council to secure and, in coordination with infrastructure providers, deliver these infrastructure improvements in a timely manner to support growth. MBLP Policy ID1 provides that where development proposals create the need for specific infrastructure improvements to support their own development, such as a particular road scheme or open space provision, this will be secured through a section 106 planning obligation, in accordance with Regulation 122 of the CIL Regulations 2010 (as amended). Site specific infrastructure requirements may alternatively be secured through planning condition or through a section 278 agreement under the Highways Act, where appropriate. However, where a number of developments together, or even the growth planned through the MBLP as a whole, generate the need for perhaps a more substantive, strategic infrastructure measure, this would be funded, either wholly or partly, through the CIL.

Development of the Community Infrastructure Levy Draft Charging Schedule

1.5 The council resolved to prepare a CIL Charging Schedule as early as 2012, as a means to provide funding towards the strategic infrastructure schemes necessary to support planned development. In accordance with National Planning Practice Guidance (NPPG), the council has developed its CIL Charging Schedule alongside the emerging MBLP as the evidence base for infrastructure planning, affordable housing requirements and development viability supports both the CIL and the MBLP.

1.6 Consultation on the Preliminary Draft Charging Schedule under Regulation 15 of the CIL Regulations 2010 (as amended) took place alongside consultation on the draft MBLP (Regulation 18) in spring 2014. Some 34 representations were received in response to the consultation which, together with the updated viability and infrastructure evidence base, informed a number of changes for Draft Charging Schedule stage including amendments to the rates and the **introduction of an "in kind" mechanism and an instalments policy.**

1.7 Consultation on the Draft Charging Schedule under Regulation 16 of the CIL Regulations 2010 (as amended) then took place shortly after the MBLP was submitted for examination. Full Council agreed to submit the Draft Charging Schedule for examination at their December 2016 meeting with the intention to introduce the CIL as quickly as possible following adoption of the MBLP.

Purpose of this Paper

1.7 Alongside the Draft Charging Schedule itself, a series of evidence and supporting documents are also submitted. Together these documents provide the majority of the evidence required to support submission of the Draft Charging Schedule for examination:

- Maidstone Borough Local Plan (Regulation 19) 2011-2031 (February 2016)
- Interim Findings from the Examination of the Maidstone Borough Local Plan (December 2016)
- Schedule of proposed Main Modifications to the Maidstone Borough Local Plan (March 2017)
- Infrastructure Delivery Plan (May 2016)
- Revised Plan and CIL Viability Study (July 2015)
- Revised Draft Regulation 123 List
- Draft Instalments Policy
- Preliminary Draft CIL Charging Schedule (February 2014)

1.9 This paper therefore seeks to address the remaining regulatory and evidence requirements:

- Statement of Representations and copies of representations;
- Funding gap analysis and S106 and affordable housing analysis.

2. Statement of Representations

2.1 The council published the Draft Charging Schedule in accordance with Regulation 16 of the CIL Regulations 2010 (as amended) between 5 August and 16 September 2016. During this period a total of 21 representations were received from 20 different individuals or organisations, in accordance with Regulation 17 of the CIL Regulations 2010 (as amended).

2.2 A full summary of the representations and the officer responses provided to the council's Strategic Planning, Sustainability and Transportation Committee are set out at Appendix A however the key points raised include:

- That the CIL rate should be higher within the AONB and that comparison retail in the town centre should also carry a CIL charge;
- Queries regarding the robustness of the Council's viability evidence;
- That the Draft Charging Schedule is premature, given that the MBLP examination is not yet concluded;
- That the council has not assessed how potential CIL receipts would compare to the alternative continuation of the existing section 106 regime;
- That the Regulation 123 List should be subject to various suggested amendments; and
- Clarification should be provided on the mechanics of the neighbourhood portion.

2.3 The council has considered the representations, copies of which are provided at Appendix B, however no changes are proposed to the Draft Charging Schedule as a result of the Regulation 17 representations.

2.4 Since the publication of the Draft Charging Schedule however, the MBLP examination has progressed significantly and consultation is currently underway on the Schedule of Proposed Main Modifications. Alongside this, the council is also consulting on a Schedule of Proposed Minor Changes, which includes a number of changes to the Policies Map. Two of these changes affect the Urban Boundary of the submission version of the MBLP.

2.5 At MBLP Site RMX1 (1) Newnham Park, the Urban Boundary has been amended to include the allocated site within the Urban Boundary (Minor Change reference M19/1). Additionally, given the deletion of MBLP Site H1 (53) Boughton Lane, in accordance with the Inspector's Interim Findings, the Urban Boundary has been amended to exclude this land from the Urban Area (Minor Change reference M19/10).

2.6 Given that the geography of the Residential Charging Zones shown at Figure 1 of the Draft Charging Schedule is based on the Urban Boundary of the submission version of the MBLP, these Minor Changes to the MBLP Policies Map therefore affect the Draft Charging Schedule as it is critical that there is consistency between the MBLP and the CIL Draft Charging Schedule.

2.7 The Statement of Modifications submitted with the Draft Charging Schedule therefore sets out these two Proposed Modifications to the boundaries of the Residential Charging Zones as identified in Figure 1 of the Draft Charging Schedule.

2.8 In respect of the Draft Regulation 123 List, the comments of Highways England are noted and the council accepts the County Council's comments regarding the need for flexibility in the primary education infrastructure provision for site H1 (8) West of Church Road, Otham. A Revised Draft Regulation 123 List was therefore agreed by Strategic Planning, Sustainability and Transportation Committee to reflect these two minor changes.

2.9 The Revised Draft Regulation 123 List continues to reflect MBLP Policy ID1 in that the strategic infrastructure schemes identified in the MBLP and IDP will be funded through the CIL following its introduction, with the use of section 106 agreements scaled back significantly. Only site specific infrastructure provision will continue to be funded through section 106 agreements, and individual known schemes are specified in the List where appropriate.

2.10 The Draft Instalments Policy has not been amended as a result of the consultation.

2.11 As set out in the officer responses to the representations, the council will prepare a Frequently Asked Questions (FAQs) document to address many of the day-to-day queries that may arise. It is considered that a FAQs document can clarify a number of process and administration related points raised by infrastructure providers and parish councils without necessitating changes to the Charging Schedule itself. In this way, further information and guidance can be made available in an efficient manner by updating the document.

2.12 The council is in the early stages of developing administrative and governance arrangements for the implementation of the CIL but is committed to working constructively with key stakeholders, including the County Council, other infrastructure providers and parish councils as part of this process.

3. Funding Gap Analysis

3.1 In order to justify the introduction of the CIL it is necessary to demonstrate that there is an aggregate funding gap between the cost of providing the infrastructure required to support planned growth and the amount of funding available to deliver that infrastructure. This section therefore provides an analysis of the total cost of the infrastructure projects which may be funded wholly or partly through the CIL, and the amount of money, from all sources, which may be available to deliver those projects.

3.2 The following sections provide some context to both the infrastructure costs and the infrastructure funding elements of the funding gap analysis. Table 1 demonstrates the existing funding gap, whilst Table 2 projects the aggregate funding gap. Further details setting out the funding secured towards each individual scheme and any residual funding gaps are set out at Appendix C.

Infrastructure Costs

3.3 The IDP brings together the relevant evidence to provide cost estimates for the key infrastructure projects required to support delivery of the MBLP to 2031 and therefore provides the starting point for assessing infrastructure costs. The list of strategic infrastructure schemes and associated cost estimates are set out at Appendix C. It should be noted that only schemes categorised as “critical” and “essential” are included in the analysis; schemes categorised as “desirable” are not included in this analysis, as they often relate to the more aspirational MBLP and council objectives, rather than the delivery of physical development.

3.4 The IDP is described as a “living document” as it is effectively a programme of measures which will be progressed and delivered over time: individual schemes may be refined or developed as more detailed work is undertaken to achieve delivery. Accordingly, the IDP will be subject to regular updating and review over the lifetime of the MBLP and so the cost estimates currently identified may well be refined over time.

3.5 Additionally, a number of strategies prepared alongside the MBLP contain a series of schemes or initiatives which will support the delivery of the MBLP, but which have not been costed and are not currently reflected in the IDP. Through the delivery of the Green and Blue Infrastructure Strategy, the Integrated Transport Strategy and the Walking and Cycling Strategy, further work is likely to reveal additional costings which may increase the overall infrastructure costs. As acknowledged in Kent County Council’s representations, further work is also underway in respect of waste management infrastructure, which may have similar implications.

3.6 The IDP was updated immediately prior to submission of the MBLP and, through the examination of the MBLP, and the determination of planning applications over this period, very few schemes have been removed or amended.

Indeed, the only meaningful changes are amendments to the Bearsted Road dualling scheme (IDP ref. HTJ74) which is now a strategic scheme rather than a site specific scheme, following the deletion of the retail allocation at site RMX1 (1), and the deletion of the Staplehurst crossroads scheme (IDP ref. HTS1) following the determination of planning applications for site H1 (49). The only changes to infrastructure cost estimates included in the May 2016 IDP relate to primary education infrastructure, where the County Council has recently completed a review which results in an uplift in construction costs. The results of a similar review into secondary education infrastructure costs are not yet known.

3.7 In addition to the schemes identified it is necessary to make an allowance for the potential costs of social and community infrastructure, which may include schemes to improve libraries, social care, community services and youth services. Although the County Council did not identify or cost any specific schemes, the IDP confirms that the County Council will continue to seek developer contributions towards small scale improvements and equipment for a range of social and community infrastructure though the lifetime of the MBLP. Analysis of contributions secured from consents on development sites allocated in the MBLP indicates an average per dwelling contribution of around £175, and therefore a conservative estimate of £1.1m is applied to the analysis to ensure the likely costs of such improvements are not disregarded.

3.8 The IDP schedules are not limited only to strategic infrastructure projects, and include a series of site specific measures which will continue to be funded through the section 106 route following the introduction of the CIL. These include items such as open space mitigation, in addition to specific transport or education infrastructure necessary to mitigate the impact of a single development, in accordance with MBLP Policy ID1.

3.9 The Revised Plan and CIL Viability Study (July 2015) undertaken by Peter Brett Associates applies a significant buffer in calculating the recommended CIL charging rates, to enable the continued delivery of site specific infrastructure measures through section 106 planning obligations. On the basis of the MBLP policies and evidence therefore, and given that some site specific measures may not be identified until such time as detailed assessments (e.g. Transport Assessments, Flood Risk Assessments) are undertaken as part of the development management process, this analysis focusses on the strategic infrastructure requirements which would be eligible to be funded wholly or partly from the CIL.

Infrastructure Funding Sources

3.10 Infrastructure funding originates from a number of different sources. However, for the purposes of this analysis, funding can be summarised in three key categories: (1) existing section 106 agreements or unilateral undertakings; (2) projected future CIL receipts; and (3) other funding sources.

Existing Section 106 Agreements

3.11 At present, developer contributions towards the provision of strategic infrastructure are generally secured through section 106 agreements or unilateral undertakings. Given the restrictions imposed on the pooling of planning obligations, these contributions are usually calculated on a pro-rata basis towards specific infrastructure schemes. Accordingly, the majority of contributions should not be considered as a generic infrastructure funding “pot” as they have been secured towards a specific purpose.

3.12 Given the scale of development that has come forward early in the period of the MBLP, significant levels of developer contributions have been secured in this way through section 106 agreements. As of September 2016, over 11,200 dwellings (of the identified need of 17,660 dwellings) were either completed, under construction, or have planning permission or a resolution to grant permission from the Council’s Planning Committee¹.

3.13 A full review of existing section 106 agreements² has been undertaken (as at February 2017) to provide an understanding of how these contributions will work together to fund the strategic infrastructure schemes identified in the IDP. Appendix C therefore provides an assessment of the total levels of funding secured towards each scheme and shows that a number of the key infrastructure schemes are fully funded through existing section 106 agreements whilst many more have partial funding through this route.

3.14 Although the overwhelming majority of contributions are for a specific scheme, some (generally older section 106 agreements) are more generic e.g. towards “primary education”. However in these cases the contributions may still be used towards the delivery of the identified strategic infrastructure schemes, and therefore this analysis includes such contributions for robustness.

Projected CIL Receipts

3.15 Once the CIL is adopted the use of section 106 agreements will be scaled back to those projects necessary to make individual developments acceptable in planning terms, and the CIL will become the default mechanism by which developers make contributions towards strategic infrastructure projects.

¹ http://www.maidstone.gov.uk/_data/assets/pdf_file/0016/132154/ED-013-Housing-Topic-Paper-2016-Update-One-1-September-2016.pdf

² This includes the Heads of Terms recorded in the minutes of the Council’s Planning Committee where that Committee has resolved to grant permission, subject to the completion of a section 106 agreement.

Although a large proportion of planned development has come forward in advance of the adoption of the CIL, it is clear that its introduction will make a significant contribution towards the funding of strategic infrastructure projects.

3.16 Development sites which are already completed or committed are unlikely to provide funding through the CIL, as contributions are already secured through the section 106 route. This analysis therefore considers the total CIL receipts likely to be generated by MBLP planned development which is yet to receive either a planning permission or a resolution to grant planning permission, subject to the completion of a section 106 agreement, again as at February 2017. The projection takes account of the MBLP Inspector's Interim Findings Report which has resulted in a significant reduction in the MBLP housing target and therefore affects forecast CIL receipts.

3.17 It is necessary also, for the purposes of this analysis, to distinguish between the gross CIL receipts raised and the amount of CIL income which will ultimately be available to the council as Charging Authority for spend on infrastructure projects, as only the latter will be available to close the funding gap.

3.18 A significant proportion of CIL receipts are distributed to Parish Councils or spent on behalf of local communities through the "neighbourhood portion". Whilst these monies may ultimately be used towards the strategic infrastructure projects identified in the IDP, there is no obligation for the neighbourhood portion to be used in this way, and indeed the regulations governing its spending are significantly less restrictive than those which affect the council as Charging Authority. For robustness, the analysis excludes the neighbourhood portion from the projection of CIL receipts as there can be no presumption that the funding will be made available for the council's own priorities for infrastructure delivery.

3.19 As at February, there are just two made Neighbourhood Development Plans (NDPs) in the borough (North Loose and Staplehurst) and therefore only development within these areas would incur the higher proportion of 25%. As the MBLP period progresses however, additional NDPs are likely to be made which will further reduce the amount of funding available to the council directly as Charging Authority.

3.20 As Charging Authority, the council will be able to retain up to 5% of CIL receipts for use towards related administration expenditure, meaning that these monies would not be directly available for the delivery of physical infrastructure. It is reasonable to assume that the council will look to retain this proportion and therefore the 5% is excluded from the projection of CIL receipts for robustness.

3.21 At this stage, the projected CIL income has not been allocated towards specific projects and are therefore shown as an overall figure in the analysis, rather than against individual schemes.

Other funding sources

3.22 The NPPG recognises that it is difficult to pinpoint other infrastructure funding sources beyond the short term. However, there are currently a number of known sources of funding which have been allocated towards strategic infrastructure projects and can therefore be included in this analysis.

3.23 Through the early part of the MBLP plan period, the council and its partners have already delivered a number of key infrastructure projects including the Bridges Gyratory scheme (IDP Ref. HTTC1) and Medway Towpath scheme (IDP Ref. HTTC9) with monies secured through other sources; principally the Local Growth Fund (LGF) and the council's own capital budget.

3.24 Additionally, in accordance with resolutions of the Maidstone Joint Transportation Board and the council's Strategic Planning, Sustainability and Transportation Committee, the County Council is now progressing work to deliver a number of specified highway improvement schemes across Maidstone Urban Area to support the delivery planned growth using some £8.9m of LGF monies, supplemented by funding secured through existing section 106 planning obligations relevant to these improvements. The first two schemes, at Willington Street (IDP Refs. HTUA2 and HTSE2), are scheduled to commence later this year.

