

PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE MEETING

Date: Wednesday 9 November 2022
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore (Chairman), Mrs Grigg (Vice-Chairman), Clark, Kimmance, Munford, Spooner, Springett, Trzebinski and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private due to the possible disclosure of exempt information	
8. Minutes of the Meeting Held on 17 October 2022	1 - 5
9. Presentation of Petitions (if any)	
10. Question and Answer session from Local Residents (if any)	
11. Questions from Members to the Chairman (if any)	
12. Forward Plan relating to the Committee's Terms of Reference	6 - 9
13. Medium Term Financial Strategy 2023 - 2028	10 - 48
14. Governance and procedural arrangements for CIL Ward spend	49 - 66

Issued on 31 October 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

Head of Schedule 12A and Brief Description

15. Minutes (Part II) of the Meeting held on 17 October 2022	3 – Financial/Business Affairs	67 - 68
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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 7 November 2022). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 7 November 2022). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 17 OCTOBER 2022

Attendees:

Committee Members:	Councillors Blackmore (Chairman), Mrs Grigg, Munford, Spooner and Springett
Lead Member Present:	Councillor Paul Cooper, Lead Member for Planning and Infrastructure

52. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Kimmance, Trzebinski and Young.

53. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

54. URGENT ITEMS

The Chairman stated that two urgent updates had been published on Friday 14 October, in relation to Item 17 – Draft Statement of Common Ground. The updates contained information relating to the decision.

55. NOTIFICATION OF VISITING MEMBERS

There were no visiting members.

56. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

57. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying

58. EXEMPT ITEMS

RESOLVED: That all items be taken in public in public, unless any Member of the Committee wished to refer to the information contained within Items 18 – Exempt Appendices 1 and 2 (Item 17 Statements of Common Ground – Lower Thames Crossing and Soft Sand) – Draft Statement of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority; and Draft Statement of Common Ground between Maidstone Borough Council & National Highways and Item 19 – Urgent Update to Item 18 – Exempt Appendixes 1 and 2 (Item 17 – Statements of Common Ground – Lower Thames Crossing and Soft Sand).

59. MINUTES OF THE MEETING HELD ON 15 AUGUST 2022

RESOLVED: The minutes of the meeting held on 15 August 2022 are agreed as a correct record and signed.

60. DEFERRED MINUTES OF THE MEETING HELD ON 8 JUNE 2022

RESOLVED: The Minutes of the meeting held on 8 June 2022 be agreed as a correct record and signed.

61. PRESENTATION OF PETITIONS

There were no petitions.

62. QUESTION AND ANSWER SESSION FROM LOCAL RESIDENTS

There were no questions from local residents.

63. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

64. FORWARD PLAN RELATING TO THE COMMITTEE'S TERMS OF REFERENCE

RESOLVED: That the Forward Plan to be noted.

65. FINANCIAL UPDATE & PERFORMANCE MONITORING REPORT

The Lead Member for Planning and Infrastructure introduced the report, stating that the work relating to the Bridges Gyrotory flood defence barrier was due to start in early 2023. The Key Performance Indicators (KPIs) showed largely positive performance, although the 'Percentage of Priority 2 enforcement cases dealt with in time' had only achieved 86.78% against the 90% target. It was anticipated that the KPI would achieve its target for the current quarter, with additional staff having been recruited to the pre-existing vacancies.

The Committee reiterated the importance of ensuring continued progress on enforcement cases, particularly given the significant correspondence received by Members from the Public on the matter. However, it was noted that enforcement cases could be complex and difficult to resolve, particularly in the short-term.

The Lead Member for Planning and Infrastructure provided reassurance to the Committee that discussions were ongoing with the Head of Development Management, to ascertain if improvements to the enforcement service could be made.

RESOLVED: That;

1. The Revenue position as at the end of Quarter 1 for 2022/23, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position at the end of Quarter 1 be noted; and

3. The Performance position as at Quarter 1 for 2022/23, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

66. PROPOSAL FOR IMPROVEMENTS TO KING STREET CAR PARK

The Lead Member of Planning and Infrastructure introduced the report and stated that the site required general maintenance and visual improvement. If agreed, the improvements would be funded from the existing budgets within Parking Services.

The Head of Environmental Services and Public Realm highlighted the collaborative working between several council teams, including involvement from the Biodiversity and Climate Change Manager, in producing the proposed improvement scheme.

In response to questions, the Lead Member for Planning and Infrastructure confirmed that signage would be installed to reflect the 'Go Green Go Wild' initiative. The designs proposed would ensure that the site was visually attractive but easily maintained, with preference given to native plants. The Head of Environmental Services and Public Realm stated that the Parking Services Manager would be informed of the concerns expressed in relation to ensuring that the planters would not become unkempt. The tiered planting within the scheme would be suitably watered.

The Committee expressed support for the proposal as it would ensure that the site was well maintained and visually appealing to those visiting the town centre, whilst positively benefitting biodiversity. The importance of re-wilding that was well maintained was reiterated.

RESOLVED: That the Lead Member for Planning and Infrastructure be recommended to approve the proposed Planting and Maintenance Scheme to improve the King Street Car Park, as detailed in section 2 of the report.

67. DESIGN AND SUSTAINABILITY DPD ISSUES AND OPTION

The Lead Member for Planning and Infrastructure introduced the report, referencing the decisions taken by the Council's de-commissioned Strategic Planning and Infrastructure Committee to produce a Design and Sustainability Development Plan Document (DPD). The Design and Sustainability DPD would form part of the borough's statutory development plan and carry equal weight to the Local Plan whilst being a separate document.

The Lead Member for Planning and Infrastructure stated that a public consultation was proposed to take place between 28 October 2022 to 12 December 2022 on the scoping, themes and issues as contained within Appendix 1 to the report.

In response to questions on the document and consultations' accessibility, the Interim Local Plan Review Director confirmed that advice would be given by the Council's Communications Team to ensure that it was fully accessible to all.

The Committee expressed support for the draft Design and Sustainability DPD as contained within Appendix 1 to the report, alongside the proposed consultation.

The document attached at Appendix 1 to the report would be proof-read by a numerous Officers before its publication.

RESOLVED: That the Lead Member for Planning and Infrastructure be recommended to:

1. Approve the Maidstone Design and Sustainability DPD Scoping, Themes and Issues document (Regulation 18) attached at Appendix 1 to the report; and
2. Give delegated authority to the Interim Local Plan Review Director to finalise the format of Design and Sustainability DPD; Scoping, Themes and Issues Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.

68. ADJOURNMENT OF THE MEETING

The Committee adjourned for a short break between 7.00 p.m. to 7.05 p.m. to provide the committee with additional time to read the urgent updates circulated.

69. STATEMENTS OF COMMON GROUND - SOFT SAND AND LOWER THAMES CROSSING

The Lead Member for Planning and Infrastructure introduced the report and stated that the Council has a duty to cooperate with other proscribed bodies on cross-boundary matters, with the National Planning Policy Framework guidance recommending that Statements of Common Ground (SoCG) be used to demonstrate that the Council has co-operated appropriately.

The Lead Member for Planning and Infrastructure explained that the SoCG attached as Exempt Appendix 1 to the report, related to Soft Sand reserves in the Southeast and the reliance made by authorities of the reserves within Kent. The Council was a co-signatory due to the presence of soft sand in Lenham. The SoCG had previously been agreed by the Council's de-commissioned Strategic Planning and Infrastructure Committee in February 2022, but the Statement has been updated to reflect the current supply and demand modelling.

The Lead Member for Planning and Infrastructure stated that the SoCG attached as Exempt Appendix 2 to the report including the urgent update provided, concerned the proposed Lower Thames Crossing (LTC). The Council had been requested to support the development consent order required by the TLC by National Highways. A Public Consultation on the proposed scheme was due to commence imminently. The SoCG reflected the Council's general support for the LTC as outlined within previous consultation responses, but highlighted the need for transport modelling to take place given the likely impact of the proposal on the wider local transport network which should be supported through funded improvements to that network, and air quality concerns.

In response to questions, the Strategic Planning Manager advised that the two SoCG would swiftly be sent to the relevant authorities following their approval by the Lead Member for Planning and Infrastructure. This would allow the relevant authorities to make their submissions at pace.

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified, having applied the Public Interest Test:

Head of Schedule 12A and Brief Description

Item 19 – Urgent Update to Item 17 – Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing	3 – Financial/Business Affairs.
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The Committee entered into closed session between 7.14 p.m. to 7.21 p.m.

During the debate the position between National Highways and the Council was questioned. In response, the Strategic Planning Manager reiterated the purpose of the SoCG in demonstrating the duty of co-operate.

Having discussed the matter in private, the Committee returned to open session.

RESOLVED: That the Lead Member for Planning and Infrastructure be recommended to approve the updated versions of the draft Statements of Common Ground, attached at Exempt Appendices 1 and 2 to this report.

70. EXEMPT APPENDICES 1 AND 2 (ITEM 17 - STATEMENTS OF COMMON GROUND - LOWER THAMES CROSSING AND SOFT SAND) - DRAFT STATEMENT OF COMMON GROUND BETWEEN MAIDSTONE BOROUGH COUNCIL, KENT COUNTY COUNCIL, EAST SUSSEX COUNTY COUNCIL, BRIGHTON AND HOVE CITY COUNCIL, WEST SUSSEX COUNTY COUNCIL, AND THE SOUTH DOWNS NATIONAL PARK AUTHORITY; AND DRAFT STATEMENT OF COMMON GROUND BETWEEN MAIDSTONE BOROUGH COUNCIL & NATIONAL HIGHWAYS

RESOLVED: That the item be considered alongside Item 17 – Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing.