3.25 The council has also resolved to use some £3.1m of its capital budget to fund the town centre improvement works at Week Street and Gabriel's Hill (IDP Refs. HTTC5 and HTTC8) and these schemes are also scheduled to commence later this year. Separately, funding has also been secured from SELEP/Network Rail, and indeed works are now underway, to deliver improvements at Maidstone East and at the top of Week Street (IDP Ref. HTTC11).

3.26 As with the majority of section 106 agreements, these funds are allocated towards specific schemes, and are not a generic infrastructure funding "pot". Appendix C therefore identifies where individual infrastructure projects have either been completed or are fully funded through monies from other sources.

3.27 Looking further forward, there is significant uncertainty regarding the prospects of securing further funding from future national or regional infrastructure funding pots, or from any other potential sources. The council was unsuccessful in its bid to LGF Round 3 for improvement works at and close to M20 Junction 7, which are required to support the Kent Medical Campus development. Through its "Medium Term Financial Strategy 2017/18 onwards" however, the council has committed an additional £3m of funding from its capital budget for use towards the delivery of infrastructure schemes in the IDP. Accordingly, these monies can be factored into the analysis as a source of potential funding, although they are yet to be allocated to any specific projects.

Calculating the funding gap

3.28 A scheme by scheme analysis of costs and funding is set out at Appendix C however Table 1 summarises the existing funding gap, taking account of existing section 106 planning obligations and other funding sources allocated towards the identified schemes. As set out at paragraph 3.7, an allowance for social and community infrastructure is included within the assessment.

Table 1 – Summary of the existing infrastructure funding gap

Existing funding gap analysis ⁽¹⁾	Costs (£)	Residual funding gap (£)⁽²⁾
Highways and Transportation	53,070,000	24,140,000
Education Provision	41,140,000	12,945,000
Health Provision	5,485,000	305,000
Social and Community Services	1,100,000	1,100,000
Public Services	110,000	110,000
TOTAL	100,205,000	38,300,000

(1) Infrastructure which may be funded wholly or partly by the CIL to 2031

(2) Takes account of contributions agreed and contributions resolved by Planning Committee subject to the completion of a s106 legal agreement correct as of 15 February 2017 and funding secured towards specific schemes from "other sources" including LGF, other SELEP and MBC capital.

3.29 Table 1 therefore demonstrates an existing funding gap in excess of £38m. Table 2 includes projected CIL income and the unallocated infrastructure funding from the council's capital budget to demonstrate an aggregate funding gap in excess of £15m.

Table 2 - Summary of the aggregate infrastructure funding gap

Aggregate funding gap analysis	Subtotal (£)	Aggregate funding gap (£)
Existing funding gap	38,300,000	
Projected CIL income ⁽¹⁾ ⁽²⁾	19,845,000	
Funding from other sources	3,000,000	
TOTAL		15,455,000

(1) Includes potential income from relevant MBLP development which has not received planning consent or a resolution from Planning Committee to grant planning consent subject to completion of a s106 legal agreement at 15 February 2017;

(2) Excludes the neighbourhood portion which is projected at £4,350,000 based on currently made Neighbourhood Development Plans and the 5% administration costs which are projected at £1,045,000.

3.30 Clearly this is a snapshot figure, which is likely to change over the period of the MBLP. However, as required by the NPPG, there is currently a clear aggregate funding gap based on the MBLP infrastructure evidence base and the assessment of infrastructure funding which is or will be available to deliver the identified projects.

3.31 Moreover, the analysis shows that the CIL will make a significant contribution towards addressing the existing funding gap but highlights both that the council will need to make informed decisions on the prioritisation of CIL spend and that additional measures and funding will be required to ensure that necessary infrastructure can be delivered in a timely manner to support growth.

4. Analysis of section 106 agreements and affordable housing delivery

4.1 The NPPG requires that Charging Authorities provide information on the performance of section 106 planning obligations and affordable housing policies in recent years. An analysis has therefore been undertaken to cover the first five years of the MBLP (April 2011 – March 2016) to provide a comprehensive picture over this period.

4.2 Table 3 shows the levels of housing granted permission during this period and the amount of monies secured towards infrastructure provision through section 106 agreements, to calculate the average per dwelling contribution. This confirms an average contribution of around £4,800 per dwelling.

Table 3 – Section 106 performance April 2011 – March 2016

Indicator	Borough wide
Total dwellings granted planning permission	6,758
Total monies secured towards infrastructure provision through section 106 agreements	£32,375,940
Average per dwelling section 106 contribution	£4,790

4.3 In terms of a comparison with projected CIL receipts, the February analysis estimates that some £25m will be raised from the remaining non-committed MBLP residential development, which equates to around £4,300 per dwelling. This is comfortably within the historic section 106 figures identified above.

4.4 It is important to note however that the monies raised through section 106 agreements over the first five years of the MBLP, relate both to strategic infrastructure schemes and site specific mitigation. Following the introduction of the CIL, site specific transport or open space mitigation for instance will continue to be funded through section 106 agreements, where appropriate. Overall therefore, developer contributions towards infrastructure will remain aligned if not increase from historic levels. Indeed, the Revised Plan and CIL Viability Study applies a 50% buffer to the proposed CIL rates, which provides for significant headroom to cover additional section 106 costs.

4.5 More generally, the pace and scale at which development sites have come forward during the early years of the MBLP period emphasises that infrastructure requirements and financial contributions towards infrastructure are not adversely affecting development viability and deliverability in Maidstone.

4.6 As regards affordable housing, the council's Affordable Housing DPD 2006 (which has been the adopted policy during this period) requires 40% affordable units on sites of 15 or more dwellings. Table 4 assesses the delivery rates over sites which have secured affordable housing through the section 106 route to provide evidence of past performance on affordable housing. Given that the MBLP proposes very different rates in the urban and rural areas, based on the

Revised Plan and CIL Viability Study, the analysis is broken down by urban and rural areas.

Table 4 – Affordable housing secured through section 106 agreements April 2011 – March 2016

Indicator	Urban	Rural	Borough wide
Total dwellings granted on sites subject to s106 agreements for affordable housing	2,849	1,451	4,300
Total affordable dwellings	847	590	1437
Average affordable percentage (%)	30	41	33

4.7 Table 4 shows that whilst the target rates are being met in the rural areas, delivery in the urban area falls well short of the 40% target in the 2006 DPD. However, the MBLP proposes affordable housing rates of 30% for the urban area and 40% for the rural areas and Table 4 therefore demonstrates that delivery to date is consistent with these target rates.

4.8 Taken together, the above analysis confirms a broad alignment between performance over the first five years of the MBLP period, and the future arrangements through the MBLP and the CIL. Given that this period has seen a significant acceleration in development activity (with over 11,000 homes now committed or completed) there can be some confidence that the introduction of the CIL will not adversely affect development viability and deliverability in Maidstone.

5. Conclusions

5.1 This paper provides the Statement of Representations and sets out an analysis of the existing and aggregate infrastructure funding gaps and an analysis of the performance of section 106 agreements and affordable housing provision over the first five years of the MBLP period.

5.2 Section 2 confirms that the council has considered the representations made in accordance with Regulation 17 of the CIL Regulations (as amended) but that no changes to the Draft Charging Schedule are proposed as a result of these representations. The Statement of Representations is required purely to reflect the amendments to the Urban Boundary now proposed to the MBLP Policies Map and their impact on the Residential Charging Zones. Minor points of clarification, taking account of the Regulation 17 representations, are reflected in the Revised Draft Regulation 123 List.

5.3 Section 3 identifies an existing funding gap of around £38m, and an aggregate gap, taking account of known and projected funding of around £15m. The introduction of the CIL will provide a significant source of infrastructure funding, projected to be in the order of £20m, with an additional £4m made available through the neighbourhood portion to parish councils and local communities.

5.4 Section 4 confirms that there is broad alignment between the per dwelling infrastructure contributions and affordable housing provision pre- and post- CIL, but that there will be significant headroom for additional contributions to be made through the section 106 route following the introduction of the CIL.

5.5 Both the Revised Plan and CIL Viability Study, and the analysis of section 106 agreements and affordable housing performance over the first five years of the MBLP period, therefore show that the proposed CIL rates will strike an appropriate balance between development viability the desirability of funding infrastructure.

5.6 Crucially, the introduction of the CIL in Maidstone will also have the additional benefits of enabling the flexible use of infrastructure funds for strategic projects, will ensure that smaller developments begin making a meaningful contribution towards cumulative impacts and will provide funding to Parish Councils and local communities to spend on infrastructure to support development in their local areas.

Appendix A: Summary of Representations in accordance with Regulation 17 of the CIL Regulations 2010 (as amended) and Officer Responses

Rep No	ID	Name	Representing on behalf of	Organisation Type/	Summary of Representation	Council's response
1	1013008	Robert Gardiner			Re 5.3 - I see no reason why retail within the town centre area should be excluded. MBC should set a chargeable rate with the option to suspend the charge for particular schemes which meet MBCs other objectives for the town centre.	The Council's viability evidence supports the introduction of the Levy for convenience retail both within and outside of the Town Centre. For comparison retail however, the evidence demonstrates that the Levy can only be sustained outside of the Town Centre boundary. The proposed rates therefore reflect the Council's viability evidence.
2	1013008	Robert Gardiner			6.3 There is no evidence that engagement with a parish would lead to any resolution with the parish. I recommend that MBC engage with the parish and in the absence of resolution that not less than 30% of the receipts be delivered to the parish for appropriate local spending. I also recommend that this be required within 26 weeks of the receipts being received from the developer.	The Council recognises its duty to pass CIL receipts to local councils, as set out in the CIL Regulations and Planning Practice Guidance. The Council has committed to engage with local councils through the development of the administrative and governance arrangements required to support the effective implementation of the CIL.
3	932530	Catherine Tonge	Natural England	Statutory body	The matters of the scales and mechanisms for CIL charging falls beyond the Natural England's remit and have no comments to offer at this stage.	The comments are noted.
4	557593	Trevor Hall	Kent Police	Infrastructure Provider	Having reviewed the document Kent Police is content it satisfies all necessary legislative and NPPF requirements and supports the proposals.	The comments are noted.
5	668511	Kevin Brown	Highways England	Infrastructure Provider	Any and all works to the SRN these days, in accordance with DCLG guidance, (http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/other-developer-contributions/) are likely to be dealt with via a S278 agreement. Therefore we would suggest that it might be helpful to include clarifying text on this matter in your CIL documentation and your IDP.	For clarity, the Draft Regulation 123 List will be updated to confirm that works to the Strategic Road Network would not be funded through the CIL. This will also be reflected when the Infrastructure Delivery Plan is next updated.
6	1021064	Bernard Cresswell			6.2 I see no evidence or reason why a Parish council that has not supplied a neighbourhood plan should receive less CIL percentage to one that has. By way of example Linton is governed by a conservation area plan.	The Council recognises its duty to pass CIL receipts to local councils, as set out in the CIL Regulations and Planning Practice Guidance. Where all or part of a chargeable development is not in an area that has a neighbourhood development plan in place the Council must pass 15% of the CIL receipts to the Parish Council for that area.
7	3848	Terry Ketley	Coxheath Parish Council	Parish Council	<p>2.5 Although the CIL is a funding source for infrastructure, there have to be major infrastructure plans, and hence finance in place, before development occurs. Coxheath Parish Council feels, therefore, that the emphasis is skewed. The Local Plan cannot rely on CIL to deliver infrastructure on the scale required.</p> <p>3.2 There are very substantial infrastructure deficits (particularly in highways, health and public open space) which must be improved/ addressed at same time as new initiatives.</p> <p>3.4 Coxheath Parish Council understands this is a large unused fund of Section 106 monies. A similar situation must not be allowed with CIL funds.</p> <p>4.5 It seems nonsensical to apply 40% affordable housing allocations to rural areas of the borough, where employment opportunities are more limited, road/transport infrastructure is inadequate and other infrastructure</p>	<p>The CIL will make a significant contribution towards the delivery of infrastructure necessary to support growth, but it is not expected to pay for all infrastructure. Other mechanisms, such as section 106 legal agreements, will also help to support delivery of infrastructure schemes.</p> <p>In passing CIL receipts to local councils, there will be an established mechanism by which a significant proportion of CIL receipts are available for spend within the local area. Although CIL receipts can be pooled and spent with more flexibility than the existing arrangements under section 106 planning obligations, infrastructure schemes are identified at all key settlements to support growth and the CIL can be used to support delivery of relevant schemes.</p>

					<p>(health, education, public open space, high speed broadband etc) is already under extreme pressure.</p> <p>6.3 It is essential that CIL from developments in rural Maidstone is used for the direct benefit of the communities affected by these developments.</p> <p>6.4 The definitions seem vague. They need to be clarified and explained.</p>	
8	1021432	Liz McLaren	Loose Parish Council	Parish Council	<p>Loose Parish Council considers that there is no provision for funding for the loss of wildlife habitat, etc. Much of this will be lost due to the development and construction disturbance.</p> <p>Section 4.4 – The thinking of conversion of office buildings to residential is not clearly described. More incentives are needed here</p> <p>Section 5.5 - There should be a greater levy imposed on development outside urban areas and a reduction on the levy imposed on development inside urban areas. This will encourage urban development and make use of urban areas.</p> <p>Section 6.3 – In line 7 the text “council” should be replaced with “parish council”</p> <p>Section 6 in general – Is there provision for 25% of the CIL going to a parish council if a Neighbourhood Plan is “made” within the year that the CIL is levied/collected? That is, what is the cut off date to prevent the 25% going to a parish council who may come along on the heels of a CIL being levied with their Neighbourhood Plan?</p>	<p>In respect of wildlife habitats, the Draft Regulation 123 List provides for site specific mitigation to be funded through section 106 agreements or through planning condition. More strategic green and blue infrastructure improvements are however identified for funding through the CIL.</p> <p>The Planning Practice Guidance is clear that CIL rates should be based on viability evidence rather than policy aspirations. Accordingly, it would not be appropriate to amend the rates for the reasons proposed.</p> <p>In respect of the neighbourhood portion, the higher level will apply where the neighbourhood plan has been made before a relevant planning permission first permits development.</p>
9	1021528	Paul Burley - Montagu Evans	Quinn Estates	Developer	<p>The IDP and therefore the draft CIL Charging Schedule are predicated on a draft Local Plan which is subject of a number of substantial unresolved objections, including in relation to the draft plan’s spatial strategy and locations for housing growth. Progressing a CIL schedule at this time and on the basis of the current draft Local Plan is pre-judging the outcome of the Local Plan Examination which is not due to commence until after consultation on the draft Charging Schedule has closed.</p> <p>The lead agency for many of the IDP’s transportation projects is Kent County Council. That is despite KCC having made a fundamental objection to the draft local plan’s spatial strategy and the proposed strategic growth locations. That objection was on the basis that alternative locations could deliver growth without exacerbating Maidstone’s acute transportation problems to the same extent. It is also despite there still being no transport strategy that has been agreed by both Maidstone Borough Council and Kent County Council, even though the May 2016 <i>Infrastructure Delivery Plan</i> implies that there is consensus between the Borough and County councils in relation to the <i>Integrated Transport Strategy</i> (there is not any such consensus at this time).</p>	<p>The Maidstone Borough Local Plan was submitted for examination on 20 May 2016 and hearings are due to commence in October 2016. The CIL DCS has been developed alongside the emerging Local Plan and strategic documents such as the IDP and ITS. The Council has submitted what it considers to be a sound local plan, and this is an appropriate basis on which to progress the Draft Charging Schedule.</p> <p>The Maidstone Integrated Transport Strategy (ITS) was agreed to be adopted at Strategic Planning Sustainability & Transportation Committee on 13 September 2016. The ITS sets out a package of sustainable transport interventions which provide appropriate mitigation in support and as part of the evidence base for allocations in the emerging Maidstone Borough Local Plan up to 2031.</p>
10	835126	Malcolm Butler			<p>Unclear where all the relevant documents are viewable on the Maidstone Borough Council website.</p> <p>The affordable homes percentages are not in accordance with the needs of residents who will be using them. Most young couples and families trying to get on the housing ladder are those most in need of these</p>	<p>The comments are noted and the Council can confirm that the Draft Charging Schedule reflects government requirements regarding the neighbourhood portion. All relevant documents were made available on the Council’s website, and in hard copy at a number of locations, throughout the consultation.</p>