71. URGENT UPDATE TO ITEM 18 - EXEMPT APPENDICES 1 AND 2 (ITEM 17 - STATEMENTS OF COMMON GROUND - LOWER THAMES CROSSING AND SOFT SAND)

RESOLVED: That the item be considered alongside Item 17 – Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing.

72. DURATION

6:30pm to 7:26pm

MAIDSTONE BOROUGH COUNCIL FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 NOVEMBER 2022 TO 28 FEBRUARY 2023

This Forward Plan sets out the details of the key decisions which the Executive or Lead Members expect to take and the non-Key decisions that the Executive or Lead Members expect to take during the next four-month period. The plan will be updated weekly for the relevant period and a new plan for a new four-month period, published monthly on the last Friday of the month.

A Key Decision is defined as one which:

1. Results in the Council incurring expenditure, or making savings, of more than £250,000; or
2. Is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough

The current members of the Executive are:

 <p>Councillor David Burton Leader of the Council DavidBurton@maidstone.gov.uk 07590 229910</p>	 <p>Councillor John Perry Deputy Leader and Lead Member for Corporate Services JohnPerry@Maidstone.gov.uk 07770 734741</p>	 <p>Councillor Lottie Parfitt-Reid Lead Member for Communities and Public Engagement LottieParfittReid@Maidstone.gov.uk 07919 360000</p>	 <p>Councillor Martin Round Lead Member for Environmental Services MartinRound@maidstone.gov.uk 07709 263447</p>
 <p>Councillor Simon Webb Lead Member for Housing and Health SimonWebb@Maidstone.gov.uk 07878 018997</p>	 <p>Councillor Claudine Russell Lead Member for Leisure and Arts ClaudineRussell@Maidstone.gov.uk</p>	 <p>Councillor Paul Cooper Lead Member for Planning and Infrastructure PaulCooper@Maidstone.gov.uk 01622 244070</p>	

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each decision, within the time period indicated.

Under the Access to Information Procedure Rules set out in the Council's Constitution, a Key Decision or a Part II decision may not be taken, unless it has been published on the forward plan for 28 days or it is classified as urgent:

The law and the Council's Constitution provide for urgent key and part II decisions to be made, even though they have not been included in the Forward Plan.

Copies of the Council's constitution, forward plan, reports and decisions may be inspected at the Maidstone House, King Street, Maidstone, ME15 6JQ or accessed from the Council's website: www.maidstone.gov.uk

Members of the public are welcome to attend meetings of the Executive which are normally held at the Town Hall, High St, Maidstone, ME14 1SY. The dates and times of the meetings are published on www.maidstone.gov.uk or you may contact the Democratic Services Team on telephone number 01622 602899 for further details.

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David Burton
Leader of the Council

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
Statements of Common Ground for Local Plan Review To sign off Statements of Common Ground between Maidstone Borough Council and various other authorities as evidence to support the Local Plan Review examination in public.	Lead Member for Planning and Infrastructure	Lead Member for Planning and Infrastructure	3 Nov 2022	No	No Part exempt	Planning and Infrastructure Policy Advisory Committee 3 Nov 2022	Statements of Common Ground for Local Plan Review	Mark Egerton, Erik Nilsen markegerton@maidstone.gov.uk, ErikNilsen@Maidstone.gov.uk
Response to Tonbridge and Malling Borough Council Local Plan consultation To sign off Maidstone Borough Council's response to the Tonbridge and Malling Local Plan (Regulation 18) consultation	Lead Member for Planning and Infrastructure	Lead Member for Planning and Infrastructure	3 Nov 2022	No	No Open	Planning and Infrastructure Policy Advisory Committee 3 Nov 2022	Response to Tonbridge and Malling Borough Council Local Plan consultation	Erik Nilsen ErikNilsen@Maidstone.gov.uk
Governance and procedural arrangements for CIL Ward spend	Executive	Lead Member for Planning and Infrastructure	23 Nov 2022	No	No Open	Planning and Infrastructure Policy Advisory Committee 9 Nov 2022	Governance and procedural arrangements for CIL Ward spend	Carole Williams carole.williams@midkent.gov.uk

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
Strategic CIL Assessments & Spend	Executive	Lead Member for Planning and Infrastructure	25 Jan 2023	Yes	No Open	Planning and Infrastructure Policy Advisory Committee 11 Jan 2023	Strategic CIL Assessments & Spend	William Cornall, Rob Jarman, Carole Williams williamcornall@maidstone.gov.uk, Robjarman@maidstone.gov.uk, carole.williams@midkent.gov.uk

Agenda Item 14

PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE

9 November 2022

Governance and Procedural Arrangements for CIL Ward & (Non-Parished Areas) spend

Timetable	
Meeting	Date
Planning and Infrastructure PAC	9 November 2022
Executive	23 November 2022

Will this be a Key Decision	No
Urgency	Not Applicable
Final Decision-Maker	Executive
Lead Head of Service	Rob Jarman (Head of Development Management)
Lead Officer and Report Author	Carole Williams (CIL & S106 Team Leader)
Classification	Public
Wards affected	All

Executive Summary

This report proposes the governance and procedural arrangements for spending the CIL neighbourhood portion within the non-parished areas of Maidstone Borough.

Purpose of Report

To provide guidance to local ward members on community consultation for CIL allocation and how to apply for CIL neighbourhood funding for their wards.

This report asks the Committee to consider the following recommendation to the Executive:

1. That the appendices A and B to the report be agreed;
2. That the principle that local ward councillors should engage with local communities directly to agree how best to spend the neighbourhood funds from their area, be agreed;
3. That ward councillors should apply directly to the Council for allocation of available local CIL funds to projects, using the application form attached as B to the report; and
4. That such applications will be assessed by officers against the agreed funding criteria, as contained within Appendix A to the report.

Governance and Procedural Arrangements for CIL Ward & (Non-Parished Areas) spend

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place • We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3. 	<p>Rob Jarman Head of Development Management</p>
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation potentially supports the achievement of the above cross cutting objectives by providing funding at a ward level.</p>	<p>Rob Jarman Head of Development Management</p>
Risk Management	<p>Already covered in the risk section.</p>	<p>Rob Jarman Head of Development Management</p>
Financial	<ul style="list-style-type: none"> • These monies need to be accounted for correctly and distributed to the non-parished areas in accordance with any agreed procedures. 	<p>Paul Holland, Senior Finance Manager</p>

Staffing	<ul style="list-style-type: none"> We will deliver the recommendations with our current staffing. 	Rob Jarman Head of Development Management
Legal	<ul style="list-style-type: none"> Accepting the recommendations will fulfil the Council's duties under Regulation 59A Community Infrastructure Levy Regulations 2010 (as amended) (SI 2010 No. 948) and be in accordance with the National Planning Practice Guidance in respect of the Community Infrastructure Levy Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the same Regulations 	Cheryl Parks (Mid Kent Legal Services (Planning))
Information Governance	<ul style="list-style-type: none"> The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes. 	Information Governance Team
Equalities	<ul style="list-style-type: none"> We recognise the recommendations may have varying impacts on different communities within Maidstone. Therefore, we have completed a separate equalities impact assessment [at reference]. 	Equalities & Communities Officer
Public Health	<ul style="list-style-type: none"> We recognise that the recommendations will have a positive impact on population health or that of individuals. 	Public Health Officer
Crime and Disorder	n/a	Rob Jarman Head of Planning & Development
Procurement	n/a	Rob Jarman Head of Development Management & Section 151 Officer

<p>Biodiversity and Climate Change</p>	<ul style="list-style-type: none"> The implications of this report on biodiversity and climate change have been considered and pending decision funding can be utilised for climate adaptation measures (such as flood prevention) and biodiversity enhancements (such as tree planting and rewidening). Similarly as part of the consultation process, options for renewable energy generation, EV charging infrastructure, and cycling infrastructure should be included to support Parish and align with the MBC Action Plan. 	<p>Biodiversity and Climate Change Manager</p>
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2. INTRODUCTION AND BACKGROUND

- 2.1 The report of 11 September 2018 entitled 'Maidstone Community Infrastructure Levy Administration and Governance' (*sections 1.27-1.33*) [your-councillors \(maidstone.gov.uk\)](http://your-councillors.maidstone.gov.uk), was approved at the meeting of the former Strategic Planning, Sustainability and Transport Committee. This report highlighted that where there is chargeable development within an area of a parish council, under the CIL regulations, the Council must pass the proportion of receipts on to the parish to spend, even where a parish falls within a ward. Unlike this neighbourhood portion of CIL funds passed to parish councils, non-parished areas such as wards had no prescribed processes for how CIL should be spent in areas that are not a town or parish council.
- 2.2 For wards which have no parishes, neither the Planning Act 2008 nor the Community Infrastructure Levy Regulations 2010 prescribe how local engagement should take place or whether neighbourhood CIL should be allocated to a particular geographic area or what projects it should be spent on within an area. The Council has the discretion as to how it allocates this money. However, it must have regard to government guidance which is contained in the CIL Planning Practice Guidance (PPG) (see - www.gov.uk/guidance/community-infrastructure-levy).
- CIL Planning Practice Guidance (updated April 2022)**
- 2.3 The CIL PPG states: *Communities without a parish or town council can still benefit from the neighbourhood portion. If there is no parish or town council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding.*
- 2.4 *Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools for example, website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.*