					<p>properties. The cost of living in a rural area is far greater and affordable homes should be built where there are excellent bus services. Please revise the affordable housing allocations.</p> <p>Concerned with the provision 6.2 and the use of the word “or” and with the wording of 6.4 as all 100% of the 25% should be passed on to the relevant Parish Council.</p>	<p>The Council recognises its duty to pass CIL receipts to local councils, as set out in the CIL Regulations and Planning Practice Guidance. The Council has committed to engage with local councils through the development of the administrative and governance arrangements required to support the effective implementation of the CIL.</p>
11	956007	Kirsten Williamson	Southern Water	Infrastructure Provider	<p>CIL is not designed to include utility infrastructure, such as local sewers and associated facilities. Would be useful if this document recognised that developer contributions towards local infrastructure maybe required which are additional to CIL and S106 planning obligations.</p>	<p>Waste water infrastructure is not included within the Regulation 123 List of infrastructure to be funded through the CIL. The Infrastructure Delivery Plan sets out the relevant information regarding how such improvements will be funded.</p> <p>The Council recognises that it would be helpful to add clarification that contributions towards local infrastructure may be required which are additional to CIL and S106 planning obligations. The Council intends to produce a FAQs document which will be published on the website and this document can address points of clarification such as this.</p>
12	1022304	Ellie Henderson	The Woodland Trust		<p>We would wish to see tree planting and woodland creation specifically mentioned. Woodland creation can deliver across a wide range of benefits.</p>	<p>The Draft Regulation 123 List provides for site specific mitigation to be funded through section 106 agreements or through planning condition. More strategic green and blue infrastructure improvements are however identified for funding through the CIL.</p>
13	558620	Katie Miller	Kent Downs AONB		<p>A higher levy should be charged for residential development within or adjacent to the Kent Downs AONB which should be used to support Green Infrastructure requirements. This would relate to higher development land values within the AONB.</p> <p>The Kent and Medway Growth and Infrastructure Framework (GIF) identifies that investment will be needed at a strategic level to enhance existing green spaces and improving green infrastructure. A funding gap of £46,830,000 million has been identified in the GIF for the Maidstone area towards Green Infrastructure. Should a higher CIL not be imposed then we would like to see S106 Agreements for contributions.</p>	<p>The Council's viability evidence does not support variable CIL rates for housing rates within the rural areas and the approach reflects the Local Plan affordable housing Policy DM12.</p> <p>The Draft Regulation 123 List provides for site specific mitigation to be funded through section 106 agreements or through planning condition. More strategic green and blue infrastructure improvements are however identified for funding through the CIL.</p>
14	934473	Mat Evans	Gladman		<p>Funding Gap / evidence base - When establishing a funding gap that CIL receipts are intended to contribute towards filling, it is vital that the Council take account of all income streams including New Homes Bonus, council tax and business rates.</p> <p>The Council need to have an up to date, robust evidence base that fully justifies the infrastructure needs. If the authority's infrastructure planning is weak or out of date then the Council should undertake an exercise to refresh this.</p> <p>The Council is required to strike an appropriate balance between the desirability of funding from CIL and the potential effects of the imposition of CIL on the economic viability of development across the local authority area.</p> <p>Important that in calculating the level of infrastructure the authority needs as a result of development the Council distinguishes between new and</p>	<p>In order to justify the introduction of CIL it is necessary to demonstrate that there is an aggregate funding gap between the cost of providing infrastructure required to support planned growth and the amount of funding available to deliver that infrastructure. Funding Gap Analysis undertaken in June demonstrated this gap and this work will be updated for submission of the Draft Charging Schedule.</p> <p>The CIL rates have been set at levels which support the economic viability of development. In July 2015, the Council published a Revised Plan and CIL Viability Study which considered the viability and deliverability of the Local Plan as a whole and assessed the viability of development allocations to inform the setting of CIL charging rates.</p> <p>The support for introduction of an Instalments Policy is noted.</p> <p>It is accepted that the economic climate can change, therefore, the Council will monitor CIL and if there are unintended effects, it will be reviewed. There is already a significant buffer built into the CIL rates to</p>

					<p>existing demands.</p> <p>GDL would urge the Council to adopt an instalments policy for CIL payments as this will give developers the flexibility to pay contributions in line with development phasing schemes and will facilitate cash flow and therefore development viability.</p> <p>GDL remind the Council of the need to review CIL tariffs once these have been set. The economic climate will inevitably change over the course of the plan period and as such the levy rates that can be set whilst ensuring development remains viable will also change.</p> <p>GDL note the proposed charge rates set in Table 3 and are supported of the Council taking a flexible approach to the level of CIL which can be achieved depending on viability evidence.</p>	<p>allow for changes is site specific circumstances or more short term issues.</p> <p>The Council notes your support in regards to a flexible approach depending on the viability evidence.</p>
15	984970	Sherrie Babington	Linton Parish Council	Parish Council	<p>Linton Parish Council believes that smaller Parish Councils will be disadvantaged by the Community Infrastructure Levy by not having a Neighbourhood Plan.</p>	<p>The Council recognises its duty to pass CIL receipts to local councils, as set out in the CIL Regulations and Planning Practice Guidance. The Council has committed to engage with local councils through the development of the administrative and governance arrangements required to support the effective implementation of the CIL.</p>
16	1022613	Rory Silkin	Staplehurst Parish Council	Parish Council	<p>Draft Regulation 123 List: It is incomplete. It contains no heading and details for payments for drainage, both foul and surface. In the case of several villages, there is already a problem requiring remediation.</p> <p>Draft Instalments Policy: There is no reason why <u>all</u> payments should not be made within 24 months. The larger the CIL due, the larger the project, the greater the capacity the developer to fund it, and the easier it will be to pay.</p> <p>General: This has taken far too long to be published, allowing developers to gain planning permissions at the expense of MBC and the Parishes. It is as if someone on the inside was to gain advantage.</p>	<p>Drainage infrastructure is included within the list of exceptions, for ongoing funding through section 106 planning obligations. Waste water infrastructure is not included within the Regulation 123 List of infrastructure to be funded through the CIL. The Infrastructure Delivery Plan sets out the relevant information regarding how such improvements will be funded.</p> <p>The Council is proposing to introduce an Instalments Policy, in part due to responses to consultation on the Preliminary Draft Charging Schedule. Only developments which incur a CIL liability of over £1m would benefit from a timescale longer than 24 months, and in these cases 70% of the liability would be paid within this timescale. It is considered that this is a reasonable approach in such instances.</p>
17	984344	Flora Macleod (GL Hearn)	Redrow Homes South East	Developer	<p>Consultations and timescales – The findings of the PBA Viability Study July 2016 assessment are now approximately 15 months old. During this time the residential sales market has been rocked by changes to SDLT, changes to buy to let and mortgage rules as well as the EU referendum and result. PBA assumptions are based on previous iterations of the Local Plan that have now been superseded. The IDP has been objected to by Kent County Council. This does suggest that the housing figures, infrastructure requirements, evidence base and assumptions which have informed the draft charging schedule are now significantly out of date and will need to be considered.</p> <p>Overview and Methodology – PBA have set out the general scope of the study, an explanation of the proposed methodology and the planning policy context. Appraisals are undertaken on a variety of differing location and typological assumptions which follow accepted development viability practice as the appraisals are based on the residual valuation method.</p> <p>An analysis of Local Plan policies and their impact on viability testing is included. However, as stated above this analysis was based on a now</p>	<p>The Council is progressing the Draft Charging Schedule in tandem with the Local Plan. This approach is encouraged by the CIL guidance and the NPPF.</p> <p>In April 2013 the Council published an Economic Viability Study which was updated in July 2015 by the Revised Plan and CIL Viability Study. These studies considered the viability and deliverability of the Local Plan as a whole and assessed the viability of development allocations to inform the setting of CIL charging rates and affordable housing requirements. Key factors affecting viability have been properly tested through this process.</p> <p>It is considered that these documents provide a robust evidence base and the CIL charge rate has been set at a level which supports the economic viability of development.</p> <p>Information on monies secured through section 106 planning obligations in recent years will be submitted to the Planning Inspectorate as part of</p>

					<p>redundant version. Furthermore a number of policies have evolved such that they will have an impact on the viability of the proposed CIL schedule. For example, SS1 now incorporates an increased housing target, which could have implications on future development delivery.</p> <p>Residential Market Overview - A value analysis of postcodes is used to test the appropriateness of having various CIL zones. PBA conclude that outside the urban boundary it <i>'is difficult to discern a clear pattern in values'</i> and that only urban and rural zones are required. However, the postcode value map provided for houses, though somewhat blurred, illustrates a different picture as the highest value areas (dark red) are, on average, nearly three times more valuable than the lowest (white). Admittedly these areas do not make up a significant proportion of the Borough. However, the next highest (red) and lowest (beige) postcode areas do and differ in value, on average, by 40%. This is itself a significant variance which should not be ignored. Separate CIL zones should, therefore, be tested.</p> <p>Viability Assumptions - PBA have assumed gross and net floor areas for flats at 62 sqm and 59 sqm respectively, suggesting an efficiency of 95%. This is well beyond market norms where an 85% net to gross ratio is considered efficient and the average often 80% or lower. The scheme appraisals should be amended to reflect this error.</p> <p>Benchmark/Threshold Land Values - Various benchmark land values have been adopted on a £ per acre basis. These have been derived from comparable land transactions in accordance with planning policy and viability guidance. However, the evidence that supports these numbers has not been included in PBA's report. It is, therefore, difficult to assess whether the values adopted are reasonable.</p> <p>PBA have deducted 25% from the headline values on the basis that these may be inflated as they do not take into account policy costs such as CIL. This approach is, however, predicated on the assumption that CIL is an entirely new requirement. However, CIL has been designed to replace the majority of S106 contributions, the cost of which is reflected in land values. Accordingly no deduction should be made.</p> <p>Build Costs derived from BCIS is useful for benchmarking but is not particularly useful and true costs are higher. PBA has adopted cost based on a 15 year date set which do not reflect sustainability requirements and other aspects of developments such as design.</p> <p>External Works – 10% assumed for flatted developments. However; housing schemes require an allowance in the region of 20%.</p> <p>S106 Costs – no reason why a suitable analysis cannot be made of past S106 agreements.</p>	the updated Funding Gap Analysis.
18	101876	Vanessa Evans	Kent Wildlife Trust		<p>paragraph 6.3 It would be helpful to provide more information regarding how consultation would take place with communities in order to effectively consult on how funding will be spent.</p>	The Council recognises its duty to pass CIL receipts to local councils, as set out in the CIL Regulations and Planning Practice Guidance. The Council has committed to engage with local councils through the development of the administrative and governance arrangements required to support the effective implementation of the CIL.

						The outcome of this work will be included in the FAQ's document to provide clarity on these issues.
19	229059	Jennifer Wilson	Environment Agency		<p>Welcome the contents of schedule H of the Maidstone IDP.</p> <p>Pleased to see section 3.91 of the IDP that our river restoration schemes will be included within the key strategic policies and objectives of the IDP.</p> <p>Please to note that all WFD projects have been identified in the Blue/Green Infrastructure Plan.</p> <p>Community Infrastructure Levy: Draft Charging Schedule – Draft Regulation 123 List (July 2016), Please add the text in red.</p> <p>Green and blue infrastructure On or off site infrastructure, including open space, improvements and mitigation required to make the development acceptable in planning terms. Specific reference should be made to the Water Framework Directive and consideration for implementing the requirements of the River Basin Management Plan https://www.gov.uk/government/publications/thames-river-basin-district-river-basin-management-plan</p> <p>Strategic green and blue infrastructure measures and improvements.</p>	<p>The comments are noted.</p> <p>In respect of the WFD, the Draft Regulation 123 List provides for site specific mitigation to be funded through section 106 agreements or through planning condition. More strategic green and blue infrastructure improvements are however identified for funding through the CIL.</p>
20	591899	Jonathan Buckwell (DHA Planning)	Kent Medical Campus LTD	Developer	<p>In order to bring clarity, the CIL charging schedule should state explicitly that residential institutions such as care homes, nursing homes and similar facilities are to be nil rated. The DCS should be amended to state that the proposed £45/sqm CIL rate is applicable only to Class C3. Additional clarity would be gained by listing Class C2 and C2A residential institutions as a separate line with a nil rating listed in the CIL charge column.</p>	<p>The rate for residential and extra care housing relates exclusively to housing and reflects the approach taken in the Local Plan Affordable Housing Policy DM12. It is not considered that the CIL rate or the Policy could be construed so as to apply to C2 uses.</p> <p>In producing a FAQs document the Council can however add further clarity on this point without requiring further changes to the Draft Charging Schedule.</p>
21	980557	Barbara Cooper	Kent County Council	Infrastructure Provider	<p>In view of the current Examination in Public and the range of unresolved objections to the Local Plan including from statutory consultees, consulting on a CIL DCS is a wholly premature.</p> <p>The IDP is not in accordance with the agreed principles of an Integrated Transport Strategy for the period to 2022 and it is therefore inappropriate to predetermine transport infrastructure requirements in the period to 2031.</p> <p>The Funding Gap Analysis has failed to adequately demonstrate the benefits of introducing a CIL when S106 has historically contributed significantly to the investment in infrastructure across the Maidstone Borough.</p> <p>Regulation 123 List - Generally supportive of the List but seeks amendments to add more flexibility for education mitigation at site H1 (8) and to move the Lenham Broad Location Primary Education mitigation from a CIL scheme to a S106 scheme.</p>	<p>The Maidstone Borough Local Plan was submitted for examination on 20 May 2016 and hearings are due to commence in October 2016. The CIL DCS has been developed alongside the emerging Local Plan and strategic documents such as the IDP and ITS. The Council has submitted what it considers to be a sound local plan, and this is an appropriate basis on which to progress the Draft Charging Schedule.</p> <p>The Maidstone Integrated Transport Strategy (ITS) was agreed to be adopted at Strategic Planning Sustainability & Transportation Committee on 13 September 2016. The ITS sets out a package of sustainable transport interventions which provide appropriate mitigation in support and as part of the evidence base for allocations in the emerging Maidstone Borough Local Plan up to 2031.</p> <p>Information regarding the amount of money raised in recent years through section 106 planning obligations will be included in the Funding Gap Analysis update for submission. Comparative analysis between the</p>

					<p>Draft Instalments Policy – Welcome the approach based on days commencement rather than completions.</p> <p>Governance – KCC seeks to work with MBC to develop a mutually agreeable governance framework.</p>	<p>existing s106 regime and the proposed CIL regime indicates broad alignment between the two, and suggests average per dwelling infrastructure funding is likely to increase under the CIL regime.</p> <p>The need for flexibility at H1 (8) is understood and the revised Draft Regulation 123 List has been updated to reflect this. It is considered however that the inclusion of the Lenham primary school as a CIL scheme remains appropriate, and in accordance with the approach set out at Local Plan Policy ID1.</p> <p>Comments regarding the Draft Instalments Policy and governance are noted, and the Council will continue to work with KCC in this area.</p>
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Appendix B: Copies of representations received in accordance with Regulation 17 of the CIL Regulations 2010 (as amended)



Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	mr robert gardner
Comment ID	1
Response Date	07/08/16 21:35
Consultation Point	5 Implementation (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Yes

Are supported by background documents containing appropriate available evidence? Yes

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? No

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Yes

Question 2

If you have answered 'No' to any of the previous questions please use this box to set out your comments and justification including any proposed modifications you consider are necessary.