- 2.5 *The law does not prescribe a specific process for agreeing how the neighbourhood portion should be spent. Charging authorities should use existing community consultation and engagement processes. This should include working with any designated neighbourhood forums preparing neighbourhood plans that exist in the area, theme specific neighbourhood groups, local businesses (particularly those working on business led neighbourhood plans) and using networks that ward councillors use.*
- 2.6 *Crucially this consultation should be at the neighbourhood level. It should be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates. Where the charging authority retains the neighbourhood funding, they can use those funds on the wider range of spending that are open to local councils, for example CIL (Regulation 59) towards;*
- the provision, improvement, replacement, operation, or maintenance of infrastructure; or*
 - anything else that is concerned with addressing the demands that development places on an area*
- 2.7 *In deciding what to spend the neighbourhood portion on, the charging authority and communities should consider such issues as the phasing of development, the costs of different projects (for example, a new road, a new school), the prioritisation, delivery and phasing of projects, the amount of the levy that is expected to be retained in this way and the importance of certain projects for delivering development that the area needs. Where a neighbourhood plan has been made, the charging authority and communities should consider how the neighbourhood portion can be used to deliver the infrastructure identified in the neighbourhood plan as required to address the demands of development. They should also have regard to the infrastructure needs of the wider area.*
- 2.8 *The charging authority and communities may also wish to consider appropriate linkages to the growth plans (Infrastructure Delivery Plan) for the area and how neighbourhood levy spending might support these objectives.*

Proposed Governance and Process

- 2.9 Specific consideration needed to be given to the consultation process within unparished areas. A remote meeting was held in July 2020 with ward councillors, the Head of Development Management and the CIL Project Officer. The approach of entrusting community engagement to individual ward members was discussed. Ward councillors were keen to take an active role to spend the CIL within their areas. This would involve local ward councillors going out to their communities to canvas opinions on projects which would benefit the community most. Ward councillors would have an important role to play using their networks and assisting the Council with the consultation process by using their usual forms of engagement with their constituents to inform a wider audience and gauge the priorities.

- 2.5 As most CIL chargeable development in Maidstone is built within parished areas, the CIL receipts have been considerably lower for wards. Due to this, the Council deferred the governance arrangements for the spending of the neighbourhood portion of CIL in wards to allow enough CIL receipts to accumulate.
- 2.6 The Council currently has available for spending a total of £122,995.34 collected from 10 wards in the Borough.

Ward	CIL Collected
Boxley	£ 2,761.07
Bridge	£ 19,355.36
Detling & Thurnham	£ 1,135.31
East	£ 13,163.73
Fant	£ 12,923.84
High Street	£ 30,273.78
North	£ 29,643.22
Park Wood	£ 1,692.29
Shepway North	£ 10,411.96
Shepway South	£ 1,634.78
Total	£ 122,995.34

- 2.7 Appendix A sets out proposed guidance on engagement and governance in the application of the use of non-parished neighbourhood funds to be prioritised. The guidance proposes ward councillors preparing a CIL spending plan to draw up projects which match the priorities expressed by local communities and those projects identified in the Council's Infrastructure Delivery Plan. These would then be consulted upon, and that consultation should be proportionate with the amount of CIL received and the scale of the development to which the neighbourhood funding relates. Using Appendix B, ward councillors could then apply by application form to the Council on behalf of the project provider requesting CIL funds from their ward.

3. AVAILABLE OPTIONS

- 3.1 No other option is assessed.

4. RECOMMENDATION

- 4.1 That the Planning and Infrastructure Policy Advisory Committee recommends to the Executive that the governance and process guidance set out in Appendix A and B and associated recommendations of the report be approved.
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5. RISK

- 5.1 If the CIL governance and procedural arrangements are accepted then this would reduce the risk of CIL monies not being spent in accordance with addressing the demands that development places on an area.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Strategic Planning, Sustainability and Transport Committee noted the administrative and engagement progress to date as outlined in the 'Maidstone Community Infrastructure Levy Administration and Governance' report of 11 September 2018 (*sections 1.27-1.33*).
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7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