Re 5.3 - I see no reason why retail within the town centre area should be excluded. MBC should set a chargeable rate with the option to suspend a the charge for particular schemes which meet MBCs other objectives for the town centre

Question 6



Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	mr robert gardner
Comment ID	2
Response Date	07/08/16 21:41
Consultation Point	6 Duty to pass CIL to local councils (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Yes

Are supported by background documents containing appropriate available evidence? No

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? Yes

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Yes

Question 2

If you have answered 'No' to any of the previous questions please use this box to set out your comments and justification including any proposed modifications you consider are necessary.

re 6.3 the second sentence is too woolly as there is no evidence that engagement with a parish would lead to any resolution with the parish Indeed, cynically, the engagement could be an empty exercise. I recommend that MBC engage with the parish and in the absence of resolution that not less than 30% of the receipts be delivered to the parish for appropriate local spending. Hopefully everyone will properly engage so that appropriate receipts are delivered to the Parish, but this will set a floor. I also recommend that this be required within 26 weeks of the receipts being received from the developer.

Cheryl Parks

From: Tonge, Catherine (NE) [REDACTED]
Sent: 23 August 2016 08:24
To: LDF
Subject: Maidstone Borough Local Plan Community Infrastructure Levy Draft Charging Schedule Consultation
Attachments: NE Feedback Form 2015.pdf

Thank you for giving Natural England the opportunity to comment. Natural England is not an infrastructure provider, and as such we have no project information to supply. The matters of the scales and mechanisms for CIL charging fall beyond our remit so we have no comments to offer at this stage.

However if there are associated issues you feel we need to consider, please let me know and I will respond as quickly as possible. If discussion would be helpful, please give me a call.

If you wish to comment on the service provided by Natural England, please use the appended form.

Regards

Catherine

Catherine Tonge
Lead Adviser
Sustainable Development
Natural England
[REDACTED]

Home-based. Post to:

Mail Hub: Natural England, County Hall, Spetchley Road, Worcester WR5 2NP

<https://www.gov.uk/government/organisations/natural-england>

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing

Teleconference details – 0800 073 0694 access code 739 489 6800

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**Kent
Police**

Protecting and serving the people of Kent

ID 557893

Trevor Hall
Developer Contributions Manager
Finance Department

Spatial Policy
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

Fax:

E-mail:

Date: 9 August 2016

Ref: :

P.P. Correspondence?	
REF:	
17 AUG 2016	Init'l
CHQ. DET. E	
DRAWER	

Dear Sirs,

Maidstone Borough Council – CIL Draft Charging Schedule Consultation

Kent Police refers to this consultation.

Having reviewed the document Kent Police is content it satisfies all necessary legislative and NPPF requirements and supports the proposals.

If Kent Police can be of any further assistance in this matter please contact the writer.

Yours faithfully

Trevor Hall
Developer Contributions Manager

cc:

Cheryl Parks

From: Bown, Kevin <[REDACTED]>
Sent: 17 August 2016 14:48
To: LDF
Cc: Planning SE; growthandplanning; 'transportplanning@Dft.Gsi.Gov.Uk'
Subject: Highways England response re Maidstone Borough Council consultation
Community Infrastructure Levy Draft Charging Schedule

Dear Sirs

Thank you for consulting Highways England regarding the above seeking a response no later than 16 September.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with plans or proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN).

Having assessed the document and taken in to account any other material considerations our comments are as follows:

- 1) Please note that all future consultations should be forwarded to our generic email in box for Planning SE planningse@highwaysengland.co.uk. This should avoid the risk of emails being sent to individuals who may be on leave or no longer work for the team or HE generally.
- 2) Any and all works to the SRN these days, in accordance with DCLG guidance, (<http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/other-developer-contributions/>) are likely to be dealt with via a S278 agreement. Therefore we would suggest that it might be helpful to include clarifying text on this matter in your CIL documentation and your IDP.

I hope that our comments are helpful. If you have any queries, please contact us.

Regards

Kevin Bown, Spatial Planning Manager

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Web: <http://www.highways.gov.uk>

Safe roads, reliable journeys, informed travellers
Highways England: operating, maintaining and improving the strategic road network in England.

Please indicate whether you would like to request the right to be heard by the Independent Examiner I do not request the right to be heard

Question 7

Please indicate if you would like to be notified of any of the following: . The publication of the recommendations of the examiner and reasons for those recommendations



Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	Mr Bernard Cresswell
Comment ID	6
Response Date	06/09/16 18:21
Consultation Point	6 Duty to pass CIL to local councils (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Yes

Are supported by background documents containing appropriate available evidence? Yes

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? No

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Yes

Question 2

If you have answered 'No' to any of the previous questions please use this box to set out your comments and justification including any proposed modifications you consider are necessary.

6.2 I see no evidence or reason why a Parish council that has not supplied a neighborhood plan should receive less CIL percentage to one that has. By way of example Linton is governed by a conservation area plan.

Question 6

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016

Downloadable Comment Form

Community Infrastructure Levy: Draft Charging Schedule

Please return your form or separate written comments **by 5pm on 16 September 2016** by email to ldf@maidstone.gov.uk or by post to Community Infrastructure Levy Consultation, Spatial Policy Team, Maidstone Borough Council, King Street, Maidstone, ME15 6JQ

If you require any further information or clarification please contact the Spatial Policy Team:
Tel: 01622 602000 or email: ldf@maidstone.gov.uk

The information you provide will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

This form has two parts –

Part A – Personal Details

Part B – Your representation(s).

Part A

1. Personal Details*	
<i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below.</i>	
Title	MR.
First Name	TERRY
Last Name	KETLEY
Are you an Agent?	NO
Whom do you represent?	COXHEATH PARISH COUNCIL
Job Title & Organisation (where relevant)	CLERK TO THE PARISH COUNCIL
Address	[REDACTED]
Post Code	[REDACTED]
Telephone number:	[REDACTED]
E-mail Address	[REDACTED]

P.R.	Correspondence?	
REF:		
	07 SEP 2016	Initi
CHO. DET. 2		
DRAWN		

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

Part B

1. In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

(1) Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)?	Yes		No		Don't Know	✓
(2) Are supported by background documents containing appropriate available evidence?	Yes		No		Don't Know	✓
(3) Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough?	Yes		No		Don't Know	✓
(4) Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011 – 2031 as a whole?	Yes		No	✓	Don't Know	

2. If you have answered no to any question above, please also use this box to set out your comments and justification, including any proposed modifications you consider are necessary.

- 2.5 SURELY, ALTHOUGH THE CIL IS A FUNDING SOURCE FOR INFRASTRUCTURE, THERE HAVE TO BE MAJOR INFRASTRUCTURE PLANS, AND HENCE FINANCE IN PLACE, BEFORE DEVELOPMENT OCCURS. COXHEATH PARISH COUNCIL FEELS, THEREFORE, THAT THE EMPHASIS IS SKEWED. THE LOCAL PLAN CANNOT RELY ON CIL TO DELIVER INFRASTRUCTURE ON THE SCALE REQUIRED.
- 3.2. THERE ARE VERY SUBSTANTIAL INFRASTRUCTURE DEFICITS (PARTICULARLY IN HIGHWAYS, HEALTH AND PUBLIC OPEN SPACE) WHICH MUST BE IMPROVED/ ADDRESSED AT SAME TIME AS NEW INITIATIVES.
- 3.4 COXHEATH PARISH COUNCIL UNDERSTANDS THIS IS A LARGE HITHERTO UNUSED FUND OF SECTION 106 MONIES. A SIMILAR SITUATION MUST NOT BE ALLOWED WITH CIL FUNDS.
- 4.5 IT SEEMS NONSENSICAL TO APPLY 40% AFFORDABLE HOUSING ALLOCATIONS TO RURAL AREAS OF THE BOROUGH, WHERE EMPLOYMENT OPPORTUNITIES ARE MORE LIMITED, ROAD/TRANSPORT INFRASTRUCTURE IS INADEQUATE AND OTHER INFRASTRUCTURE (HEALTH, EDUCATION, PUBLIC OPEN SPACE, HIGH SPEED BROADBAND ETC) IS ALREADY UNDER EXTREME PRESSURE.
- 6.3 IT IS ESSENTIAL THAT CIL FROM DEVELOPMENTS IN RURAL MAIDSTONE IS USED FOR THE DIRECT BENEFIT OF THE COMMUNITIES AFFECTED BY THESE DEVELOPMENTS.
- 6.4 THE DEFINITIONS SEEM VAGUE. THEY NEED TO BE CLARIFIED AND EXPANDED.

(Continue on a separate sheet /expand box if necessary)

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

3. Do you have any comments on the Draft Regulation 123 List?

no

(Continue on a separate sheet /expand box if necessary)

4. Do you have any comments on the Draft Instalments Policy?

no

(Continue on a separate sheet /expand box if necessary)

5. Do you have any other comments or issues to raise in regards to this consultation?

SEE SECTION 2

(Continue on a separate sheet /expand box if necessary)

6. Please indicate if you would like to request the right be heard by the Independent Examiner.

1. I request the right to be heard by the examiner

☐

2. I do not request the right to be heard by the examiner

☒

7. Please indicate if you would like to be notified of any of the following:

1. The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008

☒

2. The publication of the recommendations of the examiner and reasons for those recommendations

☒

3. The approval of the charging schedule by Maidstone Borough Council

☒

Signature:

[Redacted Signature]

Date:

2/9/16



Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	Mrs Liz McLaren LOOSE PARISH COUNCIL
Comment ID	8
Response Date	08/09/16 18:28
Consultation Point	Maidstone Community Infrastructure Levy - Draft Charging Schedule Consultation 2016 (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Don't Know

Are supported by background documents containing appropriate available evidence? Don't Know

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? Don't Know

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Don't Know

Question 3

Do you have any comments on the Draft Regulation 123 list?

Loose Parish Council consider that there is no provision for funding for the loss of wildlife habitat, etc. Much of this will be lost due to the development and construction disturbance.

Question 5

Do you have any other comments or issues to raise in relation to this consultation?

Section 4.4 – The thinking of conversion of office buildings to residential is not clearly described. More incentives are needed here Section 5.5 - There should be a greater levy imposed on development outside urban areas and a reduction on the levy imposed on development inside urban areas. This will encourage urban development and make use of urban areas. Section 6.3 – In line 7 the text “council” should be replaced with “parish council” Section 6 in general – Is there provision for 25% of the CIL going to a parish council if a Neighbourhood Plan is “made” within the year that the CIL is levied/collected? That is, what is the cut off date to prevent the 25% going to a parish council who may come along on the heels of a CIL being levied with their Neighbourhood Plan?

Question 6

Please indicate whether you would like to request the right to be heard by the Independent Examiner I do not request the right to be heard

Question 7

Please indicate if you would like to be notified of any of the following:

- . The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008
- . The publication of the recommendations of the examiner and reasons for those recommendations
- . The approval of the charging schedule by Maidstone Borough Council

09 September 2016

Head of Planning
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

By email only to ldf@maidstone.gov.uk

Dear Sir or Madam

Maidstone Borough Council's Community Infrastructure Levy Draft Charging Schedule

We write on behalf of Quinn Estates Ltd in relation to the Council's Draft Community Infrastructure Levy ('CIL') Charging Schedule.

Background

The Council's consultation website explains that the Community Infrastructure Levy is a planning charge that was introduced as a tool for local authorities to help deliver infrastructure to support the development of their area.

That website also notes that the proposed CIL rates in the Draft Charging Schedule are informed by evidence within the Maidstone Borough Council Revised Plan and CIL Viability Study (July 2015) and that they reflect policies in the emerging Maidstone Borough Local Plan 2011-2031.

The accompanying June 2016 *Funding Gap Analysis* notes that:

"In addition to identifying the key schemes necessary to support the delivery of the Local Plan, the IDP looks to distinguish between schemes which can be considered critical, essential or desirable in the context of the strategy as a whole. At this time desirable schemes are not included in the funding gap analysis, as they often relate to the more strategic Local Plan objectives, rather than the delivery of physical development." (our emphasis)

In respect of highways and transportation, and even excluding any "*desirable schemes*" to support strategic Local Plan Objectives, the Council's *Funding Gap Analysis* has identified that funding to the tune of £14,297,350 is needed for "*critical*" schemes and that £19,664,691 is needed for "*essential*" schemes.

The Council's May 2016 *Infrastructure Delivery Plan* ('IDP') – which is also a supporting document to the Draft Charging Schedule – notes the following:

"Schedule A: Highways and Transportation

"3.3 It was recognised at an early stage that the delivery of significant levels of growth would require a coordinated approach to the development of a strategy to respond to existing and future pressures on the highway network. MBC has therefore worked closely with KCC in its role as Highway Authority, and in consultation with Highways England, to develop an Integrated Transport Strategy for Maidstone Borough.

"3.4 Similarly to the MBLP, multiple iterations of the ITS have been published, taking account of updated evidence and revisions to the MBLP, and MBC's Strategic Planning, Transportation and Sustainability Committee approved the draft ITS for consultation in January 2016. Further information on the ITS and its underpinning technical evidence is set out in the Transport Topic Paper.

"3.5 The ITS outlines a strategy to respond to the particular transport issues affecting the borough, and identifies a series of measures to support the delivery of planned growth. Whilst some of these measures are not directly relevant to the IDP (for instance "softer" measures such as parking charges), key tangible interventions to improve the quality and accessibility of sustainable transport modes, and schemes to address key traffic congestion issues, including improvements to critical junctions, are fundamental to the delivery of planned growth, and the MBLP more generally, and are therefore reflected in the IDP." (our emphasis)

As listed in the IDP, *"Development in the Local Plan which is dependent upon the [IDP's] output"* includes a large number of sites that are listed in draft Local Plan **Policy H1** (which sets out proposed locations for housing growth). KCC is said to be the lead agency for many of these projects.

For example schemes such as *"Improvements to the approaches to the Bridge Gyratory signal junctions from the Wheatsheaf junction"* are said to be *"short term and critical"* to the south-east strategic development location.

Similarly, necessary works to deliver the north-west strategic development location include un-costed works and schemes costed to in excess of £3m. The need for land acquisition to deliver necessary transport improvements is noted, too.

This pattern continues in relation to proposed development in the Borough's rural areas and in other major development locations such as Newnham Park.

Our Representations

The IDP and therefore the draft CIL Charging Schedule are predicated on a draft Local Plan which is subject of a number of substantial unresolved objections, including in relation to the draft plan's spatial strategy and locations for housing growth. Progressing a CIL schedule at this time and on the basis of the current draft Local Plan is pre-judging the outcome of the Local Plan Examination which is not due to commence until after consultation on the draft Charging Schedule has closed.

The lead agency for many of the IDP's transportation projects is Kent County Council. That is despite KCC having made a fundamental objection to the draft local plan's spatial strategy and the proposed strategic growth locations. That objection was on the basis that alternative locations could deliver growth without exacerbating Maidstone's acute transportation problems to the same extent. It is also despite there still being no transport strategy that has been agreed by both Maidstone Borough Council and Kent County Council, even though the May 2016 *Infrastructure Delivery Plan* implies that there is consensus between the Borough and County councils in relation to the *Integrated Transport Strategy* (there is not any such consensus at this time).