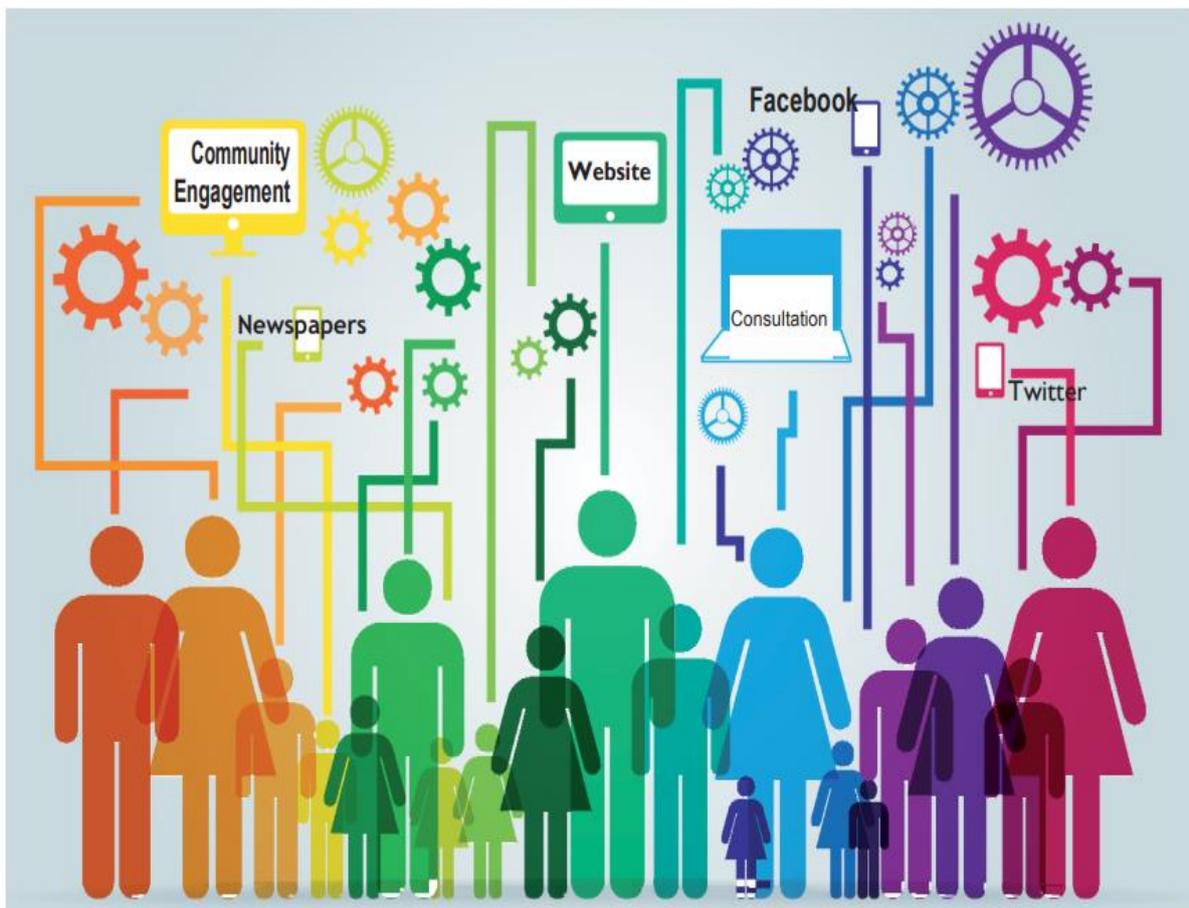
- Appendix A: Community Infrastructure Levy (CIL) – Governance and Procedural Arrangements for CIL Ward spend (October 2022)
 - Appendix B: Community Infrastructure Levy (CIL) –Application Form to Request Neighbourhood (Ward) CIL Funding
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8. BACKGROUND PAPERS

The report of 11 September 2018 entitled 'Maidstone Community Infrastructure Levy Administration and Governance' (*sections 1.27-1.33 attached*) [your-councillors \(maidstone.gov.uk\)](http://your-councillors.maidstone.gov.uk)



Community Infrastructure Levy (CIL) – Governance and Procedural Arrangements for CIL Ward spend (October 2022)





Introduction

The following guidance has been prepared to assist ward councillors for Maidstone Borough over the use and administration of CIL.

What is CIL?

CIL is a way of collecting contributions from developments towards the provision of infrastructure required to support growth within the Borough. It is a tariff that will be applied per square metre of new development and varies by scale, use and geography. Different CIL charges for settlements and zones within the Borough have been established based on scheme viability.

What are the CIL Charges?

The Borough Council is the Charging Authority for CIL and has set the following charges in Maidstone:

<u>Development Type / Location</u>	<u>CIL charge per square metre</u>
Residential (Within the Urban Boundary)	£93
Residential (Outside the Urban Boundary)	£99
Site H1 (11) Springfield, Royal Engineers Road, Maidstone	£77
Retirement and extra care housing	£45
Retail - wholly or mainly convenience	£150
Retail - wholly or mainly comparison (Outside the Town Centre Boundary)	£75
All other forms of CIL liable floorspace	£0

Affordable housing, self-build housing, residential annexes and residential extensions are exempt from payment of CIL but may need to claim an exemption.

CIL Process and the Neighbourhood Proportion of CIL

The CIL Regulations (Regulation 59) require the Charging Authority (Maidstone Borough Council) to pass on the neighbourhood proportion of CIL (15% or 25% with a Neighbourhood Made Plan) to parishes, forums, and town councils. The Borough Council is required to retain levy receipts and engage with communities over the use of the neighbourhood proportion where no parish, forum or town council is in place.

The Borough Council has concluded that local ward councillors should, in these situations, engage with local communities directly and agree how best to spend the neighbourhood funds.

CIL Collection

The Borough Council undertakes the collection of CIL and a neighbourhood proportion for each CIL receipt will be set aside for individual parishes and wards in accordance with the CIL Regulations (as amended). It should be noted that the payment of CIL receipts may be subject to instalments. Officers will advise ward councillors of the neighbourhood funds available from development within their areas on an annual basis.

How much CIL has been collected from development in wards?