There is therefore no certainty that KCC will agree to the proposed interventions in the transportation networks and that it will support development of the schemes set out in the IDP.

Furthermore given that the full CIL receipts required for the proposed interventions may not be available at the time that funding to deliver the schemes will be needed and given KCC's general position, we presume that there is no certainty that KCC will forward fund schemes to enable development to be progressed in a timely and satisfactory manner.

Thus, and in the absence of a delivery strategy that has been agreed with KCC, no reliance can be placed on the IDP. We consider that the IDP and the draft Local Plan are not therefore a sound basis upon which to prepare the CIL Charging Schedule.

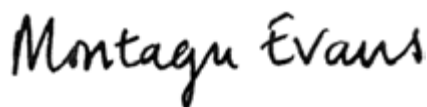
We should also note that both we and other parties such as KCC have advocated alternative locations for development which could fully fund and deliver the infrastructure to which such major development would give rise. That infrastructure could be secured as a 'self-contained package' by way of section 106 of the 1990 Town and Country Planning Act which would obviate the need for the same extent of major interventions set out in the IDP to be secured by way of the Community Infrastructure Levy. As such, it is possible that the currently-proposed CIL rates could be reduced. Lower CIL rates would reduce the barriers to the delivery of new homes and should therefore be actively explored as a mechanism to assist in meeting the pressing need for new housing in the borough.

In summary, we cannot see how a CIL Charging Schedule can be progressed at this time without pre-judging the Local Plan process and potentially undermining the ability of the Local Plan Inspector to make modifications in the knowledge that infrastructure needs will be properly provided for. As such it is our client's position that this process should be suspended until the Inspector's Report on the Local Plan has been published and until Kent County Council has adopted a new Local Transport Plan (currently scheduled for early 2017).

We would be grateful for the opportunity to participate in the eventual Examination of the CIL Charging Schedule and ask that we be added to your mailing list.

Should you have any queries in relation to this correspondence please contact Paul Burley [REDACTED] or Tim Chilvers [REDACTED] and we would be grateful if you could confirm receipt of this correspondence.

[REDACTED]



Montagu Evans LLP

cc Local Plan Inspector

Cheryl Parks

From: Malcolm Buller [REDACTED]
Sent: 12 September 2016 15:05
To: LDF

Dear Sir,

As usual, MBC has managed to obscure consultation within its website.

By clicking on the "Local Plan" as instructed and following to CIL we are side-lined into the Government's website with the myriad of meaningful words that "normal" residents cannot hope to follow. However, patient searching through the many lists of contents finally found the CIL Consultation section.

Luckily, I have a copy of your printed consultation form:-

part A

1 Mr Malcolm Buller no myself - [REDACTED]

There is no question 2. Was someone **paid** to come up with this form?

3 Where is the 123 List? There are many lists and I am not prepared to count them. Nowhere have I seen a hint of the contents of 123 and yet I am expected to comment on it. A clear title **"123 List"** would help.

4 Where is the **Draft Instruments Policy**? This should be the title clearly visible for all to read.

5 a As above, all consultations **MUST** have a simple one-click link to exactly the right place. Without it, many residents are denied the right to comment and the consultation is **invalid**.

b 100sq.m. threshold and £99 per sq.m. are clear BUT it is unclear as to whether the charge is on the remainder or total of the gross floor area. Without clarity this consultation is invalid.

c The affordable homes percentages are out-of-sink with the needs of the residents who will be using them. Most young couples and families trying to get on to the housing ladder are those most in need of these properties. They need jobs, schools, medical facilities, transport and leisure facilities. As their disposable income is deemed lower than average and the costs of living in a rural area is far greater, it is madness to house them in the furthest locations without the ability to walk or cycle to work etc. Affordable homes must be built where there are excellent bus services, not 'out-in-the-sticks' where residents feel lucky if one comes along once an hour and occasionally on time. And consider the cost comparison of the village shop where a tin of beans costs 54p against the town supermarket's 24p. How much is it to send your child to school by bus, assuming it comes and there are enough spaces on board. Affordable??? Please join the real world and revise the Affordable Housing allocations.

d Affordable housing is exempt from CIL. Is this why parishes can have 40% and town 30% thus giving a favourable CIL bias to the town area over the parishes who have few existing facilities and who might provide something useful for their own residents? Surely MBC would not dream of such a bias!

e I am concerned by provision 6.2 "Where a neighbourhood plan has been "made" 25% of CIL receipts (with no cap) will be passed to the Parish Council or will be spent on behalf of the community." **The or is worrying.** The parishes have consulted openly and exhaustively with their residents. There can be no reason why the Borough should not pass 100% of the 25% to the parish.

f I am concerned by provision 6.4 "The neighbourhood portion of the levy funding is subject to a much wider definition in regards to how the monies can be spent. The monies must be spent on supporting the development of the area however this can be achieved through:

The provision, improvement, replacement, operations or maintenance of infrastructure; or

Anything else that is concerned with addressing the demands that development places on an area."

This is so loose! The worry is that this will allow MBC to keep the CIL money for a project "in the area" or even for the maintenance of something that has no real benefit to the Parish.

6 As I have not been able to find, read, understand or therefore comment on the two parts I do not feel it wise to ask to speak.

7 I am interested in receiving all information about how my life is affected by the MBC.

Part B

1

(1) DK (2) evidence is not available as detailed above (3) no (4) no

2 See above comments on affordable housing provision and allocations of CIL to Parish Councils

This response has taken a lot of time and yet is incomplete because of the lack of clarity from MBC. How many or few residents responding will reflect on the quality and validity of this process.

MPBuller

Cheryl Parks

From: Policy, Planning [REDACTED] >
Sent: 13 September 2016 14:21
To: LDF
Subject: Re:CIL consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Team

Thank you for consulting us on the CIL documentation. Southern Water believes that the CIL is not designed to include utility infrastructure, such as local sewers and associated facilities (e.g. pumping stations). On this basis, it is not appropriate for the company to comment on the specifics of the CIL proposals. However, it would be helpful if this document could recognise that developer contributions towards local infrastructure maybe required, which are additional the CIL and S106 planning obligations.

It may be helpful - and we would be happy - to have a separate conversation about the section of the IDP that deals with water infrastructure.

Kind regards

Kirsten

Kirsten Williamson
Planning Coordinator



Please note that I am not usually in the office on Wednesdays.

From: consult@objective.co.uk [<mailto:consult@objective.co.uk>]
Sent: 05 August 2016 00:20
To: Policy, Planning
Subject: Maidstone Borough Council: New event available



Dear Ms Kirsten Williamson

Community Infrastructure Levy Draft Charging Schedule will be available for you to view and comment between the following dates:

Start date: 05/08/16 00:01

End date: 16/09/16 17:00

Please select the following link to view this event:

Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	the woodland trust (Mrs Ellie Henderson)
Comment ID	12
Response Date	14/09/16 14:44
Consultation Point	Maidstone Community Infrastructure Levy - Draft Charging Schedule Consultation 2016 (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Don't Know

Are supported by background documents containing appropriate available evidence? Don't Know

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? Don't Know

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Don't Know

Question 3

Do you have any comments on the Draft Regulation 123 list?

We would wish to see tree planting and woodland creation specifically mentioned. The Woodland Trust believes that woodland creation is important because of the unique ability of woodland to deliver across a wide range of benefits – see our publication Woodland Creation – why it matters (<http://www.woodlandtrust.org.uk/en/about-us/publications/Pages/ours.aspx>). These include for both landscape and biodiversity (helping habitats become more robust to adapt to climate change, buffering and extending fragmented ancient woodland), for quality of life and climate change (amenity &

recreation, public health, flood amelioration, urban cooling) and for the local economy (timber and woodfuel markets). Trees within our towns and cities provide a huge number of benefits and services as outlined in guidance produced by the Trees and Design Action Group - 'No Trees, No Future' (Trees and Design Action Group, 2010): 'There is a growing body of evidence that trees in urban areas bring a wide range of benefits. Economic benefits of urban trees: • Trees can increase property values by 7-15 per cent. • As trees grow larger, the lift they give to property values grows proportionately. • They can improve the environmental performance of buildings by reducing heating and cooling costs, thereby cutting bills. • Mature landscapes with trees can be worth more as development sites. • Trees create a positive perception of a place for potential property buyers. • Urban trees improve the health of local populations, reducing healthcare costs. • Trees can enhance the prospect of securing planning permission. • They can provide a potential long-term renewable energy resource. Social benefits of urban trees: • Trees help create a sense of place and local identity. • They benefit communities by increasing pride in the local area. • They create focal points and landmarks. • They have a positive impact on people's physical and mental health. • They have a positive impact on crime reduction. Environmental benefits of urban trees: • Urban trees reduce the 'urban heat island effect' of localised temperature extremes. • They provide shade, making streets and buildings cooler in summer. • They help remove dust and particulates from the air. • They help to reduce traffic noise by absorbing and deflecting sound. • They help to reduce wind speeds. • By providing food and shelter for wildlife they help increase biodiversity. • They reduce the effects of flash flooding by slowing the rate at which rainfall reaches the ground. • When planted on polluted ground they help improve its quality. [For research references see the full report: www.forestry.gov.uk/tdag] It is also important that a range of native trees are planted in order to increase future resilience to tree disease.

Question 6

Please indicate whether you would like to request the right to be heard by the Independent Examiner ☐ I do not request the right to be heard

Question 7

Please indicate if you would like to be notified of any of the following:

- ☐ The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008
- ☐ The publication of the recommendations of the examiner and reasons for those recommendations

Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	Kent Downs AONB Unit (Mrs Katie Miller)
Comment ID	13
Response Date	14/09/16 17:42
Consultation Point	5 Implementation (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Don't Know

Are supported by background documents containing appropriate available evidence? Yes

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? Don't Know

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Don't Know

Question 5

Do you have any other comments or issues to raise in relation to this consultation?

The Kent Downs AONB Unit considers that a higher levy should be charged for residential development within or adjacent to the Kent Downs AONB which should be used to support Green Infrastructure requirements. This would relate to higher development land values within the AONB; it would not seem unreasonable for developments to be expected to contribute to the reasons for the higher value. The Kent and Medway Growth and Infrastructure Framework (GIF) identifies that across the County, the effects of linking a CIL schedule to a district's own immediate infrastructure needs is causing neglect of a more strategic cross-local planning authority boundary infrastructure and that there is varying

viability both between and within the various local authority areas. The GIF has been developed working in close collaboration with the twelve district authorities, including Maidstone Borough Council. KCC takes a holistic view of Green Infrastructure which includes the natural assets that make up the countryside, and includes the two AONBs in Kent. The GIF identifies that investment will be needed at a strategic level to enhance existing green spaces as well as providing new green infrastructure, including to reduce the impact of new development on landscape character, supporting the AONBs, country parks and wider countryside and to provide alternative natural and semi-natural green space to mitigate the impact of additional visitors on protected habitats. More specifically, the AONBs would be impacted by increase in footfall and increased use of the rural infrastructure from developments within and adjacent to the boundary with the AONBs. A funding gap of £46,830,000 has been identified in the GIF for Green Infrastructure at a county wide level, with a specific funding gap in Maidstone of some £3 million. The additional CIL generated from a higher levy imposed on development within or adjacent to the AONBs should be related to conserving and enhancing the AONB. Should this not be implemented, then we would wish to see S106 Agreements for contributions from developments located within or close to the Kent Downs AONB to be used towards specific local infrastructure improvements within the AONB used to fulfil this need. West Berkshire Council has adopted such an approach, applying a differential rate to development within the AONB, The West Berkshire CIL schedule can be viewed at: <http://info.westberks.gov.uk/CHttpHandler.ashx?id=38033&p=0>

Question 6

Please indicate whether you would like to request the right to be heard by the Independent Examiner ☐ I do not request the right to be heard

Question 7

Please indicate if you would like to be notified of any of the following:

- ☐ The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008
- ☐ The publication of the recommendations of the examiner and reasons for those recommendations
- ☐ The approval of the charging schedule by Maidstone Borough Council

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

Community Infrastructure Levy: Draft Charging Schedule

Please return your form or separate written comments **by 5pm on 16 September 2016** by email to ldf@maidstone.gov.uk or by post to Community Infrastructure Levy Consultation, Spatial Policy Team, Maidstone Borough Council, King Street, Maidstone, ME15 6JQ

If you require any further information or clarification please contact the Spatial Policy Team:
Tel: 01622 602000 or email: ldf@maidstone.gov.uk

The information you provide will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

This form has two parts –

Part A – Personal Details

Part B – Your representation(s).

Part A

1. Personal Details*	
<i>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below.</i>	
Title	Mr
First Name	Mathieu
Last Name	Evans
Are you an Agent?	
Whom do you represent?	
Job Title & Organisation (where relevant)	Planning Policy Manager, Gladman Developments
Address	Gladman House, Alexandria Way, Congleton
Post Code	CW12 1LB
Telephone number:	
E-mail Address	

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

Part B

1. In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

(1) Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)?	Yes		No		Don't Know	
(2) Are supported by background documents containing appropriate available evidence?	Yes		No		Don't Know	
(3) Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough?	Yes		No		Don't Know	
(4) Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011 – 2031 as a whole?	Yes		No		Don't Know	

2. If you have answered no to any question above, please also use this box to set out your comments and justification, including any proposed modifications you consider are necessary.

See attached representation.

(Continue on a separate sheet /expand box if necessary)

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

3. Do you have any comments on the Draft Regulation 123 List?	
See attached representation.	
(Continue on a separate sheet /expand box if necessary)	
4. Do you have any comments on the Draft Instalments Policy?	
See attached representation.	
(Continue on a separate sheet /expand box if necessary)	
5. Do you have any other comments or issues to raise in regards to this consultation?	
See attached representation.	
(Continue on a separate sheet /expand box if necessary)	
6. Please indicate if you would like to request the right be heard by the Independent Examiner.	
1. I request the right to be heard by the examiner	<input checked="checked" type="checkbox"/>
2. I do not request the right to be heard by the examiner	<input type="checkbox"/>
7. Please indicate if you would like to be notified of any of the following:	
1. The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008	<input checked="checked" type="checkbox"/>
2. The publication of the recommendations of the examiner and reasons for those recommendations	<input checked="checked" type="checkbox"/>
3. The approval of the charging schedule by Maidstone Borough Council	<input checked="checked" type="checkbox"/>

Signature:	M.Evans	Date:	15/09/16
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Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB


www.gladman.co.uk

Community Infrastructure Levy Consultation
Spatial Policy Team
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ.

(Representations submitted by email to ldf@maidstone.gov.uk)

15th September 2016

RE: Maidstone CIL Draft Charging Schedule Consultation.

Dear Sir/Madam,

Introduction

Gladman Developments' (GDL) has considerable experience in the development industry in a number of sectors, including residential and employment land. This letter constitutes GDL formal response to the Maidstone CIL Draft Charging Schedule Consultation.

CIL is intended to have a positive effect on development. The Planning Practice Guidance (PPG) on CIL notes that *"The levy is expected to have a positive economic effect on development across a local plan area. When deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments...This balance is at the centre of the charge setting process"* (PPG Paragraph 009 Reference ID:25-009-20140612).

In accordance with the latest CIL Regulations, the Council is therefore required to strike an appropriate balance between the desirability of funding from CIL and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the local authority area. The Council must consider the impact of CIL together with the policies contained in the Local Plan on developments within the borough when deciding an appropriate CIL rate.

Setting the levy at the appropriate rate will be key to ensuring that development comes forward in the local authority area and subsequently that the Local Plan can be implemented. These representations address some key areas that local planning authorities must consider when preparing their CIL charging schedule, drawing on guidance within the PPG.

Funding gap / evidence base

Local planning authorities need to be able to demonstrate the infrastructure need and subsequent funding gap and must ensure that the level of total CIL receipts that could be generated through the levy reflects the true needs and proposals in the Local Plan. The CIL should not be used by Council's as a mechanism for creating an unrealistic 'wish list' of infrastructure projects in their area.

When establishing a funding gap that CIL receipts are intended to contribute towards filling, it is vital that the Council take account of every possible income stream. This has to include an accurate assessment of future New Homes Bonus and council tax and business rates receipts generated as a result of new developments allocated in the Local Plan, as well as central government funding streams. This should also include an assessment of statutory undertakers' asset management plans, as these companies will at some stage be upgrading their systems/facilities. This also needs to be taken account of when assessing the infrastructure requirements of the authority.

The Council need to have an up to date, robust evidence base that fully justifies the infrastructure needs based on the amount of development that is required. Information on these infrastructure needs should, wherever possible, be drawn directly from the infrastructure planning that underpins the Development Plan, as this should identify the quantum and type of infrastructure required to realise their local development needs. If the authority's infrastructure planning is weak or out of date then the Council should undertake an exercise to refresh this. If the evidence base is not complete, robust and up to date the charging schedule will be unsound and the local planning authority will have difficulty adequately demonstrating their funding gap and subsequent CIL requirements.

PPG notes that: *"A charging authority should be able to explain how their proposed levy rate or rates will contribute towards the implementation of the relevant Plan...., and support development across their area. Charging authorities will need to summarise their economic viability evidence. This evidence should be presented in a document (separate from the charging schedule) that shows the potential effects of the proposed levy rate or rates on the economic viability of development across the authority area"* (PPG Paragraph 018 Reference ID: 25-018-20140612).

It is important that in calculating the level of infrastructure the authority needs as a result of development the Council distinguishes between *new* and *existing* demands. New houses do not always create new pressure on infrastructure as evidence shows that a large proportion will be occupied by people already living in the borough, attending local schools, and registered with local GP surgeries. They will therefore require less infrastructure provision compared to new residents in the borough.

The available guidance makes it clear that CIL is expected to have a positive economic effect on development across an area in the medium to long term. As outlined in the Inspector's Letters to East Devon District Council (April 2014), the CIL charging rates should not be set at such a level that would threaten development, and must be based on robust evidence and assumptions. The rate will also need to be appropriate over time, bearing in mind land values, market conditions and the wider economic climate change rapidly. The viability impact of incremental policy obligations must be assessed and reflected in the charging schedule.

The Council needs to ensure that they have a full understanding of the potential costs of infrastructure projects needed to meet the infrastructure needs. GDL believe that it is inappropriate to set the levy based on a partial understanding of these infrastructure costs and in particular if the total money needed for infrastructure is unknown.

Differential charging rates

It is integral when setting differential rates for different geographical areas that these differential rates are based on accurate, up to date housing market intelligence forming the evidence base for this decision.

Discretionary Relief

Regulation 55 of the CIL Regulations allows local authorities to grant relief for exceptional circumstances from liability to pay CIL. Such provision should be factored into the Council's CIL and will avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise.

Payments in Kind

Regulations 73 and 73A of the CIL Regulations provides a mechanism for local authorities to accept infrastructure payments, or payments in kind, for land or infrastructure to be provided instead of money to satisfy a charge arising from the levy. An allowance for infrastructure payments should therefore be made available by the Council, recognising that there may be time, cost and efficiency benefits in accepting land or infrastructure from parties liable for payment of the levy.

Requirement to consult

As with Local Plans, local planning authorities have an obligation to consult at various stages of the CIL preparation process. However, the guidance does not provide details as to the format that this consultation must take or length of the consultation period. GDL echo the CIL guidance and would consider the need to engage meaningfully with local developers and others in the property industry early and throughout the process crucial to the production of a robust CIL.

Examination

As outlined in Para 034 Reference ID: 25-034-20140612 of the PPG the charging authority must appoint the examiner. The examiner must be independent and have the appropriate qualifications and experience. The guidance confirms that a Planning Inspector would fulfil these criteria.

Conformity with Framework

The National Planning Policy Framework (from here on referred to as the Framework) provides the current central government planning policy and requirements for local planning authorities to meet. The Framework places emphasis on sustainable development and in particular ensuring that the objectively assessed needs of an area are met through the requirements and policies within the Local Plan.

It is fundamental that the Council ensures that the proposed levy rates are realistic and not set too high. Arbitrarily high rates may jeopardise the delivery of housing schemes within the area. This would be contrary to the Government's aim outlined in the Framework to *"significantly boost the supply of housing"*, as schemes may not come forward due to viability issues.

The Council's CIL charging rates must not threaten the overall delivery of the Local Plan, by making sites unviable. This point is reiterated in the PPG, which states that *"Charging authorities should set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan"* (PPG Paragraph 008 Reference ID: 25-008-20140612). When testing the impact

of CIL it is vital that the assumptions that underlie the standard residual valuation approach used to test the impact on viability of CIL are realistic and accurate. This should include abnormal costs, contingency costs, preliminary costs, and developer profit, which should reflect the current level of risk perceived in the market.

GDL would urge the Council to adopt an instalments policy for CIL payments as this will give developers the flexibility to pay contributions in line with development phasing schemes and will facilitate cash flow and therefore development viability. With this in mind, in accordance with Regulation 8(3A) of the CIL Regulations the Council should also accept the phasing of planning permissions, with each phase treated as a separate chargeable development.

GDL also remind the Council of the need to review CIL tariffs once these have been set. The economic climate will inevitably change over the course of the plan period and as such the levy rates that can be set whilst ensuring development remains viable will also change. In accordance with the PPG *“Charging authorities must keep their charging schedules under review and should ensure that levy charges remain appropriate over time. For example charging schedules should take account of changes in market conditions, and remain relevant to the funding gap for the infrastructure needed to support the development of the area”* (PPG Paragraph 043 Reference ID: 25-043-20140612).

Local Context

GDL note the proposed charge rates set in Table 3 and are supportive of the Council taking a flexible approach to the level of CIL which can be achieved depending on viability evidence. Whilst at the present this relates only to policy H1(11) we would encourage the Council to take a similar approach to other developments, should viability evidence demonstrate a potential problem. GDL would request therefore that the CIL documentation prepared by the Council should make reference to exceptional circumstances, the Council cannot predict the economic cycles which will occur within the district over the lifetime of the CIL charging schedule, nor is it possible for the Council to anticipate every site abnormal which may be encountered in the delivery of a development. To have no option to consider exceptional circumstance would be a reasonable way of ensuring that in rare circumstances, and where demonstrated by evidence, an option would exist for a potentially difference CIL payment which would not prevent sustainable development being delivered.

Conclusions

GDL welcome the opportunity to comment on the Maidstone CIL Draft Charging Schedule Consultation and would like to be kept informed as the documents progress.

I hope that these representations are helpful in the process of preparing the CIL charging schedule, if you require any further information or wish to meet with one of the GDL team then please do not hesitate to contact me.

Yours sincerely,

Mathieu Evans
Gladman Developments



Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	linton parish council (mrs sherrie babington)
Comment ID	15
Response Date	16/09/16 13:24
Consultation Point	Preface (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Don't Know

Are supported by background documents containing appropriate available evidence? Don't Know

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? Don't Know

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Don't Know

Question 3

Do you have any comments on the Draft Regulation 123 list?

No

Question 4

Do you have any comments on the Draft Instalments Policy?

No

Question 5

Do you have any other comments or issues to raise in relation to this consultation?

Linton Parish Council believes that smaller Parish Councils will be disadvantaged by the Community Infrastructure Levy by not having a Neighbourhood Plan.

Question 6

Please indicate whether you would like to request the right to be heard by the Independent Examiner I do not request the right to be heard

Question 7

Please indicate if you would like to be notified of any of the following:

- . The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008
- . The publication of the recommendations of the examiner and reasons for those recommendations
- . The approval of the charging schedule by Maidstone Borough Council

Schedule - 5 August to 16 September 2016

Downloadable Comment Form

Community Infrastructure Levy: Draft Charging Schedule

Please return your form or separate written comments **by 5pm on 16 September 2016** by email to ldf@maidstone.gov.uk or by post to Community Infrastructure Levy Consultation, Spatial Policy Team, Maidstone Borough Council, King Street, Maidstone, ME15 6JQ

If you require any further information or clarification please contact the Spatial Policy Team:
Tel: 01622 602000 or email: ldf@maidstone.gov.uk

The information you provide will be used fairly and lawfully and the Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

This form has two parts –

Part A – Personal Details

Part B – Your representation(s).

Part A

1. Personal Details*	
<small>*If an agent is appointed, please complete only the Title, Name and Organisation boxes below.</small>	
Title	Mr.
First Name	Rory
Last Name	Silkin
Are you an Agent?	Yes
Whom do you represent?	Staplehurst Parish Council (SPC)
Job Title & Organisation (where relevant)	Chairman – SPC
Address	The Parish Office, Village Centre, Staplehurst
Post Code	ME12 0BJ
Telephone number:	
E-mail Address	

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

Part B

1. In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

(1) Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)?	Yes		No		Don't Know	<input checked="" type="checkbox"/>
(2) Are supported by background documents containing appropriate available evidence?	Yes	<input checked="" type="checkbox"/>	No		Don't Know	
(3) Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough?	Yes	<input checked="" type="checkbox"/>	No		Don't Know	
(4) Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011 – 2031 as a whole?	Yes	<input checked="" type="checkbox"/>	No		Don't Know	

2. If you have answered no to any question above, please also use this box to set out your comments and justification, including any proposed modifications you consider are necessary.

(Continue on a separate sheet /expand box if necessary)

Maidstone Borough Council

Community Infrastructure Levy: Draft Charging Schedule - 5 August to 16 September 2016 Downloadable Comment Form

3. Do you have any comments on the Draft Regulation 123 List?

It is incomplete. It contains no heading and detail for payments for drainage, both foul and surface. In the case of several villages, there is already a problem requiring remediation.

(Continue on a separate sheet /expand box if necessary)

4. Do you have any comments on the Draft Instalments Policy?

There is no reason why all payments should not be made within 24 months. The larger the CIL due, the larger the project, the greater the capacity of the developer to fund it; and the easier it will be to pay.

(Continue on a separate sheet /expand box if necessary)

5. Do you have any other comments or issues to raise in regards to this consultation?

~~This~~ This has taken far too long to be published, allowing developers to gain planning permissions at the expense of MBC and the Parishes. It is as if someone on the inside was ~~working to ensure that the council~~ gain advantage.

(Continue on a separate sheet /expand box if necessary)

6. Please indicate if you would like to request the right be heard by the Independent Examiner.

1. I request the right to be heard by the examiner

☐

2. I do not request the right to be heard by the examiner

☒

7. Please indicate if you would like to be notified of any of the following:

1. The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008

☐

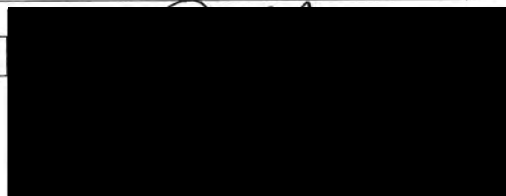
2. The publication of the recommendations of the examiner and reasons for those recommendations

☐

3. The approval of the charging schedule by Maidstone Borough Council

☐

Signature:



Date:

16/9/16

Community Infrastructure Levy Consultation
Spatial Policy Team
Maidstone House
King Street
ME15 6JQ

15th September 2016

Dear Mr. Jarman,

Maidstone Viability Study - Stakeholders Response on behalf of Redrow PLC

We write in regard to the Maidstone Borough Council's 'Consultation on the Draft Charging Schedule', which closes for consultation on the 16th September 2016. This invites local stakeholders to give their opinions on the proposed charging schedule and the methodology, evidence and appraisal assumptions behind these figures. The latter are largely derived from the 'Revised Plan and CIL Viability Study' undertaken by Peter Brett Associates (PBA) and published in July 2015.

We have been instructed by Redrow Homes South East to provide a stakeholder's response on their behalf. Redrow have various interests in development land within the Borough and have the potential to deliver up to 1,000 much-needed homes. The outcome of this review is, therefore, likely to have a direct impact on Redrow's interests in the area and the ability of these schemes to come forward for delivery and remain viable.

We are currently providing Redrow pre-application advice in relation to Springfield. In addition to this, GL Hearn provides Planning, Development Consultancy and general Real Estate advice to a number of stakeholders in the Borough. Recent examples include the Maidstone Strategic Housing Market Assessment, and Sharp House planning and development advice. We draw on this combined experience in our response below.

Consultations and Timescales

PBA originally undertook a viability assessment in May 2013. Following this the Council arranged a consultation, in the form of workshops with various stakeholder groups, to test the assumptions. In forming their revised study PBA then undertook telephone consultations to update their opinion. However, this is the first time that stakeholders have been able to directly respond to these findings, which are now approximately 15 months old. During this time the residential sales market has been rocked by changes to SDLT, changes to buy to let tax and mortgage rules, as well as the EU referendum and result.

More importantly PBA's assumptions are based on previous iterations of the Local Plan. This has subsequently been superseded by a revised Local Plan which is being considered by the Inspectorate. Furthermore, the Infrastructure Delivery Plan (IDP), from which '*necessary infrastructure is identified*,' has been objected to by Kent County Council (KCC). This does suggest that the housing figures, infrastructure requirements, evidence base and assumptions which have informed the draft schedule are now significantly out of date and will need to be reconsidered.

Overview and Methodology

PBA have set out the general scope of the study, an explanation of the proposed methodology and the planning policy context. Appraisals are undertaken on a variety of differing locational and typological assumptions. These follow accepted development viability practice as the appraisals are based on the residual valuation method. A given scheme will be viable if the revenues generated exceed the costs of development – this includes, among others, construction costs, CIL and other planning requirements

(including affordable housing), finance, a developer's risk return/profit and the benchmark site value. It is, therefore, these assumptions that particularly drive an accurate assessment.

Local Development Context

A small section is included which illustrates the past development within the borough to inform the appraisals tested. Although the data is somewhat out of date (see above) this illustrates that delivery was on average well below annual requirements, the greatest proportion of development occurred at a density of 50 dwellings per hectare and that the majority of development took place on brownfield sites. The level of affordable housing delivered, at an average of 44%, suggest that most sites do not achieve the provision required by policy as schemes delivered by registered providers are likely to be distorting this figure. This suggests that viability is already constraining development which does not appear to have been properly considered within the assessment. The resultant CIL rates should be related to existing S106 costs which they will replace and amend to reflect these viability issues.

Local Plan Policies

An analysis of Local Plan policies and their impact on viability testing is included. However, as stated above this analysis was based on a now redundant version. It is difficult to review these as the policy designations have changed (e.g. DM24 Affordable Housing is now DM13). Furthermore a number of policies have evolved such that they will have an impact on the viability of the proposed CIL schedule. For example, SS1 now incorporates an increased housing target, which could have implications on future development delivery.

Furthermore we do accept PBA's assessment as to whether certain policies affect the testing and how they respond:

- *Sustainable Design Standards* - PBA state that the additional costs of these requirements are captured within BCIS. This is not the case as PBA have adopted BCIS cost data with a 15 year period, at which time construction costs were not blighted by such requirements. An uplift should, therefore, be made to account for these costs.
- *Development on Brownfield Land* – this requires that all brownfield development 'result[s] in a significant environmental improvement' which requires significant expenditure.
- *Good Design* – this will also have a cost implication. The majority of Councils will have similar policies, which will be covered by cost indices such as BCIS. However, specific requirements local to Maidstone that go beyond national requirements, such as ragstone walls or clay tiles, will not and must be accounted for.
- *Sustainable Transport* – this policy covers requirements such as car parking ratios, cycle provision etc which are a cost of development.
- *Public Transport* – contributions towards public transport will be sought, either via CIL or S106 contributions. Accordingly these costs should be reflected in development.