Ward	CIL Collected
Boxley	2,761.07
Bridge	19,355.36
Detling & Thurnham	1,135.31
East	13,163.73
Fant	12,923.84
High Street	30,273.78
North	29,643.22
Park Wood	1,692.29
Shepway North	10,411.96
Shepway South	1,634.78
TOTAL	£ 122,995.34

Spending CIL Receipts

The neighbourhood proportion of the CIL can be spent on a wide range of items required to “support the development of an area including:

- a) The provision, improvement, replacement, operation, or maintenance of infrastructure; or
- b) anything else that is concerned with addressing the demands that development places on an area”

This gives ward councillor’s considerable freedom to spend their allocated proportion of CIL on the items which address the impacts of development upon their area. Notwithstanding this freedom, the use of neighbourhood funds **must be identified in consultation with the local community and reflect their priorities**. There are a number of factors that should be considered when developing a CIL spending plan.

- What are the Infrastructure Needs?

Ward councillors should carefully consider whether the expenditure addresses the demand on infrastructure and services that are caused by development within their area and be clear on the links between infrastructure and growth as identified in the Councils Infrastructure Delivery Plan (IDP). These priorities should not be considered in isolation noting that there may be a number of town-wide infrastructure priorities which may be outside the ward boundaries but supported by local residents.

Projects should match the priorities expressed by the local community. They should strive to mitigate the impact of development in the area by supporting the demands development places on the area. They should either be in the IDP which includes priorities and smaller non-strategic schemes. Or smaller schemes that the local community wish to see that have not been identified in the IDP which may be a priority to the community or may have evolved as a direct consequence of the new development. These can be a locally consulted upon and publicly supported scheme. This support can be evidenced by surveys, petitions, consultation, or other agreed plans.

Active community groups, including neighbourhood action groups, should consider producing a statement identifying community infrastructure projects to act as a useful starting point for the distribution of neighbourhood funds by their ward councillor. Individual ward councillors would be encouraged to lead the production of such plans.

- Using CIL Funds Effectively

Neighbourhood expenditure should be agreed in the full knowledge of both the needs of a local area and, in so far as it is possible, an understanding of where other strategic investment will be made in the area by the Council and its partners. Ward councillors should be clear that there may be on going operational and maintenance costs associated with the provision of new infrastructure and will need to be clear how any costs will be met for the life of the infrastructure. Maintenance costs would not be borne by the Borough Council, although they are a legitimate use of one-off CIL funding.

- Examples of types of projects:

These could include, for example, environmental improvements (one-off litter clearances, landscaping, or open space works) new play equipment, new library equipment, street furniture, additional parking spaces or pedestrian crossing facilities, cycleways, community hall improvements, open land improvement and enhancement, CCTV camera, youth worker/ play scheme, hanging baskets, Changing Places accessible toilets, shop front and high street improvements, park benches, improved sport and play equipment and pitches. This does not extend to feasibility studies for items of infrastructure for which funds are not already available.

- How can we engage with the local community to determine their infrastructure needs?

The Council is expected to allocate neighbourhood funding to infrastructure projects in consultation with the local community.

Ward councillors will need to consider the capacity of existing groups and local residents to engage in the CIL spending process and to ensure that such processes are inclusive. All members of the community should have the opportunity to contribute to determining how local CIL may be spent, including those who are least vocal and most vulnerable.

Ward councillors should build on relationships and networks with existing community groups and are encouraged to utilise existing neighbourhood/community groups as a forum for discussing the use of the “neighbourhood proportion” of CIL funds. This may also help to identify infrastructure projects based upon their experiences and interactions with the local community.

Any public consultation on the use of CIL funds should be proportionate to the scale of funds identified to be spent, such consultation could range from discussions with neighbouring parties to a particular application site, a third-party infrastructure provider for example Kent County Council, through to a formal vote for a preferred project within a local community building or at a public meeting. Advertisements could be placed within the Borough Insight magazine, MBC Facebook, and Twitter pages as well as ward councillor’s resident newsletters highlighting the relevant CIL sums and encouraging members of the public to suggest appropriate projects to their ward councillors.

Ward councillors may also be aware of projects which may benefit from funding through the daily interaction with members of the community and would be encouraged to assist in the delivery of these projects where appropriate. Ward councillors should clearly identify the extent of consultation and mechanisms employed for consulting with the local community and document this process when requesting the releasing of CIL funds. Such applications should be made on the appended form (Appendix B).

- How can CIL funds be maximised?

Although ward councillors will not be required to spend their neighbourhood funds in accordance with the Charging Authorities priorities, it would be good practice for ward councillors to work closely with the Council to agree priorities for spending the neighbourhood funding. This will also allow other funding sources to be explored including the potential use of S.106 funds, and any other funding and community grants which could all contribute to the delivery of the infrastructure project or be used as an alternative to CIL.

The Council recognises that infrastructure projects are not constrained to electoral wards and where appropriate would encourage councillors to work jointly with councillors in adjoining electoral wards where there is a perceived benefit (either financial or otherwise) to the delivery of infrastructure items including those infrastructure issues which effect the whole town.