Based on the above we do not consider that the policy implications of the Local Plan have been properly considered in the CIL viability testing. These need to be revised to taken into account emerging policy and the specific issues identified above.

Residential Market Overview

A value analysis of postcodes is used to test the appropriateness of having various CIL zones. PBA conclude that outside the urban boundary it '*is difficult to discern a clear pattern in values*' and that only urban and rural zones are required. However, the postcode value map provided for houses, though somewhat blurred, illustrates a different picture as the highest value areas (dark red) are, on average, nearly three times more valuable than the lowest (white). Admittedly these areas do not make up a significant proportion of the Borough. However, the next highest (red) and lowest (beige) postcode areas do and differ in value, on average, by 40%. This is itself a significant variance which should not be ignored. Separate CIL zones should, therefore, be tested.

Viability Assumptions

Saleable area

PBA have assumed gross and net floor areas for flats at 62 sqm and 59 sqm respectively, suggesting an efficiency of 95%. This is well beyond market norms where an 85% net to gross ratio is considered efficient and the average often 80% or lower. The scheme appraisals should be amended to reflect this error.

Benchmark/Threshold Land Values

Various benchmark land values have been adopted on a £ per acre basis. These have been derived from comparable land transactions in accordance with planning policy and viability guidance. However, the evidence that supports these numbers has not been included in PBA's report. It is, therefore, difficult to assess whether the values adopted are reasonable.

PBA have deducted 25% from the headline values on the basis that these may be inflated as they do not take into account policy costs such as CIL. This approach is, however, predicated on the assumption that CIL is an entirely new requirement. However, CIL has been designed to replace the majority of S106 contributions, the cost of which is reflected in land values. Accordingly no deduction should be made.

Build Costs

These have been derived from BCIS. While useful for benchmarking purposes BCIS is not particularly reliable and, based on our experience, the true costs are higher than that adopted. Furthermore, it is noted that PBA have adopted cost based on a 15 year data set. In addition to not reflecting changes to sustainable requirements other aspects of development, design etc. have also evolved over this timeframe and will not, therefore, be accurately reflected in this analysis. We would suggest a more detailed analysis of recent local developments is undertaken.

External Works

Additional costs have been assumed at 10%. This is a reasonable sum for flatted developments which have relatively low proportions of external works relative to the mass and cost of the flats themselves. Housing schemes, however, require the construction of internal roads, driveways, garages, landscaping, gardens etc. such that these generally cost significantly higher proportions. We suggest an allowance of 20% to be more appropriate for housing led developments.

S106 Costs

PBA acknowledge that CIL will not replace site specific S106 requirements but have adopted not to include these costs on the basis that they are unable to assess them. We see no reason why a suitable analysis cannot be made of past S106 agreements with Maidstone and/or those in boroughs that have adopted CIL should to assess this likely cost.

We note, however, that the requirement for affordable housing has been properly tested at the relevant policy levels.

Finance

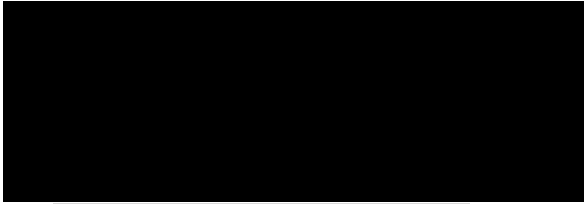
A debit rate of 6% has been assumed. This is at the lower range of the spectrum we would expect and suggest that a rate of 7% is applied.

Conclusion

In general terms the proposed methodology is reasonable and we recognise the distinction made to the Springfield allocation in terms of a lower CIL rate which is welcome. However, it is evident that the draft schedule is based on outdated evidence and planning policy. Furthermore, there are a number of significant issues in relation to the adopted appraisal assumptions. It is also not clear how the proposed CIL rates correlate to existing S106 costs and, therefore, whether the proposals are in effect an additional burden on

an already constrained situation in terms of housing delivery. Accordingly we request that the draft CIL schedule is examined in further detail.

Yours sincerely



Edmund Couldrey
Associate Director





Comments

Community Infrastructure Levy Draft Charging Schedule (05/08/16 to 16/09/16)

Comment by	Kent Wildlife Trust (Mrs Vanessa Evans)
Comment ID	18
Response Date	16/09/16 14:56
Consultation Point	6 Duty to pass CIL to local councils (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

In terms of the specific assessment criteria available to the Independent Examiner, do you consider Maidstone Borough Council's proposals for a local Community Infrastructure Levy:

Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)? Yes

Are supported by background documents containing appropriate available evidence? Yes

Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough? Yes

Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011-31 as a whole? Yes

Question 5

Do you have any other comments or issues to raise in relation to this consultation?

paragraph 6.3 It would be helpful to provide more information regarding how consultation would take place with communities in order to effectively consult on how funding will be spent.

Question 6

Please indicate whether you would like to request the right to be heard by the Independent Examiner

I do not request the right to be heard

Question 7

Please indicate if you would like to be notified of any of the following:

- . The submission of the Draft Charging Schedule to the examiner in accordance with section 212 of the Planning Act 2008
- . The publication of the recommendations of the examiner and reasons for those recommendations
- . The approval of the charging schedule by Maidstone Borough Council

Maidstone Borough Council
13 Tonbridge Road
Maidstone
Kent
ME16 8HG

Our ref: KT/2006/000052/PO-05/PO1-L01
Your ref:
Date: 16 September 2016

Dear Sir/Madam

Community Infrastructure Levy: Draft Charging Schedule Consultation (Regulation 16)

Thank you for consulting us on the above. We have the following comments to make.

Flood Risk

We welcome the contents of schedule H of the Maidstone Infrastructure Delivery Plan, which aims to provide funding contributions for flood alleviation works in the area of Collier Street to Yalding and the Moat Stream area of Headcorn.

Water Framework Directive

We are pleased to see in section 3.91 of the Infrastructure Delivery Plan that our river restoration schemes will be included within the key strategic policies and objectives of the IDP.

We are pleased to note that all WFD projects have been identified in the Blue/Green Infrastructure Plan. This document should be used as reference by developers for CIL projects.

Community Infrastructure Levy: Draft Charging Schedule – Draft Regulation 123 List (July 2016), Please add the text in red.

Green and blue infrastructure Strategic green and blue infrastructure measures and improvements.	On or off site infrastructure, including open space, improvements and mitigation required to make the development acceptable in planning terms. Specific reference should be made to the Water Framework Directive and consideration for implementing the requirements of the River Basin Management Plan https://www.gov.uk/government/publications/thames-river-basin-district-river-basin-management-plan
--	---

We hope you find our comments useful.

Yours faithfully

Ms Jennifer Wilson
Planning Specialist

Direct dial [REDACTED]

Direct e-mail [REDACTED]

Maidstone Borough Council
Spatial Policy

Our Ref: JB/11565

By email only: ldf@maidstone.gov.uk

16 September 2016

Dear Sir/Madam,

**MAIDSTONE COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE 2016
CONSULTATION RESPONSE ON BEHALF OF KENT MEDICAL CAMPUS LTD**

The Kent Medical Campus is a proposed medical campus comprising a mix of hospital and clinical care facilities and other medical-related facilities on land to the east of Newnham Court Shopping Village, Maidstone. Outline planning permission was granted in 2014, with reserved matters consent granted in 2016 for a 65-bed hospital within the campus. The site forms an important component of the Council's employment strategy and is allocated for a mix of uses by draft Policy RMX1(1) as well as being awarded Enterprise Zone status by the Government. There is substantial interest from a number of potential occupiers who are attracted to the site.

Most of the uses proposed at the Kent Medical Campus would be exempt from CIL according to the proposed Draft Charging Schedule. It is our understanding that uses such as specialist care homes designed, for example, to care for people with dementia, brain injuries or other such conditions, would not be subject to CIL.

However, in our view the current wording of the Draft Charging Schedule does not make this sufficiently clear and we therefore **object** to it on this basis. The wording is ambiguous and could be subject to interpretation, which is not acceptable.

Draft Charging Schedule Proposals

The Draft Charging Schedule proposes a CIL rate of £45/sqm for "retirement and extra care housing". Whilst we believe that this is intended only to apply to housing which would fall within use class C3 (i.e. housing used by a single person or family; or up to 6 people living together as a household whether or not receiving care), the current wording does not make this clear.

dha planning
Eclipse House, Eclipse Park, Sittingbourne Road
Maidstone, Kent ME14 3EN

www: www.dhaplanning.co.uk | DHA Planning Ltd. Registered in England. Registration No. 2683 290





We note that paragraph 4.4 refers to viability testing having been undertaken in relation to 24 different typologies of residential development including care homes, extra care facilities and retirement homes. Paragraph 4.5 then goes on to discuss the testing of various scenarios using a range of affordable housing rates. This clearly separates “retirement housing/extra care” from the alternative category of “residential care homes/nursing homes”.

Furthermore, PBA’s Viability Report defines “retirement homes” as “groups of dwellings, often flats and bungalows, that provide independent, self-contained homes” which may have some element of communal facilities such as a lounge or warden.¹ “Extra care” is then defined as “...housing with care whereby people live independently in their own flats but have access to 24-hour care and support.”² In our view, both of these definitions fall within Use Class C3.

The report then goes on to define “care homes” as “residential or nursing homes where 24-hour personal care and/or nursing care are provided together with all meals.”³ In our view such accommodation would fall within Use Class C2.

It appears clear from this that the CIL rate of £45/sqm is not intended to apply to class C2 residential institutions (e.g. hospitals, residential care homes, nursing homes, residential colleges and training centres) or class C2A secure residential institutions (e.g. a secure hospital) and that these uses are to be nil rated.

However, we consider that the draft Charging Schedule should be clear and unambiguous on this point and so object to it on this basis. The term “retirement and extra care housing” is too vague and could result in a range of interpretations, unnecessary negotiations and potential confusion when CIL is applied in future.

If our interpretation above is incorrect, and it is intended to apply the £45/sqm CIL rate to class C2 and C2A uses, then we strongly object to this on the basis that PBA’s Viability Report has concluded that it would not be viable to introduce CIL on such properties.

Suggested remedy

In order to bring clarity, the CIL charging schedule should state explicitly that residential institutions such as care homes, nursing homes and similar facilities are to be nil rated. The simplest way to do this would be to amend the Draft Charging Schedule to state that the proposed £45/sqm CIL rate is applicable only to “Class C3 Retirement and Extra Care housing”. Additional clarity would be gained by listing Class C2 and C2A residential institutions as a separate line with a nil rating listed in the CIL charge column.

¹ PBA Revised Plan and CIL Viability Study, paragraph 5.4.9

² Ibid

³ Ibid



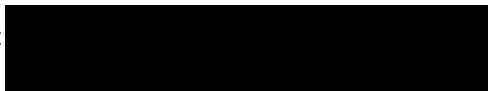
I would be grateful if the above could be formally registered as an objection to the Draft Charging Schedule. If you would like to discuss the above further, please do not hesitate to contact me.

Yours faithfully,



Jonathan Buckwell
Director

Direct email:





Mrs. A Broom
Chief Executive
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 6JQ

BY EMAIL ONLY

**Growth, Environment
& Transport**

Room 1.62
Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: [REDACTED]
Ask for: Barbara Cooper
Email: [REDACTED] k

16 September 2016

Dear Alison

**Re: Maidstone Borough Council Community Infrastructure Levy: Draft
Charging Schedule Consultation**

Thank you for consulting Kent County Council (KCC) on the Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS). The County Council recognises that this is the next formal stage in the process of introducing a CIL in the Maidstone Borough.

In summary, the County Council has **significant concerns** with the current approach to introduce a CIL:

- The DCS is based on the infrastructure necessary to support the delivery of the Maidstone Borough Local Plan 2011-2031 which KCC has consistently strongly objected to;
- The published Infrastructure Delivery Plan is not in accordance with the agreed principles of an Integrated Transport Strategy for the period to 2022 and it is therefore inappropriate to predetermine transport infrastructure requirements in the period to 2031;
- The Funding Gap Analysis has failed to adequately demonstrate the benefits of introducing a CIL when s106 has historically contributed significantly to the investment in infrastructure across the Maidstone Borough; and
- In view of the current Examination in Public and the range of unresolved objections to the Local Plan including from statutory consultees, consulting on a CIL DCS is wholly premature.

General Background

As a provider of key strategic infrastructure across Kent, the County Council has a significant role in working collaboratively with charging authorities to establish future spending priorities to support housing and economic growth, and where districts have chosen to implement CIL, to develop a charging schedule that will support such priorities.

In the backdrop of the well documented reductions in public sector funding which has significantly reduced the ability of upper tier authorities to invest in capital infrastructure projects, the role of development contributions in providing critical and essential infrastructure has heightened importance. KCC recognises the CIL as a mechanism for delivering strategic infrastructure and will therefore seek funding from the CIL for critical and essential infrastructure projects which are necessary to support growth.

However, the County Council continues to engage with Government and partners to draw attention to the limitations of the current CIL regime and explore options for its revision. The Kent and Medway Growth and Infrastructure Framework identifies the scale of planned growth in the county to 2031, alongside the infrastructure necessary to support this level of growth, including its cost. There remains a demonstrable funding gap and it is essential that future CIL receipts are appropriately maximised and directed to ensure the delivery of the key strategic infrastructure identified to ensure growth is not unnecessarily delayed.

I now turn to the published consultation documents:

1. Community Infrastructure Levy Draft Charging Schedule

Relationship with the emerging Maidstone Borough Local Plan

The DCS is predicated on an Infrastructure Delivery Plan (IDP) which sets out the necessary infrastructure required to support the delivery of new development proposed in the emerging Maidstone Borough Local Plan (2011-2031).

The County Council has consistently strongly objected to the scale of development proposed in the emerging Local Plan on the grounds that it would lead to an unacceptably severe impact on the local highway network, most notably on the A229 and A274 to the south and south east of the Maidstone Borough.

The Local Plan is at a relatively early stage in the Examination process and there can be no reasonable certainty at this moment in time that the appointed Planning Inspector will consider it to be legally compliant and the development strategy and allocations to meet the tests of soundness prescribed in national planning policy.

The Inspector's published agenda for the autumn hearing sessions and associated 'Matters, Issues and Questions' are informed - in part at least - by the number and range of unresolved objections to the Local Plan, including those from statutory consultees. In these circumstances and in the absence of an up-to-date, adopted

Local Plan, it is the view of the County Council that it is wholly premature of the Borough Council to consult on the DCS.

It is also clear from the plan-making process that there are a number of alternative sites where the development needs of the Maidstone Borough may be more suitably accommodated, particularly in locations which are less constrained by existing infrastructure and/or where appropriate mitigation can be delivered. It will be for the Inspector to determine the merits of each alternative site promoted. However, notwithstanding the costs of requirements likely to be applied to major development (including obligations and policy requirements), such proposals do generally have the potential to contribute towards, or deliver a significant amount of infrastructure, without the CIL.

2. Maidstone Borough Local Plan Infrastructure Delivery Plan May 2016

The IDP pre dates the recent resolution¹ by the Maidstone Joint Transportation Board (JTB) on the principles which underpin a Maidstone Integrated Transport Strategy (ITS) for the period up to 2022.

Crucially therefore, the IDP does not and cannot identify the entire transport infrastructure necessary to support development for the whole Local Plan period to 2031. The DCS states (paragraph 3.2, page 4) that the IDP is updated, “... as necessary”. It should explicitly acknowledge the mechanism for early review (by 2022) to enable a complete understanding of the borough-wide Highways and Transportation infrastructure requirements to 2031, alongside the consideration of potential funding sources.

3. Funding Gap Analysis June 2016

Table 3 (page 7) sets out an ‘Aggregate Funding Gap analysis’. Potential future funding from s106 planning obligations is set out (circa £33 million), based on contributions agreed and contributions resolved by the Borough Council Planning Committee. There is also a projection for future CIL receipts (circa £30 million) although it is recognised that this is based on the most optimal scenario and inevitably there is some uncertainty regarding future development yields and dwelling mix.

However, the Borough Council has not published any analysis which compares the projected income from the CIL with what could reasonably be expected from s106 planning obligations. It is currently considered that the level of CIL receipts generated by an individual development under the rates proposed in the DCS will be significantly lower than a contribution made by the same proposal under the existing s106 process. The effect of this will be a proportionate decrease in the total level of available infrastructure funding in the Maidstone Borough.

¹ 13 July 2016.

Paragraphs 173-177 ('Ensuring Viability and Deliverability') of the National Planning Policy Framework state that the sites and the scale of development identified in a Local Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened

However, over 11,000 homes have been granted consent by the Borough Council in recent years², all within the s106 regime and cases of developments not being able to afford their full s106 contribution have been very low. The difference between existing s106 contributions and the anticipated CIL receipts can be seen as a reduction in infrastructure investment.

The Planning Practice Guidance states³:

"When deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments."

The County Council does not consider that the Borough Council has taken reasonable steps to mitigate or plan for the effects of proportionately decreased infrastructure funding. Sources of additional funding to make up for the loss have not been identified.

The County Council considers it essential that prior to the adoption of a Charging Schedule, the Borough Council clearly identifies both how the overall loss of funding per new dwelling when compared to the existing s106 regime will be recovered, and how the CIL receipts that are raised will be directed to where they are needed.

4. Draft Regulation 123 List July 2016

Highways and Transportation

KCC welcomes the inclusion of Highways and Transportation on the draft list. In the interests of clarity, there should be additional references to the IDP and the resolution of the Maidstone JTB on an ITS covering the period to 2022.

In developing the detailed case to support the delivery of a South East Maidstone Strategic Link (Leeds-Langley Relief Road), KCC and MBC will investigate a range of potential funding sources. As the extent of available funding opportunities is not yet known, it will be important to adopt a flexible approach that can enable future contributions towards this scheme to be secured through the CIL and/or s106 agreements.

² Maidstone Borough Local Plan Housing Topic Paper 2016. Document submitted to the Local Plan Examination in Public (SUB 005).

³ ID 25-009-20140612

Education Provision

The County Council also welcomes the inclusion of Education Provision on the draft list and regards it as essential infrastructure to mitigate the impact of housing growth in the Maidstone Borough.

KCC's Commissioning Plan for Education is refreshed and published each year; changes in demographics, birth rates and other factors such as school governance mean that the quantum, timing and location of additional places required can change from year to year. It is not considered appropriate that expansions of specific existing schools be named within the list because a statutory framework of consultation regarding changes to existing schools exists and the outcome of which cannot be predetermined.

It is therefore requested that with regard to Education Provision, an amendment is made to one of the exclusions identified on the draft list. The wording, "*up to 1FE expansion of Greenfields Community primary School, Maidstone*" should be replaced with, "*an expansion of an existing school in South East Maidstone to accommodate site H1 (8)*"⁴.

Additionally, whilst it is unclear how development at the Broad Location in Lenham will be delivered, it is likely that the use of the CIL to deliver the necessary new primary school will not be appropriate and inclusion as a s106 planning obligation is necessary. This would also be consistent with the approach to provision at the Invicta Park Barracks broad location (Policy H2 (2)). It is therefore requested the wording below is included as a project exclusion, capable of being funded via a s106 obligation:

"provision of a new primary school within Broad Location H2(3), Lenham"

Public Services Infrastructure

KCC welcomes the inclusion of 'strategic waste management infrastructure' within this infrastructure category. The County Council Waste Infrastructure Review is in progress and is considering provision of KCC Household Waste Recycling Centre (HWRC) across Kent, including in the Maidstone Borough.

The current HWRC at Tovil is operating at close to capacity, and also has challenges regarding accessibility. It is anticipated that the County Council will have developed options based on a robust evidence base by early next year. Subsequently, KCC will seek funding as required and appropriate.

⁴ Notwithstanding the County Council objection to major development allocations and planning applications in the south and south east of the Maidstone Borough due to the severity of the impact on the Local Highway Network.

5. Draft Instalments Policy July 2016

KCC supports the principle of payments triggered within a specified period of days rather than on completion rates. This will assist in securing funds for infrastructure at the earliest possible stage of development.

Other Matters

Governance

KCC does recognise that the future adoption and implementation of a CIL by the Borough Council represents an opportunity for KCC and MBC to agree spending priorities for critical and essential infrastructure including transport, education and social and community infrastructure, supporting growth in the Maidstone Borough.

There are various governance options available but these must be founded on a set of shared principles, acceptable to Elected Members of both Authorities. I would welcome a commitment that the Borough Council will constructively engage with the County Council to develop and agree robust arrangements governing the future expenditure of CIL receipts, with a focus on infrastructure delivery. These arrangements should be established prior to the implementation of the CIL.

Procedural

The County Council requests the right to be heard by the Independent Examiner and to be notified when:

1. The Draft Charging Schedule is submitted to the Independent Examiner in accordance with s212 of the 2008 Planning Act;
2. The recommendations of the Examiner are published; and
3. MBC approves the Charging Schedule.

In summary, the County Council has **significant concerns** with the current approach to introduce a CIL:

- The DCS is based on the infrastructure necessary to support the delivery of the Maidstone Borough Local Plan 2011-2031 which KCC has consistently strongly objected to;
- The published Infrastructure Delivery Plan is not in accordance with the agreed principles of an Integrated Transport Strategy for the period to 2022 and it is therefore inappropriate to predetermine transport infrastructure requirements in the period to 2031;
- The Funding Gap Analysis has failed to adequately demonstrate the benefits of introducing a CIL when s106 has historically contributed significantly to the investment in infrastructure across the Maidstone Borough; and

- In view of current Examination in Public and the range of unresolved objections to the Local Plan including from statutory consultees, consulting on a CIL DCS is wholly premature.

If you require further information or clarification on any matter in this response then please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport

Cc. Mr. R Jarman, Head of Planning and Development, Maidstone Borough Council

Appendix C: Cost and funding gap analysis for strategic infrastructure schemes identified in the MBLP/IDP.

Scheme	IDP Ref.	Estimated Cost	Funding secured	Funding source	Funding gap
Schedule A: Highways and Transportation					
Maidstone Bridges Gyratory improvements	HTTC1	£5,740,000	Completed	LGF / MBC Capital	£0
Romney Place Bus Lane	HTTC2	£60,000	£0	CIL	£60,000
Maidstone Bus Station improvements	HTTC3	£2,000,000	£0	CIL	£2,000,000
Week Street improvements	HTTC5	£3,800,000	Fully funded	MBC Capital	£0
Gabriel's Hill improvements	HTTC8				
Pedestrianisation of Earl Street	HTTC6	£970,000	£0	CIL	£970,000
River Medway Towpath improvements	HTTC10	£2,500,000	Completed	SELEP / MBC Capital	£0
Maidstone East Rail Station improvements and Week Street public realm	HTTC11	£2,000,000	Fully funded	SELEP / Network Rail	£0
Maidstone East commuter car park	HTTC13	£9,000,000	£0	CIL	£9,000,000
Improvements at Rose Yard, Pudding Lane and Market Buildings	HTTC13a	£1,520,000	£0	CIL	£1,520,000

Scheme	IDP Ref.	Estimated Cost	Funding secured	Funding source	Funding gap
Dualling of Bearsted Road	HTJ74	£3,000,000	£0	CIL	£3,000,000
Increased frequency of 333 / 334 route	HTJ75	£2,700,000 ⁽¹⁾	£0	CIL	£2,700,000
Bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.	HTSE1	£3,800,000	Fully funded	S106	£0
Willington Street and Wallis Avenue / Sutton Road junction improvements	HTSE2	£1,800,000	Fully funded	LGF / S106	£0
A229 / A274 Wheatsheaf junction improvements	HTSE6	£725,000 ⁽²⁾	Fully funded	LGF / S106	£0
A229 / Armstrong Road junction improvements	HTSE7	£240,000	Fully funded	LGF / S106	£0
Improvements to bus services along Sutton Road	HTSE8	£2,700,000 ⁽¹⁾	£1,800,000	S106 / CIL	£900,000
M20 J5 improvements	HTNW1&2	£575,000 ⁽²⁾	Fully funded	LGF / S106	£0
Coldharbour roundabout improvements	HTNW3&4	£2,600,000	Fully funded	LGF / S106	£0
Fountain Lane / A26 junction improvements	HTNW4a	£400,000	Fully funded	LGF / S106	£0
Hermitage Lane / London Road junction improvements	HTNW5	£750,000 ⁽²⁾	Fully funded	LGF	£0
Boughton Lane and Cripple Street / A229 junction improvements	HTUA1	£150,000 ⁽³⁾	Fully funded	LGF / S106	£0
Scheme	IDP Ref.	Estimated	Funding	Funding	Funding gap

		Cost	secured	source	
A20 / Willington Street junction improvements	HTUA2	£200,000	Fully funded	LGF / S106	£0
Linton Crossroads junction improvements	HTC1	£650,000 ⁽³⁾	£355,000	S106 / CIL	£295,000
Increased frequency of the No. 89 route	HTC2	£900,000 ⁽¹⁾	£0	CIL	£900,000
A20 Ashford Road, Harrietsham improvements	HTHA1	£1,100,000	£905,000	S106 / CIL	£195,000
Strategic highway improvements to accommodate Lenham Broad Location	HTL2	£2,000,000 ⁽⁴⁾	£0	CIL	£2,000,000
Package of improvements to Marden Rail Station	HTM1	£90,000 ⁽⁵⁾	Fully funded	S106	£0
Improvements to public and passenger facilities at Staplehurst Rail Station	HTS4	£1,100,000	£500,000	S106 / CIL	£600,000
Highways and Transportation TOTALS		£53,070,000			£24,140,000
Schedule B: Education Provision					
New 6FE secondary free school at Valley Invicta Academy Trust	EDM1	TBC	Fully funded	DfE	£0
1FE expansion of The Maplesden Noakes School	EDM2	£3,000,000	£2,010,000	S106 / CIL	£990,000
1FE expansion of The Maidstone Grammar School	EDM3	£3,000,000	£2,785,000	S106 / CIL	£215,000
Provision of a new 2FE primary school on site H1 (2) Land East of Hermitage Lane.	EDM4	£6,800,000	£5,825,000	S106 / CIL	£975,000

Scheme	IDP Ref.	Estimated Cost	Funding secured	Funding source	Funding gap
Provision of a new 2FE primary school on site H1 (5) Langley Park.	EDM5	£6,800,000	Fully funded (part completed)	S106	£0
1FE expansion of South Borough Primary School	EDM7	£2,495,000	£550,000	S106 / CIL	£1,945,000
1FE expansion of Cornwallis Academy	EDR1	£3,000,000	Fully funded	S106	£0
1FE expansion of Harrietsham or Lenham Primary School	EDR2	£2,495,000	£975,000	S106 / CIL	£1,520,000
0.6FE expansion of Marden Primary School	EDR3	£1,500,000	£1,115,000	S106 / CIL	£385,000
1FE expansion of Headcorn Primary School	EDR4	£4,000,000	£3,790,000	S106 / CIL	£210,000
0.5FE at Staplehurst Primary School	EDR5	£1,250,000	£0	CIL	£1,250,000
Provision of a new 2FE primary school at Lenham Broad Location	EDR6	£6,800,000	£0	CIL	£6,800,000
Additional s106 planning obligations secured towards (non-specified) education infrastructure which may be used towards the above schemes			£1,345,000		-£1,345,000
Education Provision TOTALS		£41,140,000			£12,945,000

Scheme	IDP Ref.	Estimated Cost	Funding secured	Funding source	Funding gap
Schedule C: Health Provision					
Works at Brewer Street Surgery	HPU1	£224,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Bower Mount Medical Centre	HPU2	£97,000	TBC ⁽⁶⁾	S106 / CIL	
Works at The Vine Medical Centre	HPU3	£150,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Barming Medical Practice	HPU4	£150,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Blackthorn Medical Centre	HPU5	£150,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Aylesford Medical Centre	HPU6	£224,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Allington Park Surgery/Allington Clinic	HPU7	£73,000	TBC ⁽⁶⁾	S106 / CIL	
Works at the Mote Medical Practice	HPU8	£275,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Orchard Medical Centre, Langley	HPU9	£224,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Wallis Avenue Surgery	HPU10	£170,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Grove Park Surgery	HPU11	£93,000	TBC ⁽⁶⁾	S106 / CIL	
Works at New Grove Green Surgery	HPU12	£243,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Bearsted Medical Practice	HPU13	£264,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Sutton Valence Surgery	HPU14	£100,000	TBC ⁽⁶⁾	S106 / CIL	

Scheme	IDP Ref.	Estimated Cost	Funding secured	Funding source	Funding gap
Works at Cobtree Medical Practice	HPU15	£100,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Boughton Lane Surgery	HPU16	£50,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Marden Medical Practice	HPR1	£378,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Glebe Medical Centre	HPR2	£339,000	TBC ⁽⁶⁾	S106 / CIL	
Works at The Len Valley Practice	HPR3	£207,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Headcorn Surgery	HPR4	£370,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Staplehurst Medical Centre	HPR5	£847,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Orchard Medical Centre, Coxheath	HPR6	£308,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Stockett Lane Surgery	HPR7	£224,000	TBC ⁽⁶⁾	S106 / CIL	
Works at Yalding GP Practice	HPR8	£223,000	TBC ⁽⁶⁾	S106 / CIL	
Health Provision TOTAL		£5,485,000	£5,175,000		£305,000 ⁽⁶⁾
Schedule E: Public Services					
Community First Responder scheme at Bearsted	PS1	£7,000	£0	CIL	£7,000
Community First Responder scheme at Harrietsham	PS2	£14,000	£0	CIL	£14,000

Scheme	IDP Ref.	Estimated Cost	Funding secured	Funding source	Funding gap
Community First Responder scheme at Lenham	PS3	£7,000	£0	CIL	£7,000
Community First Responder scheme at Marden	PS4	£17,500	£0	CIL	£17,500
Community First Responder scheme at Staplehurst	PS5	£28,000	£0	CIL	£28,000
Community First Responder scheme at Headcorn	PS6	£17,500	£0	CIL	£17,500
Community First Responder scheme at Yalding	PS7	£10,500	£0	CIL	£10,500
Community First Responder scheme at Hollingbourne	PS8	£7,000	£0	CIL	£7,000
Public Services TOTAL		£110,000			£110,000
TOTAL COST		£100,205,000			£38,300,000

(1) Cost estimates exclude deductions for revenue generated by the scheme.

(2) Cost estimates include 50% allowance for potential costs of land acquisition and statutory undertakings.

(3) Cost estimates exclude cost of statutory undertakings.

(4) Broad cost estimate including 100% allowance for contingency and potential costs of land acquisition and statutory undertakings.

(5) Cost unknown – figure based on contributions secured to date.

(6) Many of the s106 planning obligations reference improvements at a number of surgeries and West Kent CCG is undertaking analysis work through the development of the Kent and Medway Sustainability and Transformation Plan to assess precisely how individual s106 obligations will be attributed to individual schemes. In advance of this work being completed, the table shows the total funding secured towards these IDP schemes, and the overall residual funding gap.