The Borough Council is committed to advising ward councillors of the CIL sums secured within a financial year and to advise ward councillors when the next Strategic CIL bidding round arrangements would be taking place to encourage them to prepare or match CIL bids for core CIL funding where appropriate infrastructure projects are identified within their wards and the Council’s Infrastructure Delivery Plan.

Release of CIL- Funding Criteria

Following local community consultation, ward councillors will be invited to submit formal CIL funding applications to the Council’s CIL team.

Applications should state why the project has been chosen, who would deliver it and the timescale for commencement. Evidence of local community consultation must be included. Project ideas must be deliverable, achievable, and maintainable. They must be good value for money, with any matched funding sources being identified.

Submissions should clearly show whether further approvals are needed for example if land needs to be purchased, planning consent or licenses sought etc. It should explain how it

represents good value for money with cost estimates provided if known and matched funding being identified where possible. Any known future on going costs should be highlighted in the application. If this is a scheme on Council land or is ultimately going to be the responsibility of the Council to maintain, then these on-going maintenance costs will need to form part of the Councils usual budget setting procedures under the remit of the Councils Policy and Resource committee.

Depending on the nature of the contribution sought the Council will expect projects of low value under £10,000 to have procured one written quotation and above this up to £75,000 in value to procure 3 written quotes in accordance with the Council's procurement services.

-Assessment of submissions

Applications will be checked and signed off by the Head of Development Management and other relevant staff for compliance with the CIL Regulations. Applications may be submitted at any time during the year provided CIL funds are available for that ward. Funds will be released to those responsible for the delivery of the item of infrastructure requested.

CIL funding is allocated to a third-party infrastructure provider on the proviso that the CIL funding can only be used to deliver the agreed infrastructure set out within the application submission.

Dependent on the scale of the sums involved, third parties **may** be expected to enter into a legal agreement with the Council prior to the transfer of funds. These would cover the specifics of the project, timescales for release of money, the deadlines for the delivery of the project, the submission of reports and evidence of delivery and any repercussions for non-compliance with an agreement. Funds will then be released directly into the account of the third party who will normally be expected to produce receipts relating to the procurement of the infrastructure within 3 months of delivery.

Organisations may be required to provide the Council with a copy of the following documents in support of an application:

- a copy of the group's constitution
- insurance certificates
- a full set of most recent accounts, audited or otherwise certified
- planning or building regulation consents (if appropriate)
- Quotes for works (if the application involves purchasing goods or services)
- Equalities policy or statement

EXAMPLE – A local ward football club would like to install a 3G synthetic pitch within the grounds of the football club and have asked for some CIL funding to be provided to assist in the cost of its provision. The pitch would be available to hire, and local ward councillors agree that it would support the local community as a whole. The project is supported by the local primary school. An alternative project is suggested for the use of CIL funds by a nursery group within the locality. The councillors for the area decide that it would be appropriate to consult local residents via a newsletter. The responses favour the football club. An application for funds is submitted with relevant evidence and agreed by the Council. The football club enter into a legal agreement covering the use of the funds, together with a recent planning approval for a pitch and copy of the club accounts. Funds are released and the project commence on site. The project takes 5 months to complete. The Council is provided with a receipt for payment the following month by the football club.

Monitoring CIL Expenditure

The Borough Council are required to report on its CIL expenditure, including the neighbourhood funding held and spent on behalf of the local community. As such there will be an obligation on ward councillors to assist the Council's CIL teams record claims for their proportion of CIL and properly account for expenditure. Such matters will be reported annually through the Council's Infrastructure Funding Statement before the 31st December following the reporting year (1st April to 31st March).

For further information please contact Carole Williams, CIL & S106 Team Leader on 01622 602074 or by using the email cil@maidstone.gov.uk

APPENDIX B



Community Infrastructure Levy (CIL) –Application Form to Request Neighbourhood (Ward) CIL Funding

Section A: Application Details	
Ward Councillor(s):	
Details of Organisation funded (where applicable) Name: Address: Contact Number: Email:	
Project Title:	
Funds Requested:	

Section B: Project Details

Project Summary (max 500 words):

Please explain how this project supports the development of the ward or meets the needs arising as a result of development and identify those who will benefit (max 500 words):

Please provide details of who will deliver the project and if it can commence in the next financial year and outline if there are risks to delivering the scheme (max 300 words):

Please provide details of other approvals that maybe required for example does land needs to be purchased, planning consent or licenses sought etc (max 300 words):

Please provide details of how the project is value for money, and if any additional funding has been secured for this project. Also provide any details of future on-going management and maintenance costs associated with the project (max 300 words):

Section C – Consultation and Engagement

Please explain how you became aware of the need to carry out this project (max 300 words)

Please provide details and evidence of any local public consultation carried out in relation to this project and its outcomes (max 1000 words):

Administration (FOR OFFICE USE ONLY)

Name: Carole Williams

Name: Rob Jarman

Role: CIL & S106 Team Leader

Role: Head of Planning and Development

Signature:

Signature:

NOTES

Agenda Item 15

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted