

# OVERVIEW & SCRUTINY COMMITTEE MEETING

Date: Tuesday 15 August 2023  
Time: 6.30 pm  
Venue: Town Hall, High Street Maidstone

## Membership:

Councillors Mrs Blackmore, Cannon, Clark, Cleator (Vice-Chairman), Conyard, Eagle, English (Chairman), Hastie, Hinder, Munford, Round, S Thompson and Webb

*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.*

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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
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 because of the possible disclosure of exempt information	
8. Minutes of the Meeting Held on 18 July 2023	1 - 2
9. Presentation of Petitions (if any)	
10. Question and Answer session for Local Residents (if any)	
11. Questions from Members to the Chairman (if any)	
12. Cabinet Forward Plan - To Follow	
13. Committee Work Programme	3 - 4
14. Receipt of Call-In - Relevant Procedure (Strategic CIL Assessment & Spend)	5 - 80

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**Issued on Monday 7 August 2023**

**Continued Over/:**



**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**

16. Exempt Appendix to Item 15 - Receipt of 'Call-In' - Relevant Procedure, Archbishops Palace	3 – Financial/Business Affairs	109
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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](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 11 August 2023). 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](mailto:committee@maidstone.gov.uk) by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Friday 11 August 2023). 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](mailto:committee@maidstone.gov.uk).

To find out more about the work of the Committee, please visit the [Council's Website](#).

## MAIDSTONE BOROUGH COUNCIL

### OVERVIEW & SCRUTINY COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY 18 JULY 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillors English (Chairman), Cannon, Cleator, Conyard, Hastie, Clark, Eagle, Munford, Round, S Thompson and Trzebinski</b>
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##### 23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blackmore, Hinder and Webb.

##### 24. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Trzebinski was present as Substitute Member for Councillor Hinder.

##### 25. URGENT ITEMS

An urgent update had been circulated to the Committee in relation to Item 14 – Appointment of a Working Group – Water Management Cycle Review, which contained the proposed membership for the working group.

##### 26. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

##### 27. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

##### 28. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

##### 29. EXEMPT ITEMS

**RESOLVED:** That all items on the agenda be taken in public as proposed.

##### 30. MINUTES OF THE MEETING HELD ON 20 JUNE 2023

**RESOLVED:** That the Minutes of the meeting held on 20 June 2023 be approved as a correct record and signed.

Note: Councillor Hastie joined the meeting at 6.36 p.m. and stated that she did not have any disclosures of interest or lobbying.

31. PRESENTATION OF PETITIONS

There were no petitions.

32. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

33. QUESTIONS FROM MEMBERS TO THE CHAIRMAN (IF ANY)

There were no questions from Members.

34. CABINET FORWARD PLAN - 1 JULY 2023 TO 31 OCTOBER 2023.

**RESOLVED:** That the Cabinet Forward Plan be noted.

35. COMMITTEE WORK PROGRAMME

**RESOLVED:** That the Committee Work Programme be noted.

36. APPOINTMENT OF A WORKING GROUP - WATER MANAGEMENT CYCLE REVIEW

The Chairman informed the Committee that he had invited political Group Leaders to submit nominations for the Water Management Cycle Working Group's Membership; the list of nominees had been circulated to the Committee.

The Committee expressed support for the proposed membership and felt that substitute members should be put forward where possible.

**RESOLVED:** That the Water Management Cycle Working Group Membership be as follows:

Members: Councillors Cleator, English, Jeffery, Harper, Harwood, Round and Trzebinski.

Substitute Members: Councillors Clark, Springett and S Thompson.

Note: Councillor Cannon joined the meeting at 6.40 p.m. and stated that he did not have any disclosures of interest or lobbying.

37. DURATION OF MEETING

6.30 p.m. to 6.43 p.m.

**Maidstone Borough Council**

**Overview and Scrutiny Committee Work Programme, 2023-24 Municipal Year**

<b>Review Title &amp; Objectives</b>	<b>Expected Start Date</b>	<b>Issue Type</b>	<b>Relevant Officer/s</b>	<b>Timetable</b>
<p><u>Enforcement</u></p> <p>To focus on Environmental and Waste Crime Enforcement</p>	September 2023	Committee Review	<p>Jen Stevens, Head of Environment and Public Realm.</p> <p>Additional Officers to be identified.</p>	From September 2023 – tbc.
<p><u>Health Inequality</u></p> <p>To:                      - focus on the impact of poor-quality housing on health inequality                      - increase understanding of health inequalities across the borough</p>	To be confirmed.	Committee Review	<p>Alison Broom, Chief Executive,</p> <p>John Littlemore, Head of Housing and Regulatory Services</p> <p>Senior Public Health Officer</p>	To be confirmed.
<p><u>Water Management Cycle – Second Stage Review</u></p> <p>To review the remaining elements identified by the working group through its first review.</p>	July 2023.	Committee Review	<p>Mark Green, Director of Finance, Resources and Business Improvement</p> <p>Uche Olufemi, Emergency Planning &amp; Resilience Manager</p> <p>Phil Coyne, Local Plan Review Director</p> <p>Karen Britton, Head of Spatial Planning and Economic Development</p>	<p>July – September 2023.</p> <p>Formal Report – October 2023 (estimated).</p>

<b>Review Title &amp; Objectives</b>	<b>Expected Start Date</b>	<b>Issue Type</b>	<b>Relevant Officer/s</b>	<b>Timetable</b>
<u>MTFS and 2024/25 Budget (initial proposals)</u>	September 2023	Pre-decision Scrutiny	Mark Green, Director of Finance, Resources & Business Improvement  Adrian Lovegrove, Head of Finance	In accordance with the Financial Procedure Rules (Council Constitution, Part C8), the OSC is responsible for reviewing the budget proposals.
<u>SCRAIP (Safety in the Town Centre)</u>	September 2023	Review of SCRAIP	John Littlemore, Head of Housing and Regulatory Services  Martyn Jeynes, Community and Strategic Partnerships Manager	Following publication in July 2023 Cabinet agenda.
<u>Council Motion – Rights of the River Medway and its Tributaries</u>	September 2023	Reference from Council	William Cornall, Director of Regeneration and Place	Following July Council Meeting.
<u>Forward Plan Monitoring</u>	2023/24 Municipal Year	Pre-decision Scrutiny	As applicable.	N/A
<u>Call-Ins</u>	2023/24 Municipal Year	Post-decision Scrutiny	As applicable.	N/A

**OVERVIEW AND SCRUTINY  
COMMITTEE**

**15 AUGUST 2023**

**Receipt of a 'Call-In' – Relevant Procedure – Strategic CIL  
Assessment & Spend**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Overview and Scrutiny Committee	15 August 2023
Council (if applicable)	To be confirmed.
Cabinet (if applicable)	To be confirmed.

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Oliviya Parfitt, Principal Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report outlines how the call-in received will be facilitated at the meeting, in accordance with the requirements of the Constitution and best practice.

**Purpose of Report**

Decision

**This report makes the following recommendations to the Committee:**

That the decision relating to the Strategic CIL Assessment & Spend be considered against the call-in request received, as shown in Appendix 1 to the report.

## Receipt of a 'Call-In' – Relevant Procedure – Strategic CIL Assessment & Spend

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect this report's recommendation to materially affect achievement of corporate priorities.</p> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Risk Management</b>	<p>No impact identified for the purposes of this report.</p> <p>The risk associated with the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Financial</b>	<p>No impact identified from this report.</p> <p>The financial implications of the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive

<b>Staffing</b>	<p>The call-in will be facilitated with the support of the Democratic Services Team.</p> <p>The staffing implications of the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Legal</b>	<p>The Local Government Act Section 9(F) as amended by the Localism Act 2011, requires that where a Local Authority operates under an Executive Governance System there must be at least one Overview and Scrutiny Committee that is able to:</p> <ul style="list-style-type: none"> <li>• 'Review or scrutinise decisions made' and</li> <li>• Make 'reports or recommendations' to the Executive on the discharge of executive functions (LGA 2000, Section 9F (1-2))</li> </ul> <p>Therefore, the call-in and review of the decision made by the Cabinet and any alternative recommendations produced as a result, is within the Committee's statutory powers.</p> <p>Any legal implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Team Leader (Planning) and Monitoring Officer
<b>Information Governance</b>	<p>No impact identified from this report.</p> <p>Any information governance implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Information Governance Officer
<b>Equalities</b>	<p>No impact identified from this report.</p> <p>Any equalities implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Equalities & Communities Officer
<b>Public Health</b>	<p>No impact identified from this report.</p> <p>Any effects on public health arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Democratic Services Officer

<b>Crime and Disorder</b>	No impact identified from this report.  Any crime and disorder governance implications arising from the decision being called-in can be found in Appendix 3 to the report.	Chief Executive
<b>Procurement</b>	No impact identified from this report.  Any procurement implications arising from the decision being called-in can be found in Appendix 3 to the report.	Chief Executive
<b>Biodiversity and Climate Change</b>	No impact identified from this report.  Any biodiversity and climate change implications arising from the decision being called-in can be found in Appendix 3 to the report.	Chief Executive

## 2. INTRODUCTION AND BACKGROUND

2.1 At its meeting on the 26 July 2023, the Cabinet made the following decision:

1. *That Community Infrastructure Levy (CIL) funding that has been collected is allocated (as minima) to the following strategic projects for the period to 31 March 2025:*
  - *M20 Junction 7 Upgrade - £1,836,729 in Strategic CIL monies, subject to appropriate due diligence by the Director of Finance, Resources & Business Improvement in consultation with the Cabinet Member for Corporate Services;*
  - *Heather House Community centre Redevelopment - £956,420*
  - *St Faith's Community Centre Redevelopment - £250,000*
2. *That a report evaluating the CIL process, including the proposed prospectus for the next round of funding, be added to the Forward Plan for a Cabinet meeting in the Autumn 2023.*

2.2 The Record of Decision was published on 28 July 2023, with the call-in period set to expire on the 4 August 2023; during this time a call-in request was received. This is attached at Appendix 1 to the report, following its acceptance by the Proper Officer.

For information, the only constitutional requirements that must be met in submitting a call-in request are as follows:

*'Such a request must be made in writing and must state the reason the call-in is believed to be necessary, and the desired outcome of the decision's review' (Part C2, Rule 13.4, 13.4.3 (b)).*

The Constitution also states that:

*'At the meeting, the Members calling in the decision should make themselves available for questioning and will be able to take part in the debate as non-voting Members of the Committee if they are not a Member of the Committee' (Part C2, Rule 13.4, 13.4.4).*

2.3 The options available to the Committee in reviewing the decision made are outlined below, with a table underneath demonstrating the resulting actions from each option.

- a) Agree that no further action is required; OR
- b) Recommend an alternative decision for consideration by the Executive;  
OR
- c) Recommend that the decision be reviewed by Full Council.

<b>OSC Options</b>	<b>Next Steps</b>	<b>Decision Implementation</b>
Review original decision made and agree that no further action is required.	No further action required.	Cabinet Informed.  Decision to be implemented straight after the Overview and Scrutiny Meeting.
Recommend an alternative decision to the Cabinet.	Cabinet to consider alternative decision.  Either the original decision remains, or an amended decision is issued.	Decision implemented straight after the Cabinet's re-consideration.  (Decision is final)
Recommend that the decision be reviewed by Full Council.	Council review the decision and either agree with the original decision or recommend an alternative decision.  Cabinet to consider alternative decision; either the original decision remains, or an amended decision is issued.	Decision implemented after the Cabinet's re-consideration.  (Decision is final)

2.4 The information relating to the Cabinet's decision has been included within the appendices to this report.

### **3. AVAILABLE OPTIONS**

#### **3.1 Option 1 – Agree that no further action is required.**

In this instance, the Cabinet will be formally informed with the original decision to be implemented immediately following the Overview and Scrutiny Committee Meeting.

#### **3.2 Option 2 – Recommend an alternative decision to the Cabinet.**

In this instance, the Cabinet will receive formal notification of the Committee's recommendations at its next meeting (likely an additional meeting). The Committee must include the nature of its concerns to supplement the alternative decision.

The Cabinet will consider the recommendations made by the Committee and either the original decision or an amended decision will be issued as a result. Once this has taken place, the decision reached is final and will not be subject to call-in.

#### **3.3 Option 3 – Recommend that the decision be reviewed by Full Council.**

In this instance, the Committee would refer the decision to the full Council. The Council would then be able to:

- d) Agree that no further action is required; OR
- e) Recommend an alternative decision for consideration by the Executive;

However, similarly to the Overview and Scrutiny Committee, the Council can only advise the Cabinet on which course of action to take. As the original decision made relates to an executive function (CIL funding provision), the Cabinet is the final decision-maker.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 There is no preferred option from an Officer perspective, as this report aims to support the Committee in reviewing the Cabinet decision submitted for Call-In.

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### **5. RISK**

- 5.1 This report is presented for information only and has no risk management implications.

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This Committee has not previously considered the matter. In accordance with the Council's governance arrangements, the Planning, Infrastructure and Economic Development Environment Policy Advisory Committee (PIED

PAC) conducted the pre-decision scrutiny on the item (7 June 2023), before the issue was presented to the Executive for decision.

6.2 Since the Cabinet's decision, a live matter under consideration has led to newly provided advice being provided (Appendix 5) for the Committee to consider.

6.3 The relevant papers for the PIED PAC agenda can be accessed using the link at Section 9 of the report.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 Given the number of options available, the next steps depend on the option chosen by the Committee. See section 3 for the resulting actions for each option.

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## **8. REPORT APPENDICES**

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

- Appendix 1: Call-In Request
- Appendix 2: Record of Decision (Cabinet)
- Appendix 3: Papers as provided to the Cabinet for the 26 July 2023 meeting.
  - 3a: Report;
  - 3b: Appendices; and
  - 3c: Urgent Update
- Appendix 4: Excerpt of the Minutes of the Planning, Infrastructure and Economic Development Policy Advisory Committee Meeting held on 7 June 2023.
- Appendix 5 (New Information): Urgent Update Report regarding the 'call in' of the Cabinet decision not to award CIL monies toward the improvement of Linton Crossroads

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## **9. BACKGROUND PAPERS**

Agenda Papers for the Planning, Infrastructure and Economic Development Policy Advisory Committee Meeting held on 7 June 2023:

[Your Councillors - Maidstone Borough Council](#)

**CALL IN FORM**

Once completed, please submit this form to either of the Officers shown below, cc'ing in Democratic Services.

Director of Strategy, Insight & Governance or The Chief Executive.

Please fill in the below form:

Decision making body or individual

CABINET

Decision made (please include the date the decision was taken)

Decision Not to fund Linton crossroads at this time.  
Issued Friday 28<sup>th</sup> July 2023

Reason for calling in the decision

THE DECISION WAS CONTRARY TO THE ADVICE OF THE PAC AND INDEPENDENT ADVICE, AS WELL AS CONTRAVENING EVIDENCE SUPPLIED TO THE EXAMINATION OF THE LOCAL PLAN REVIEW

Desired Outcome

To Reverses the decision so that the clear and present safety issues at Linton crossroads are addressed via the CIL funding and not delayed.

Unless this request is made by the Chairman of the Overview and Scrutiny Committee, any call-in must be supported by three Members of the Council.

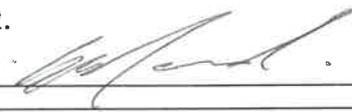
Members calling in decision

Signed

1. CLIVE ENGLISH

1. Clive A English

2. STEVE MUMFORD

2. 

3. DAVID NAGHI

3. D. S. Naghi

Date:

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE CABINET**

Decision Made: 26 July 2023

#### **Strategic CIL Assessments & Spend**

##### **Issue for Decision**

As per the approved CIL governance arrangements, and in relation to the Strategic CIL Bidding Cycle 2021/22, this decision approves projects for the allocation of Strategic CIL Funding. Three infrastructure projects are approved for Strategic CIL funding: Junction 7 of the M20; Heather House community facilities; and St Faith's Community Centre. These have all been subject to an external moderation report by Turley consultancy (Appendix 1 to the report) and internal officer preliminary evaluation (Appendix 2 to the report). Appendix 3 to the report sets out all the meetings held by the CIL Steering Board.

##### **Decision Made**

1. That Community Infrastructure Levy (CIL) funding that has been collected is allocated (as minima) to the following strategic projects for the period to 31 March 2025:
  - M20 Junction 7 Upgrade - £1,836,729 in Strategic CIL monies, subject to appropriate due diligence by the Director of Finance, Resources & Business Improvement in consultation with the Cabinet Member for Corporate Services
  - Heather House Community Centre Redevelopment - £956,420
  - St Faith's Community Centre Redevelopment - £250,000; and
2. That a report evaluating the CIL process, including the proposed prospectus for the next round of funding, be added to the Forward Plan for a Cabinet meeting in the Autumn 2023.

##### **Reasons for Decision**

The Community Infrastructure Levy (CIL) commenced in October 2018 and is governed by the CIL Regulations 2010 (as amended). It allows local authorities to raise funds from developers who are undertaking new building projects. The principle behind CIL is that most development has some impact on infrastructure and so should contribute to the cost of infrastructure. All developments within Maidstone Borough of a certain type and size are liable to 'pay' CIL which is due upon commencement of development. The Council developed a Charging Schedule alongside the Maidstone Borough Local Plan. The charge can be differentiated by geographical area, and by development type, and based on viability evidence within the Maidstone Community Infrastructure Levy - Charging Schedule 2017.

Infrastructure is needed to support the new development, and the Infrastructure Delivery Plan is reviewed on an annual basis with the latest being 2022. This highlights the infrastructure needed in the Borough to support new development (such as schools, health facilities, leisure, community facilities etc.) which supports the delivery of the adopted Local Plan. The Council is required under the Community Infrastructure Levy Regulations (2019 Amendment) to produce an Infrastructure Funding Statement to include a statement of the infrastructure projects or types which will be or may be, wholly or partly funded by CIL.

### **Available Strategic CIL Funds**

As of 1st February 2023, the Council had collected Strategic CIL funds totalling £4,280,886. We forecast that a further £7,495,282 of Strategic CIL may be available by 31 March 2025.

In addition to the money collected as part of the strategic CIL spend, the Council is making a further £5,000,000 available from the Capital Budget that it can use to top up the amount of CIL monies available for the delivery of infrastructure.

### **Bidding Process**

On 8 January 2019, the Strategic Planning and Infrastructure Committee approved the CIL governance arrangements for the Strategic Community Infrastructure Levy (CIL) spend. The CIL Steering Group was set up in June 2020 and met on 13 occasions between 2020-2022 (Appendix 3 to the report).

On 11 January 2022, the CIL Bidding Prospectus (22-25) was approved to allow for a bidding cycle for the allocation of strategic CIL receipts.

In line with the prospectus, bids were invited for strategic CIL funding from infrastructure providers in the period 3 May to 15 July 2022. Twenty-two bids were received and initially appraised by MBC officers. This was reported to the CIL Steering Group (established pursuant to the governance arrangements) on 13 December 2022 where it was decided that the bids and officer appraisal would be referred to a technical expert (Turley Associates Limited <https://www.turley.co.uk/>) for independent moderation (See Appendix 1 to the report - Turley Maidstone MBC Community Infrastructure Levy Allocations and Appendix 2 to the report - the officer appraisal).

### **Junction 7 of the M20**

There is a clear policy justification for this highways infrastructure in policy RMX1(1) part 15(ii) of the Local Plan (Newnham Park – KMC allocation). Therefore, it is also included in the IDP in the “critical” list.

The s106 agreements from 3 housing developments along the A274/Sutton Rd when originally signed were to provide the full cost of the part signalisation works (£4.667m). Further s106 money of £3,250,469 (before indexation) is yet to be paid so a minimum of £4,723,884 is anticipated to be received.

The cost of the works identified by KCC is £6,621,610 and the shortfall from the s106 monies is £1,836,729.

There have been failed attempts to secure government funding for the improvement works in order to get them undertaken as soon as reasonably possible as payments would come later being tied to housing occupation on those sites. Therefore, and outside the CIL process, the Council intends to top up the residual amount (£3.25M) to KCC from MBC's capital funding to accelerate delivery if this does not jeopardise recovery of anticipated s.106 receipts. For all the reasons stated above this represents a reasonable and deliverable choice of infrastructure project.

### **Heather House**

Policy Justification: Policy DM20 refers to mitigating the need for new community facilities through conditions, legal agreements, or CIL. The IDP also has a category relating to this type of infrastructure. Socio-economic data strongly supports public sector investment in this infrastructure in this location and this is what MBC has chosen to with a recent planning permission (subject to a s106 legal agreement). The scheme is highly deliverable.

The total cost of the replacement community centre is £1,771,100 but it is estimated that this Council will generate income of £814,681 from approved housing development leaving the amount of monies from CIL to be £956,420.

### **St Faith's Community Centre**

Local Plan Policy DM20 refers to mitigating the need for new community facilities through conditions, legal agreements, or CIL. The council also commissioned (following a resolution from planning committee) a 'Feasibility Study on the Need for Community Facilities in the North Ward – Maidstone' (2017) which is listed as 'additional studies and guidance' on our website and states it is a material consideration. As stated above, this type of infrastructure is a category in the IDP. The socio-economic data backs the need for this social infrastructure and there is a complete vacuum in this area. Lastly, this is a highly deliverable scheme given that the external building works were completed last year and now the internal fit out is required.

The applicant has requested an additional £100,000 CIL funds as the build costs increased by £465k since their application was submitted May 2022.

MBC proposes supporting the project with a further £50,000 from the Springfield Mill S106 to be secured by way of a variation to the S106 in lieu of the community space in the Rag Room. MBC have advised the owner Harrisons/Redrow they would support a variation to the S106 to this effect and MBC have been informed this will be submitted shortly.

MBC propose awarding an extra £50,000 CIL money in addition to the £200k originally requested as the CIL fund has the savings from the M20 project.

The total cost of the replacement community centre is £1,863,000. The £250,000 required from CIL is a modest amount in comparison with the amount of s106 collected (£ 471,760) and Church of England monies.

The Planning, Infrastructure and Economic Development Policy Advisory Committee considered the report at its meeting on the 7 June 2023. The recommendations made by the Committee are outlined below:

**RESOLVED:** That the Cabinet be recommended to:

1. Agree the Community Infrastructure Levy funding that has been collected be allocated (as minima) to the following strategic projects for the period to 31 March 2025 (figures are approximate and based on early February 2023 data):
  - a. M20 Junction 7 Upgrade - £1,900,000 in Strategic CIL monies subject to appropriate due diligence by the Director of Finance & Business Improvement in consultation with the Cabinet Member for Finance & Corporate Services
  - b. A229 Linton Crossroads Junction Improvement - £1,232,000
  - c. Heather House Community Centre Redevelopment - £956,420
  - d. St Faith's Community Centre Redevelopment - £200,000
2. Agree that Maidstone Borough Council and the Infrastructure Provider for the A229 Linton Crossroads Junction Improvement includes a time limited delivery date; and
3. Agree to reopen the Community Infrastructure Levy funding process with effect from 1 October 2023 to 15 December 2023 (10 week period) for a further round of bids to be received according to the terms and conditions of the process.

#### **Alternatives considered and why rejected**

An additional recommended bid set out in the report and recommended by the Planning Infrastructure and Economic Development Policy Advisory Committee (PAC) for funding Linton Crossroads was considered.

This scheme was not allocated CIL funding at this time as though there was recognition that junction improvements here are supported by the adopted Local Plan on balance investment of CIL was not supported because

- there was uncertainty over the ability of the Highways Authority to deliver the scheme which would tie up the funding;
- other highway improvement schemes included in the Infrastructure Delivery Plan and supported by the adopted Local Plan were perceived to have stronger justification for progression to implementation and consuming resources at Linton Crossroads may prejudice progress on these alternative future opportunities; and
- this was not felt to be a suitable course of action given that the Planning Inspector, as part of the ongoing Local Plan Review, had written to the Council supporting an additional site allocation in Coxheath close to the junction (Site LPRSA312) which may yield funding to improve the junction.

Putting a time limit on the funding being spent was considered, as recommended by the PAC, but was rejected in favour of re-evaluating the CIL bidding process and considering a round 2 of bids.

#### **Background Papers**

None

I have read and approved the above decision for the reasons  
(including possible alternative options rejected) as set out above.



Signed: \_\_\_\_\_

Councillor David Burton, Leader of the Council

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm 4 August 2023**

**Strategic CIL Assessment & Spend Report**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning, Infrastructure and Economic Development PAC	7 June 2023
Cabinet	26 July 2023

<b>Will this be a Key Decision?</b>	Yes
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet Member for Planning, Infrastructure and Economic Development
<b>Lead Head of Service</b>	Rob Jarman
<b>Lead Officer and Report Author</b>	Rob Jarman
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

As per the approved CIL governance arrangements, and in relation to the Strategic CIL Bidding Cycle 2021/22, this report is to be considered before the Cabinet is delegated to approve projects for the allocation of the Strategic CIL Funding, as recommended within this report.

Four infrastructure projects are recommended for Strategic CIL funding: Linton Crossroads; Junction 7 of the M20; Heather House community facilities; and St Faith's Community Centre. These have all been subject to an external moderation report by Turley consultancy (Appendix 1) and internal officer preliminary evaluation (Appendix 2). Appendix 3 sets out all the meetings held by the CIL Steering Board.

**Purpose of Report**

Decision on CIL spend

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**This report makes the following recommendations to the Cabinet:**

1. Cabinet is recommended to agree that Community Infrastructure Levy funding that has been collected is allocated (as minima) to the following strategic projects for the period to 31 March 2025 (figures are approximate and based on early February 2023 data):
  - M20 Junction 7 Upgrade - £1,900,000 in Strategic CIL monies, subject to appropriate due diligence by the Director of Finance, Resources & Business Improvement in consultation with the Cabinet Member for Corporate Services
  - A229 Linton Crossroads Junction Improvement - £1,232,000
  - Heather House Community Centre Redevelopment - £956,420
  - St Faith's Community Centre Redevelopment - £200,000

# Strategic CIL Assessment & Spend Report

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> <li>• Accepting the recommendations will materially improve the Council's ability to achieve 'Embracing Growth and Enabling Infrastructure'.</li> </ul>	Rob Jarman
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievements of all the cross-cutting objectives by reducing traffic congestion and providing new community facilities.</p>	Rob Jarman
<b>Risk Management</b>	Already covered in the risk section.	Rob Jarman
<b>Financial</b>	As set out in the officer report and the Appendix, the proposed allocations of CIL can be funded based on the amounts received and expected, so there are no direct budgetary implications. The appendix describes how capital programme funds are also used to support projects that will ultimately be eligible for CIL funding, and this is in accordance with the agreed capital programme.	Mark Green Director of Finance, Resources & Business Improvement &
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman

<b>Legal</b>	<p>The Planning Act 2008 introduced a discretionary planning charge known as the Community Infrastructure Levy (CIL). The legislative framework for CIL is contained within the Community Infrastructure Levy Regulations 2010 (as amended). The Council decided to implement CIL for new development with effect from October 2018, agreed "strategic" CiL governance procedures in January 2019 and approved the Bidding Prospectus in January 2022. 70-80% of the money raised by CIL is for 'Strategic CIL' which will be allocated to strategic infrastructure projects by the Council. This is the portion of CIL that is the subject of this Report. Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy can be used to fund a wide range of infrastructure (including transport) and can be used to fund a very broad range of facilities (such as cultural and sports facilities and community safety facilities). The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant Development Plan. Charging authorities may not, however, use the levy to fund affordable housing.</p>	Russell Fitzpatrick (MKLS (Planning))
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
<b>Equalities</b>	<p>We recognise the recommendations may have varying impacts on different communities within Maidstone.</p> <p>Therefore, we have completed a separate equalities impact assessment.</p>	Senior Policy and Communities Officer.
<b>Public Health</b>	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer

<b>Crime and Disorder</b>	N/A	Rob Jarman
<b>Procurement</b>	N/A at this specific stage	Rob Jarman
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no direct implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The Community Infrastructure Levy (CIL) commenced in October 2018 and is governed by the CIL Regulations 2010 (as amended). It allows local authorities to raise funds from developers who are undertaking new building projects. The principle behind CIL is that most development has some impact on infrastructure and so should contribute to the cost of infrastructure. All developments within Maidstone Borough of a certain type and size are liable to 'pay' CIL which is due upon commencement of development. The Council developed a Charging Schedule alongside the Maidstone Borough Local Plan. The charge can be differentiated by geographical area, and by development type, and based on viability evidence within the Maidstone Community Infrastructure Levy - Charging Schedule 2017.
- 1.2 Infrastructure is needed to support the new development, and the Infrastructure Delivery Plan is reviewed on an annual basis with the latest being 2022. This highlights the infrastructure needed in the Borough to support new development (such as schools, health facilities, leisure, community facilities etc.) which supports the delivery of the adopted Local Plan. The Council is required under the Community Infrastructure Levy Regulations (2019 Amendment) to produce an Infrastructure Funding Statement to include a statement of the infrastructure projects or types which will be or may be, wholly or partly funded by CIL.

### **Available Strategic CIL Funds**

- 1.3 As of 1<sup>st</sup> February 2023, the Council had collected Strategic CIL funds totalling £ 4,280,886. We forecast that a further £7,495,282 of Strategic CIL may be available by 31 March 2025.
- 1.4 In addition to the money collected as part of the strategic CIL spend, the Council is making a further £5,000,000 available from the Capital Budget that it can use to top up the amount of CIL monies available for the delivery of infrastructure.

### **Bidding Process**

- 1.5 On 8 January 2019, the Strategic Planning and Infrastructure Committee approved the CIL governance arrangements for the Strategic Community

Infrastructure Levy (CIL) spend. The CIL Steering Group was set up in June 2020 and met on 13 occasions between 2020-2022 (Appendix 3).

- 1.6 On 11 January 2022, the CIL Bidding Prospectus (22-25) was approved to allow for a bidding cycle for the allocation of strategic CIL receipts.
- 1.7 In line with the prospectus, bids were invited for strategic CIL funding from infrastructure providers in the period 3 May to 15 July 2022. Twenty-two bids were received and initially appraised by MBC officers. This was reported to the CIL Steering Group (established pursuant to the governance arrangements) on 13 December 2022 where it was decided that the bids and officer appraisal would be referred to a technical expert (Turley Associates Limited <https://www.turley.co.uk/>) for independent moderation (See Appendix 1 Turley Maidstone MBC Community Infrastructure Levy Allocations and Appendix 2 being the officer appraisal).

### **Junction 7 of the M20**

- 1.8 There is a clear policy justification for this highways infrastructure in policy RMX1(1) part 15(ii) of the Local Plan (Newnham Park – KMC allocation). Therefore, it is also included in the IDP in the “critical” list.
- 1.9 The amount of s106 monies collected as of 01/03/2023 is £1,473,415. The s106 agreements from 3 housing developments along the A274/Sutton Rd when originally signed were to provide the full cost of the part signalisation works (£4.667m). Further s106 money of £3,250,469 (before indexation) is yet to be paid so a minimum of £4,723,884 is anticipated to be received.
- 1.10 The cost of the works identified by KCC is £6,621,610 and the shortfall from the s106 monies is £1,897,726. The amount of CIL for this project is rounded up to £1,900,000.
- 1.11 There have been failed attempts to secure government funding for the improvement works in order to get them undertaken as soon as reasonably possible as payments would come later being tied to housing occupation on those sites. Therefore, and outside the CIL process, the Council intends to top up the residual amount (£3.25M) to KCC from MBC’s capital funding to accelerate delivery if this does not jeopardise recovery of anticipated s.106 receipts.

For all the reasons stated above this represents a reasonable and deliverable choice of infrastructure project.

### **Linton Crossroads**

- 1.12 Transport is a critical issue for the delivery of the strategic objectives as well as the individual site allocations in the Local Plan. This is to improve the capacity in order to reduce congestion. KCC highways have designed a detailed junction improvement scheme. This project has clear policy justification in that the adopted Local Plan requires this infrastructure under policies SP13 (Coxheath Larger Village) and specific housing allocation policies H1(57, 58, 59, 60)

1.13 The cost of the works identified by KCC is £2,071,392 and the shortfall from s106 monies is £1,232,000 with £846,557 (index linked) collected as of 01/02/23. This represents the total amount of what can be collected from the specific housing developments that have been built out and the IDP recognises this financial gap and specifically refers to CIL funding to 'close the gap' with the scheme being on the "critical" list.

### **Heather House**

1.14 Policy Justification: Policy DM20 refers to mitigating the need for new community facilities through conditions, legal agreements, or CIL. The IDP also has a category relating to this type of infrastructure. Socio-economic data strongly supports public sector investment in this infrastructure in this location and this is what MBC has chosen to with a recent planning permission (subject to a s106 legal agreement). The scheme is highly deliverable.

1.15 The total cost of the replacement community centre is £1,771,100 but it is estimated that this Council will generate income of £814,681 from approved housing development leaving the amount of monies from CIL to be £956,420.

### **St Faith's Community Centre**

1.16 Local Plan Policy DM20 refers to mitigating the need for new community facilities through conditions, legal agreements, or CIL. The council also commissioned (following a resolution from planning committee) a 'Feasibility Study on the Need for Community Facilities in the North Ward – Maidstone' (2017) which is listed as 'additional studies and guidance' on our website and states it is a material consideration. As stated above, this type of infrastructure is a category in the IDP. The socio-economic data backs the need for this social infrastructure and there is a complete vacuum in this area. Lastly, this is a highly deliverable scheme given that the external building works were completed last year and now the internal fit out is required.

1.17 The total cost of the replacement community centre is £1,863,000. The £200,000 required from CIL is a modest amount in comparison with the amount of s106 collected (£ 471,760) and Church of England monies.

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## **2. AVAILABLE OPTIONS**

2.1 These are self-explanatory in that all or none or a combination of the recommended bids could be chosen by councillors.

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## **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

3.1 All of the recommended bids are preferred as justified in both this report and the moderation report.

## 4. RISK

4.1 There are three sets of risk:

- a) Costs will continue to rise given the rate of inflation and supply shortages leading to more CIL monies being required to fund schemes.
- b) The two highway schemes are well developed in design terms and delay may well require revised designs and, moreover, slippage in KCC's delivery programme: There is some ambiguity in the interpretation of the s.106 agreements relating to the J7(M20) improvement works. Officers are in discussion with the developers with a view to resolving this potential ambiguity. A failure to resolve this could jeopardise the delivery of the proposed works.
- c) The burden of the extra growth without the supporting infrastructure in terms of greater congestion and declining air quality with regard to the junction improvement schemes and the continued lack of needed social infrastructure in terms of the two community centres.

## 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The recommended bids were the subject of a public prospectus (see above).

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## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The Planning, Infrastructure and Economic Development Policy Advisory Committee considered the report at its meeting on the 7 June 2023. The recommendations made by the Committee are outlined below:

**RESOLVED:** *That the Cabinet be recommended to:*

1. *Agree the Community Infrastructure Levy funding that has been collected be allocated (as minima) to the following strategic projects for the period to 31 March 2025 (figures are approximate and based on early February 2023 data):*
  - a. *M20 Junction 7 Upgrade - £1,900,000 in Strategic CIL monies subject to appropriate due diligence by the Director of Finance & Business Improvement in consultation with the Cabinet Member for Finance & Corporate Services*
  - b. *A229 Linton Crossroads Junction Improvement - £1,232,000*
  - c. *Heather House Community Centre Redevelopment - £956,420*
  - d. *St Faith's Community Centre Redevelopment - £200,000*
2. *Agree that Maidstone Borough Council and the Infrastructure Provider for the A229 Linton Crossroads Junction Improvement includes a time limited delivery date; and*

3. *Agree to reopen the Community Infrastructure Levy funding process with effect from 1 October 2023 to 15 December 2023 (10 week period) for a further round of bids to be received according to the terms and conditions of the process.*
- 6.2 To ensure that CIL expenditure remains in accordance with the Regulations all successful applicants will need to accept the terms and conditions and sign a grant funding agreement. Where relevant, the CIL funding will also be conditional upon the applicant obtaining any necessary authorisations. Funding agreements may specify a specific delivery timescale.
- 6.2 Payments will be made to successful submissions as per the milestones outlined in the business plans to the satisfaction of the Council and after submission of verifiable invoices, as proof of expenditure. Following the completion of the project, any unspent allocated monies (e.g., unspent contingency funds) will be returned to the Strategic CIL fund.
- 6.3 The costs are current estimates, and these will inevitably rise with time and there will be the need for further scheme detail before any CIL monies are released.
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## **7. REPORT APPENDICES**

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix 1: Turley Maidstone MBC Community Infrastructure Levy Allocations
  - Appendix 2: Officers Appraisal
  - Appendix 3: CIL Steering Group Meeting Dates
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## **8. BACKGROUND PAPERS**

- Strategic Planning, Sustainability and Transportation Committee Report and Minute of 11 September 2018 – Maidstone Community Infrastructure Levy Administration and Governance
- Strategic Planning, Sustainability and Transportation Committee Report and Minute of 8 January 2019 – (Strategic) CIL Governance Report
- Full Council Report and Minute of 27 February 2019 – CIL Governance and Administration
- Strategic Planning, Sustainability and Transportation Committee Report and Minute of 11 January 2022 - Strategic CIL Bidding Prospectus (2022-2025)
- Maidstone Community Infrastructure Levy - Charging Schedule 2017 (<http://services.maidstone.gov.uk/docs/October%202017%20Approved%20Community%20Infrastructure%20Levy%20Charging%20Schedule.pdf>)
- Strategic CIL Bidding Prospectus (2022-2025) – (<https://maidstone.gov.uk/home/primary-services/planning-and-building/additional-areas/community-infrastructure-levy/tier-3-primary->

- [areas/community-infrastructure-levy-bidding-prospectus-2022-2025](#))
- The Infrastructure Delivery Plan 2022  
(<https://localplan.maidstone.gov.uk/home/adopted-local-plan/community-infrastructure-levy-supporting-documents>)
- The Infrastructure Funding Statement (2021-2022)  
<https://maidstone.gov.uk/home/primary-services/planning-and-building/additional-areas/community-infrastructure-levy/tier-3-primary-areas/infrastructure-funding-statement-202122>

**Maidstone MBC  
Community  
Infrastructure Levy  
Allocations**

Final Independent Moderation Report Version 1.2

8<sup>th</sup> February 2023

## Quality information

<b>Prepared by</b>	<b>Checked by</b>	<b>Verified by</b>	<b>Approved by</b>
Andy Rumfitt, Senior Director	Bindu Pokkyarath, Director	Bindu Pokkyarath, Director	Andy Rumfitt, Senior Director

## Revision History

Document Name	Ref	Prepared for	Prepared by	Date	Reviewed by
1.0	MAIP3000	MBC	AR/BP	27/01/23	BP
1.1	MAIP3000	MBC	AR/BP	06/02/23	BP
1.2	MAIP3000	MBC	AR/BP	08/02/23	BP

Prepared for: Maidstone Borough Council

Prepared by: Andy Rumfitt & Bindu Pokkyarath

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## 1. Introduction

### 1.1 The Purpose of this Report

Turley has been commissioned to provide an independent moderation report as a supporting document to Maidstone Borough Council (MBC) Officers' report on projects proposed to be funded by MBC Community Infrastructure Levy (CIL) allocations.

### 1.2 Approach

The Turley Business Case team has a well-developed approach for undertaking independent evidence-based business case reviews and due diligence from our work over the last ten years. We have independently reviewed more than 160 business cases and completed a number of prioritisation and ranking exercises.

For this moderation exercise we completed the following tasks:

- Review of the CIL application process including advice and forms.
- Review of scoring of each Strategic CIL application by MBC
- Workshop with MBC to review the scoring and rankings completed to date and to consider issues arising.
- Review and development of key criteria to consider against each bid as an independent assessment using relevant forms.
- Review of each application and providing independent observations to support moderation recommendations where relevant.
- Grouping of applications into four categories with different levels of potential for funding.
- Providing recommendations for the future.

### 1.3 Moderation Review

This moderation review of the CIL applications sets out detailed comments based on the application form provided and MBC's internal scoring. Each project has been assigned to one of four categories to show the project's relative attractiveness for Strategic CIL funding.

**Table 1. Moderation Categories**

Category	Description
<b>Green</b>	Well-developed projects that should be considered for Strategic CIL Funding as grant and/or loan packages.
<b>Amber</b>	Strong potential for future funding in the short term with further work on the proposal, more certainty and/or receipts of match funding and when the delivery timeframe is more certain to reduce delivery risks.
<b>Yellow</b>	Moderate potential for future funding in the longer term with further work on the proposal, more certainty and/or receipts of match funding and when the delivery timeframe is more imminent to reduce delivery risks.
<b>Red</b>	Less well-developed projects that should not progress without significant additional development work or should be considered for funding from other sources such as Neighbourhood CIL.

### 1.4 Document Structure

The remainder of this document is structured as follows:

- Section 2 – MBC CIL Bid Process
- Section 3 – Current ranking of projects
- Section 4 – Moderation Criteria: Policy Alignment and Delivery Risks
- Section 5 – Moderation – Independent Assessment of Projects for Funding
- Section 6 – Recommendations and Next Steps

### 1.6 Declaration

This review has been undertaken as part of the Turley contract with client. The moderation report has been undertaken independently by Andy Rumfitt and Bindu Pokkyarath from the Turley Business Case and Economics team based in London. We completed a Conflict of Interest (CoI) check and wish to disclose the following.

Turley has provided professional support to Countryside around the assessment of the required community facilities for the proposed Marden development, but the site was not allocated in the Local Plan. We are still retained as advisers.

Our consultants working on this commission have not been involved in advising Countryside and remained independent at all times while conducting this work.

## 2. MBC CIL Bid Process

The section summarises the Community Infrastructure Levy bidding process (2022-2025) of Maidstone Borough Council (MBC).

The Community Infrastructure Levy (CIL) is a charge on certain types of development in Maidstone. The money collected is then used to support new development of the borough. The Council implemented CIL in October 2018.

In accordance with the CIL Regulations 2010 (as amended), the expenditure of CIL funds is divided as follows:

- 5% is retained by MBC to fund the administration associated with the operation of the CIL.
- 15% is for 'Neighbourhood CIL' which is made available to parish councils (capped at £100 per Council Tax dwelling) where development has taken place, or 25% (uncapped) in areas with a 'made' Neighbourhood Plan.
- 70-80% is for 'Strategic CIL' which will be allocated to strategic infrastructure projects by MBC, in accordance with the approved CIL Governance arrangements. This is the portion of CIL subject to allocation through the CIL bidding cycle.

The CIL Regulations 2010 (as amended), state that MBC must spend Strategic CIL funds on:

*'the provision, improvement, replacement, operation or maintenance of infrastructure necessary to support growth.'*

Strategic CIL is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.

The Planning Act 2008 prescribes that infrastructure includes:

- roads and other transport facilities
- flood defences
- schools and educational facilities
- medical facilities
- sporting and recreational facilities
- open spaces

The following projects are not eligible for Strategic CIL:

- Projects that do not meet the requirements of the CIL Regulation 59 2010 (as amended) i.e., for the provision, improvement, replacement, operation, or maintenance of infrastructure to support development of the borough

- Projects that are not defined as ‘infrastructure’
- Ongoing revenue costs for existing infrastructure
- Repayment of money or interest borrowed for the purposes of funding infrastructure
- Annual maintenance or repair for existing infrastructure
- VAT that you can recover

Following the implementation of the CIL charging schedule on 1 October 2018, CIL began being collected in 2019. To accumulate a sufficient amount of money towards infrastructure, MBC approved the CIL governance arrangements to allow for an annual bidding cycle for the allocation of Strategic CIL receipts from 2019 to 2021 to enable the delivery of specific infrastructure projects that will support development in the borough.

The 2021/22 MBC Strategic Community Infrastructure Levy bidding cycle was open for bids from 3 May 2022 until 15 July 2022. The original aim was for funding decisions in October 2022.

MBC forecasts that £11,776,168.45 of CIL will have been collected by 31 March 2025, and this will be combined with a £5 million contribution from their own capital resources, to give a total of £16.776 million of infrastructure funding potentially being available to bidders.

**Table 2. Project Total CIL Funds**

Sources of Funds	Value (£)
Strategic CIL collected (as of 1 February 2023)	£4,280,886.45
Future CIL receipts (forecast)	£7,495,282.00
<b>Total CIL</b>	<b>£11,776,168.45</b>
Other MBC Capital Funding to Support Revolving Fund Investments	£5,000,000.00
<b>All Funds</b>	<b>£16,776,168.45</b>

Source: MBC February 2023.

While MBC intend to allocate the predicted CIL income for the period 2022-25 in the current bidding round, the ultimate final allocations will be subject to actual annual CIL income received.

Some successful bids will have funds made available to them immediately, whilst others will receive provisional allocations, while MBC await the accrual of further CIL monies over the course of 2022/23, 2023/24 and 2024/25. Therefore, this period of accumulation of funds may reduce the annual frequency of the bidding rounds.

Whilst an estimate of future CIL income can be made for the forthcoming years, actual income is entirely dependent upon the rate at which any CIL liable development is delivered, and the monies paid.

### 3. Current Ranking of Projects

This section summarises the scoring and ranking of projects that have been completed to date. MBC's initial scoring and draft reporting had recommended the following five projects for funding with a total CIL cost of £12.032 million.

**Table 3. MBC Selected of Projects for Funding**

Applicant	Project	IDP Status	Project Cost	Recommended CIL Allocation
Kent County Council	Linton Crossroads	Critical Policy DM21 / LPR TRA2 Integrated Transport Strategy 2011-31	£2,071,392 with £839,378 from S106 developer contributions.	They asked for £1,232,000
Kent County Council (Transport)	M20 J7 Upgrade	Critical Policy DM21 / LPR TRA2 Planning	£6,621,610 with £1,062,429 from S106 developer contributions	They asked for £ 5,559,181
NHS Kent & Medway	Extension of Shepway Medical Centre	Essential Former West Kent CCG GP Estates Strategy 2018 & Update March 2020.	£2,165,234 S106 funding 1%: £24,895 Balance to be funded by GP: 76%: £1,642,339	They asked for £498,000
Kent County Council (Transport)	Hermitage Lane Cycle/walking facility	Essential Policy DM21 / LPR TRA2 Walking and Cycling Strategy 2011 -2031 Integrated Transport Strategy 2011 -31	£404,550 With £181,018 from S106 developer contributions	They asked for £223,550
Kent County Council (Education)	1 FE Expansion of Maidstone Grammar School for Girls	Local Plan Policy ID 1 Infrastructure Delivery supports education infrastructure	£8,986,481 £6,378,593 from the Basic Need Capital Programme Budget, £1,432,129 of Education Modernisation funding and the school will contribute £1,175,759	They asked for £4,519,310 as would have been calculated as previous S106 education contributions
<b>Total</b>				<b>£12,031,991</b>

#### 4. Moderation Criteria: Policy Alignment and Delivery Risks

As an independent check, this section examines key investment criteria and considers potential delivery risks in the current environment that could be given increased weighting in selecting projects to be funded. We have considered the following:

- Alignment with Infrastructure Development Plan (IDP) project listing
- Alignment with Local Plan growth areas
- Delivery time and duration
- Accuracy of costs and programme
- Match funding certainty as MBC's proxy for Value for Money

In terms of policy alignment two key documents are the Local Plan (LP) and the Infrastructure Development Plan (Nov 2021) which is produced annually.

MBC's approach was to welcome bids for Strategic CIL funds from those schemes with 'CIL' listed as a potential source of funding to deliver the Local Plan. Prioritisation is then given to those schemes whose delivery is identified in the IDP as both 'critical' and 'short term.'

The IDP identifies 141 schemes costing £171.443 million, with an average cost £1.22 million. However, the funding gap identified is £144.124 million suggesting that based on average cost there is funding for just 22 projects or about 15% of the total.

Projects have been ranked as critical, essential, and desirable. There are 45 projects ranked as critical which on the basis of average costs would require just under £55 million of funding, more than three times the current total projected CIL budget. The IDP has been approved under delegated powers.

Of the submitted Strategic CIL applications the relevant IDP rankings were as follows:

- Critical (2) – Linton Crossroads, M20 J7 Upgrade
- Essential (3) - SECAMB- Vehicle prep scheme (MRC), KCC Hermitage Lane, NHSKM - Extension of Shepway Medical Centre
- Desirable (3) - MBC Parks Activation – Cycling and Wheeled sports Mote Park & South Park, MBC Maidstone Riverside Light Walk, EA Headcorn Flood Alleviation Scheme.

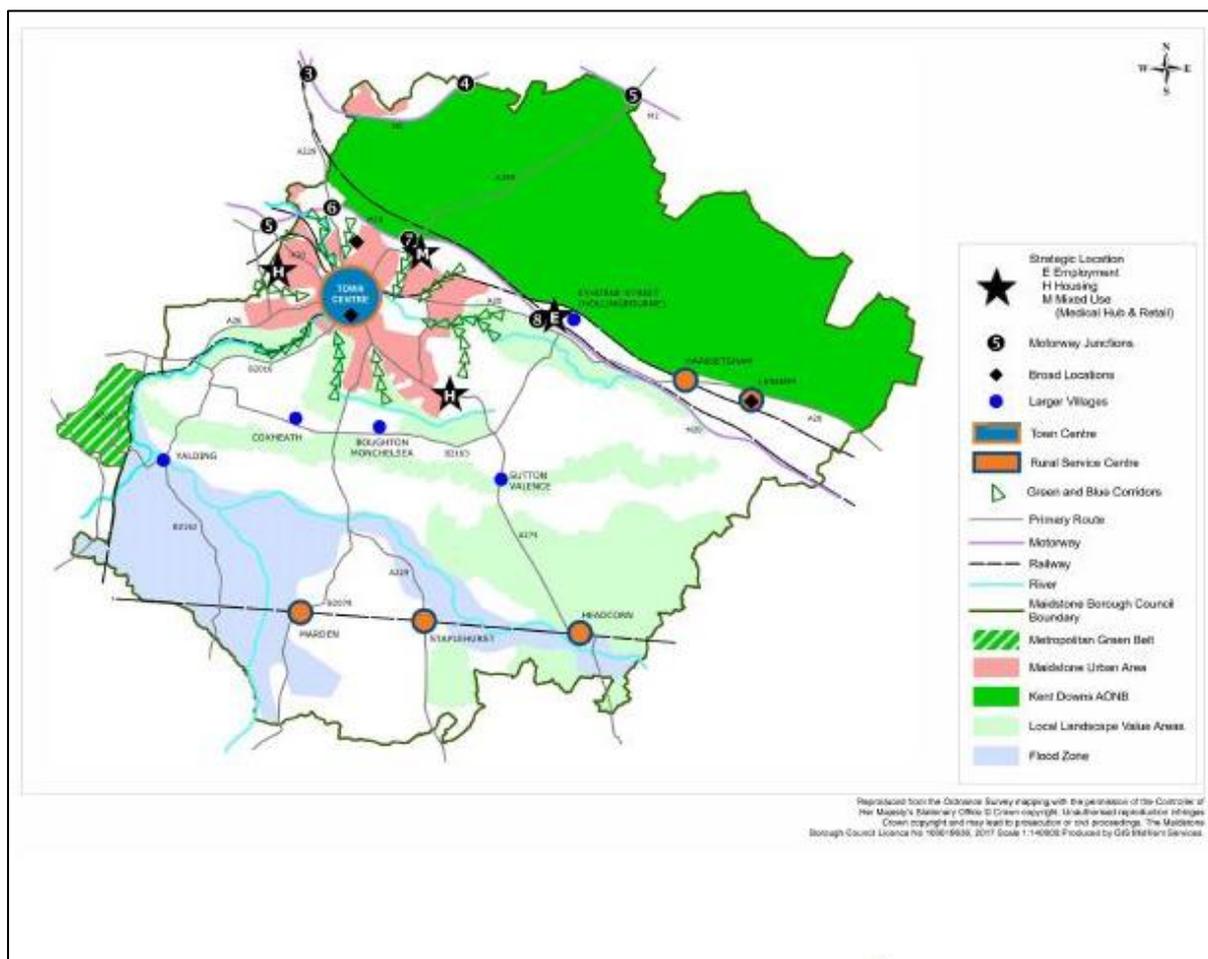
However, the challenge of using alignment with the IDP as the main mechanism for scoring is that: (a) there are many proposed projects so the approach would not necessarily screen them out on a priority or impact basis; and (b) all the most critical were not necessarily brought forward to the Strategic CIL application round.

The 2017 adopted Maidstone Borough Local Plan sets the framework for development in the Borough until 2031 with the aim to provide about 18,000 homes. With a detailed evidence base, extensive consultation, and political sign off, the Local Plan gives a somewhat stronger basis on

where to consider Strategic CIL investments. This can be to support growth and provide additional social infrastructure where there are identified housing allocations.

The 66 housing sites in the Local Plan can accommodate 8,409 homes with a spatial focus on development to the north west and south east of Maidstone including four strategic locations (see key diagram below). Other key locations for development are Maidstone Town Centre, Invicta Park Barracks and Lenham.

Diagram 1. Local Plan Key Diagram



In an era of high and fast-moving cost inflation pressures, there is an increased need to be mindful of the risks for projects without a clear and certain programme or limited project detail. Conversely, projects with an imminent start date or are underway with a confirmed delivery programme generally have a reduced delivery and cost risks.

In addition, projects with the most up to date cost information - ideally from recently tendered prices in line with the HMT Green Book requirements of a Full Business Case - pose less of a cost risk in the future.

Finally, projects with all or very high levels of match funding in place – used as proxy of Value for Money (VfM) by MBC – have lower funding delivery risks. Where this match is significant (say 50% or more) these projects show the benefits of financial leverage enabling MBC funds to go further.

## 5. Moderation – Independent Assessment of Projects for Funding

This section provides independent recommendations on the projects that could be selected for funding. These are presented in four categories:

- **GREEN** – Well-developed projects that should be considered for Strategic CIL Funding as grant and/or loan packages.
- **AMBER** – Strong potential for funding in the short term with further work on the proposal, more certainty and/or receipts of match funding and when the delivery timeframe is certain to reduce delivery risks.
- **YELLOW** – Moderate potential for funding in the longer term with further work on the proposal, more certainty and/or receipts of match funding and when the delivery timeframe is more imminent to reduce delivery risks. These projects need more development compared to the AMBER category.
- **RED** – Less well-developed projects that should not progress without significantly more additional work or should be considered for funding from other sources such as Neighbourhood CIL.

Our independent assessment and moderation, which takes a greater account of the Local Plan housing delivery focus and considering where the match funding is very well developed, suggests the following breakdown of the Strategic CIL applications:

### **GREEN (Four Projects) – Projects to be Considered for Funding (MBC Internal Scoring 54-108)**

Project 18<sup>1</sup>. Kent County Council (KCC) Transport M20 J7 Upgrade - £4,822,469 (as recoverable loan in revolving fund) and £1,799,141 (as a CIL grant).

Project 12. KCC Transport A229 Linton Crossroads Improvements - £1,232,000 (CIL grant)

Project 21. MBC Redevelopment of Heather House Community Centre (Parkwood) - £956,420 (CIL grant)

Project 1. St Faiths Centre - £200,000 (CIL grant)

These comprise the two highest scoring transport projects when ranked by MBC's internal assessment (both ranked critical in the IDP) and two projects which involve the provision of additional community facilities in areas of high housing growth with strong policy support. Further details are provided in the table below.

**Total costs = £9,010,030 with £4,822,469 as recoverable CIL "loan" in revolving fund and £4,187,561 as CIL grant.**

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<sup>1</sup> Project ID numbers as per the table in the Appendix.

**Current available CIL and Revolving Fund budget £9.281 million**

For the M20 J7 project, the total scheme costs are £6,621,610 and the eventual S106 receipts to MBC will be £4,822,469 leaving a funding gap of £1,799,141.

MBC propose to "loan" the S106 value of £4,822,469 to KCC on a zero interest non-repayable basis but MBC will then recover the full amount from the S106 payments that MBC will receive from the developments linked to the scheme in the future. MBC has set aside up to £5 million of their capital funds to support this approach.

As these funds are recovered, they can then be used again on other key local infrastructure projects to support future growth as a form of revolving fund. In addition MBC will make a CIL grant of £1,799,141 to support the project.

**AMBER (Five Projects) – Projects with strong potential for funding in the short term (MBC Internal Scoring 64 – 84)**

Project 9. SECAMB Vehicle Preparation Scheme

Project 11. KCC Education Maidstone Grammar School

Project 13. KCC Transport Hermitage

Project 15. NHS Kent and Medway – Extension of Shepway Medical Centre

Project 22. Lenham Nursery School

**YELLOW (Five Projects) - Projects with moderate potential for funding in the longer term (MBC Internal Scoring 44-51)**

Project 5. Staplehurst Parish Council Sports Pitch

Project 10. MBC Parks Activation (Cycling and Wheeled Sports)

Project 14. MBC Maidstone Riverside Light Walk

Project 16. EA Headcorn Flood Alleviation Scheme

Project 17. KCC Transport Improvements at M2 J3 A229 & M20 J6

**RED (Eight Projects) – Projects which should not progress for Strategic CIL funding (MBC Internal Scoring 0-42)**

Project 2. Mote Cricket Club

Project 3. Lenham Public Toilets

Project 4. Staplehurst Parish Council Highway Works

Project 6. Staplehurst PC Youth Club Toilets

Project 7 Staplehurst Community Centre

Project 8. Staplehurst Parish Council Display Screen – Non-compliant as not infrastructure.

Project 19. KCC Transport Demand Responsive Transport (DRT)

Project 20. Staplehurst Golf Club Improvements

Further details are provided in the Appendix.

**Table 4. Projects Ranked “Green” in Moderation**

Further details of the projects suggested for potential funding are given below.

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
45	18	KCC Transport - M20 J7 Upgrade £5,559,181 / £6,621,610	The proposal is to improve the capacity of the M20 Junction 7 (intersection between the M20 and the A249, and part of the Major Road Network (MRN)). The works are currently estimated to cost £6,621,610 based on estimates at Quarter 3 2022/23 FY and allowing for inflation over the construction period to early 2025. CIL application asks for £5.559 million with £1,062,429 coming from private S106 contributions already secured by KCC.	<b>89/145.</b> Strong policy alignment (LP, IDP) and local support. Identified benefits and public consultation supportive. Delivery by Jan 2025. BCR 20:1. Further clarity needed on S106 contributions. Land owner is KCC. KCC and National Highways revenue costs in the future. Permitted development so lower risk. Potential for mix of grant and loan in advance of future S106 receipts. Various development sites linked to this project are sources of S106/CIL.	Agree. In IDP (HTJ72). BCR while very high at 20:1 is good but may need checking. Up to 84% of costs being requested through CIL. Unsuccessful with LUF R2 bid. Confirm that the programme and costs are still current. Proposed “loan” basis does allow recovery of monies to fund other future projects.	GREEN
	12	KCC Transport A229 Linton Crossroads Junction £1,232,000 / £2,071,392	Widening of junction to include additional lanes on 3 approaches, upgrading traffic signals and improved pedestrian crossings. The total cost of the project is £2,071,392 (including construction costs of £1,182,070).	<b>108/145.</b> Strong policy alignment (LP, IDP) and local support. Detailed costs and all match in place. Land owner agreement. Range of transport benefits. Supporting	Agree. In IDP (HTC1) – Rated critical. Can be delivered Q4 2023. Confirm that the programme and costs are still current.	GREEN

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
	Improvement.		The applicant is seeking £1,232,000 of CIL funding with additional funding of £846,557 coming from S106 developer contributions	documents. KCC revenue costs in the future.		
21	MBC- Redevelopment of Heather House Community Centre (Parkwood)	£956,420 / £1,771,101	Demolition of existing Heather House Community Centre and construction of a new replacement Community Centre, with associated landscaping and parking. The total estimated scheme cost for the new community centre is £1,771,101 with additional funding of £814,681 coming from the income generated from the residential housing development on the site.	<b>54/145.</b> Some policy support (LP) and scheme submitted to IDP update (May 2022). Some benefits and local community support. Delivery July 2024. Planning secured (Nov 2022). Requires management organisation for the future. £100K grant secured. Match from income/subsidy from the residential housing (Pavilion Building) is £814,681.	Recommend could be funded. Appears an advanced project with 54% funding from identified other sources. Supports an area of relative deprivation and an area of recent growth (SE Maidstone) and supports additional amenity provision after population growth. Local Plan alignment. Confirm that the programme and costs are still current. Confirm contractor position.	GREEN
1	St Faiths Centre	£200,000 / £1.863 million	Demolition of an existing hall and vicarage and building a specifically designed and purpose made community centre. Funding to cover escalating construction costs. Started Oct 2021. The overall project will cost	<b>61/145.</b> Supports Local Plan objectives (increase provision), other finance in place (including S106), no planning consent required.	Advanced project and therefore deliverable in 2023 subject to addressing cost inflation challenges. Area of relative deprivation. Area of recent growth (Maidstone TC) and supports additional amenity provision after	GREEN

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	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
			<p>£1,863,000 and a CIL bid has been sought for £200,000 which is just over 10% of the project total. Other funding has been raised totalling £1,574,000 from S106 contributions, sale of assets, Grants and Awards leaving a shortfall of £289,000 which if the bid is successful would leave £89,000 which would be sought from further grants and interest-free loans.</p>		<p>population growth. Local Plan alignment. Confirm that the programme and costs are still current.</p>	

## 6. Recommendations and Next Steps

This section provides some recommendations for future CIL rounds on the basis of this independent review.

- Consider producing a cohort of critical IDP projects that align with likely Strategic CIL budgets which will have the biggest impact on growth.
- Do some additional communications and promotional activity with the project promoters of the most critical projects where you would welcome Strategic CIL bids so these can be brought forward.
- Consider a pass/fail question for alignment with IDP elements and Local Plan key growth locations and policies to screen out bids at an early stage.
- Assessment of VfM would be improved with some output metrics (unit costs) and outcomes / impacts (e.g. number of houses, residents supported, jobs/GVA) as currently just based on costs and match funding.
- Consider having a screening question for the minimum size of project (>£500K) and minimum level of match funding (say 30%-50%) with immediate referral of smaller projects to Neighbourhood CIL funds.



## **Appendices**

**07**

## Appendix 1 – Turley RAG Moderation Scoring of Projects

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
1	St Faiths Centre	£200,000 / £1.863 million	Demolition of an existing hall and vicarage and building a specifically designed and purpose made community centre. Funding to cover escalating construction costs. Started Oct 2021.	<b>61/145.</b> Supports Local Plan objectives (increase provision), other finance in place (including S106), no planning consent required.	Advanced project and therefore deliverable in 2023 subject to addressing cost inflation challenges. Area of relative deprivation. Area of recent growth (Maidstone TC) and supports additional amenity provision after population growth. Local Plan	GREEN Potential to Fund
2	Mote Cricket Club	Not provided	Replacement of pavilion and squash club (linked to required residential development).	<b>13/145.</b> Does not align with IDP, limited information, no financial information and requires planning consent.	Agree. Does not delivery IDP objectives and longer term delivery timescale.	RED Unsuccessful
3	Lenham Public Toilets	£115,138 / £115,138.	Complete refurbishment of the existing (life expired) public toilets in the centre of Lenham including provision of currently unavailable accessible facilities.	<b>39/145.</b> Does align with Local Plan. Councillor support. Needs permitted development.	Agree. Not started but deliverable in a 12 week programme. Not an IDP project. No match funding.	RED Unsuccessful. Neighbourhood CIL

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
4	Staplehurst Parish Council Highway works	£10,000 / £100,000	Road crossing and Bus stop improvements on Cranbrook Road. To install a Puffin Crossing, Bus stop waiting area and footpath.	<b>29/145.</b> Support by Local Plan, highways strategy and IDP (HTS1). No match funding evidence or cost breakdown. Two years away from delivery.	Agree. Early stage project. Relatively small investment and 10% of funds.	RED. In IDP. Potential to Resubmit with a funded delivery plan. Local CIL?
5	Staplehurst Parish Council Sports Pitch	£100,000 / £1,000,000	To install a 3G sports Pitch for Staplehurst and surrounding areas.	<b>49/145.</b> Links to neighbourhood plan but not IDP. Little detail of VfM. Further confirmation of finance required. Planning consent required. 2 years away from delivery.	Agree. Needs to show other funding is in place as CIL is just 10%. Provide more quantitative evidence of needs and impacts.	YELLOW. Align with LP/IDP and provide a funded delivery plan
6	Staplehurst PC Youth Club Toilets	£12,800 / £16,000	To install new toilet and accessible toilet in the Youth Club building.	<b>24/145.</b> Links to neighbourhood plan but not IDP. Little detail of VfM or finance. 6-8 weeks to complete.	Agree. Small project with no link to IDP. Small impacts.	RED. Unsuccessful. Neighbourhood CIL
7	Staplehurst Community Centre	£400,000 / £1,000,000 (2019 prices)	Redevelopment of Staplehurst Community Centre.	<b>37/145.</b> No direct link to Local Plan or IDP. 60% of finance still required. Planning consent required. 3 years away from completion.	Agree. Not currently costed. Little detail of need and impacts.	RED. Further development work and a detailed and funded delivery plan

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
8	Staplehurst Parish Council - Display Screen	£6,000	Outdoor digital display signage.	<b>0/145.</b> Rejected as not infrastructure	Agreed.	RED Non-Compliant
9	SECAMB-Vehicle prep scheme	£500,000+ / £8,220,000	Paddock Wood Make Ready Centre (MRC) was opened in 2011. It is in a converted leased building and now at operational capacity and in a sub-optimal location. A larger site on the outskirts of Maidstone with better access to the M20 is now being sought.	<b>64/145.</b> Support Local Plan and IDP. Planning not secured but track record of delivery in the last. Delivery in March 2026 (current lease ends).	In IDP (PS10). Establish match funding position (in capital plan). Better scale of project in area of critical need?	AMBER Further detail on match funding when delivery imminent.
10	MBC Parks Activation – Cycling and Wheeled sports Mote Park & South Park	£1,180,000 / £1,180,000	Create: (1) new multi-use routes through Mote Park for pedestrians, joggers and cycling; and (2) wheeled sports facilities such as pump track, skate parks.	<b>44/145.</b> Supports Local Plan and other strategy. Supports active modes. Limited costs and no match funding. 30 months to deliver and some experience. Revenue funding agreed.	Agree. MBC could check whether in IDP and level of funding leverage.	YELLOW Further financial detail and match funding

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
11	KCC Maidstone Grammar School	£4,519,310 / £8,986,481	To meet the demand for Year 7 girls' selective places in the Maidstone and Malling Planning Group, KCC propose to expand the Maidstone Grammar School for Girls by 1 FE, increasing its PAN from 180 to 210 from September 2023.	<b>74/145.</b> In Local Plan but not in IDP. Construction by Sept 2023. Expands education. Carbon neutral building Request for 50% of costs.	MBC to check whether in IDP and seek more detail on costs. Additionality seems unclear. Additional spend on tourism centre for air raid shelters could just be on education.	AMBER Further develop financial and cost case.
12	KCC Linton Crossroads	£1,232,000 / £2,071,392	A229 Linton Crossroads Junction Improvement. Widening of junction to include additional lanes on 3 approaches, upgrading traffic signals and improved pedestrian crossings.	<b>108/145.</b> Strong policy alignment and local support. Detailed costs and all match in place. Land owner agreement. Range of transport benefits. Supporting documents. KCC revenue costs in the future.	Agree. In IDP (HTC1) – Rated critical. Can be delivered Q4 2023	GREEN Potential to Fund
13	KCC Hermitage Lane	£223,550 / £404,550	Provision of a shared footway/cycleway adjacent to Hermitage Lane between Hermitage Park Development and Maidstone Hospital entrance.	<b>74/145.</b> Good policy alignment and local support. Detailed costs and programme. No land or planning consent issues. Supporting documents. KCC revenue costs in the future.	In IDP (HTNW10) – Essential. Can be delivered for March 2024.	AMBER Additional match funding detail

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
14	MBC Maidstone Riverside Light Walk	£500,000 / £2.7-£4.7 million	Improvements to the public realm to increase connectivity from Maidstone Town Centre to the Lockmeadow entertainment complex and Maidstone Riverside.	<b>49/145.</b> Some policy and local support. Not in IDP. No detailed costs. Not all match in place. Two years to deliver. Planning probably not required.	Agree. MBC to confirm if in IDP. Cost range very wide. Not all match in place.	<b>YELLOW</b> Needs further development
15	NHS Kent & Medway - Extension of Shepway Medical Centre	£498,000 / £1,804,363	To carry out a reconfiguration of the first floor to provide additional consulting rooms and to add an extra storey to the premises to provide extra operational capacity.	<b>84/145.</b> Good policy alignment and local support in area of need. Costs and programme. Planning consent required. Delivery by July 2024. £25K match from S106 but rest yet to be agreed. Private sector applicant.	In IDP (HPU12). All funding not in place and planning required. Expensive for a refit – MBC to obtain QS review. Tendered costs in April 2023.	<b>AMBER</b> Further detail on cost and match funding
16	EA Headcorn Flood Alleviation Scheme	£300,000 / £1,050,000	A flood alleviation scheme to mitigate the risks of flooding to properties (99), primary school and businesses that are currently at risk of flooding.	<b>46/145.</b> Good policy alignment but community support not yet achieved. Match funding not in place (FDGiA). No programme of works. Delivery between 2024 and 2026.	Agreed. In IDP (FP2). Need more certainty on match funding and programme.	<b>YELLOW</b> Develop programme and secure match funding
17	KCC Transport-Improvements at M2	£5,000,000 / £230,000,000	Blue Bell Hill A229. Improvements at M2 J3 A229 southbound	<b>51/145.</b> Strong Local Plan alignment but not in IDP. Journey time savings supported by TAG VfM calculations (BCR	Agreed. Very large project. One of the few projects with VfM. Need more certainty on KCC £35 million	<b>YELLOW</b> Develop further and secure match funding.

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	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
	J3 A229 & M20 J6		widening and improvements to the M20 J6.	2:1). Public consultation supportive. 85% of match from other sources but not yet secured. Dec 2028 delivery. Planning application (not DCO) and CPO required. Revenue covered by KCC and National Highways.	of match and LLM application. Detailed design starts in Nov 2024.	
18	KCC Transport - M20 J7 Upgrade	£5,559,181 / £6,621,610	The proposal is to improve the capacity of the M20 Junction 7 (intersection between the M20 and the A249, and part of the Major Road Network (MRN)). The works are currently estimated to cost £6,621,610 based on estimates at Quarter 3 2022/23 FY and allowing for inflation over the construction period to early 2025. CIL application asks for £5.559 million with £1,062,429 coming from private S106 contributions already secured by KCC.	<b>89/145.</b> Strong policy alignment (LP, IDP) and local support. Identified benefits and public consultation supportive. Delivery by Jan 2025. BCR 20:1. Further clarity needed on S106 contributions. Land owner is KCC. KCC and National Highways revenue costs in the future. Permitted development so lower risk. Potential for mix of grant and loan in advance of future S106 receipts. Various development sites linked to this project are sources of S106/CIL.	Agree. In IDP (HTJ72). BCR while very high at 20:1 is good but may need checking. Up to 84% of costs being requested through CIL. Unsuccessful with LUF R2 bid. Confirm that the programme and costs are still current. Loan basis does allow recovery of monies to fund other future infrastructure projects.	GREEN Potential to Fund

	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
19	KCC - Maidstone Demand Responsive Transport (DRT)	£1,800,000 / £1,800,000	DRT service for the South Maidstone area to complement/replace existing bus routes. For the villages of Hunton, Yalding, Marden and Goudhurst with Maidstone Town Centre. Includes a back-office system which allows passengers to look at the transport options available and book tickets. Funding for the back-office system is being sought via the KCC Bus Service Improvement Plan with an indicative award having been made. Potential for low emission vehicles.	<b>42/145.</b> Good policy alignment and indirect links to IDP. Reasonable benefits and support from public consultation. Delivery in 2024. No costs or match funding in place. CIL is 100% of operational costs (3 buses for 36 months). Potential £80K for back office from DfT.	Indirect links to IDP (bus interventions). Needs TAG compliant business case. Future budgets for service? Depends on back office system first (IT risks). Check whether this is revenue spend for operations?	RED Needs full TAG business case and match funding.
20	Staplehurst Golf Club Improvements	£126,079.80	To install new toilet/accessibile toilet to the Golf Club, with power & improvements.	<b>24/145.</b> Limited policy alignment and benefits. Limited detailed on costs, programme and risks.	Agree	RED Needs further development
21	MBC- Redevelopment of Heather House	£956,420 / £1,771,101	Demolition of existing Heather House Community Centre and construction of a new replacement Community Centre,	<b>54/145.</b> Some policy support and scheme submitted to IDP update (May 2022). Some benefits and local community support. Delivery July 2024.	Recommend could be funded. Appears an advanced project with 54% funding from identified other sources. Supports an area of relative deprivation and an area of	GREEN Potential to Fund

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	Project	Grant Request / Cost	Summary	Scoring by MBC	Moderation by Turley	RAG / Recommendation
	Community Centre (Parkwood)		with associated landscaping and parking.	Planning secured in Nov 2022. . Requires management organisation for the future. £100K grant secured. Match from income/subsidy from the residential housing (Pavilion Building) is £814,681.	recent growth (SE Maidstone) and supports additional amenity provision after population growth. Local Plan alignment. Confirm contractor procurement.	
22	Lenham Nursery School	£450,000 / £899,950	To construct a 52 child Nursery School that will serve the Parish of Lenham. Population is expected to double 2021 to 2031. Application was granted permission on 2nd December 2021, at the Allotment site on land owned by Lenham Parish Council, 1a High Street Lenham, Kent ME17 2QD.	<b>67/145.</b> In Parish Plan but not IDP. Aug 2024 delivery. £10K raised. Benefits for early education for disadvantaged pupil and their families. Local support. Planning permission granted. Top level costs provided.	Relatively low risk. Demand arising from increased residential development. Well-developed bid. 50% grant request. Further evidence of timing of match funding?	AMBER Provide evidence of match funding



## APPENDIX 2: Officers Appraisal

### CIL Strategic Bids 2022

PROJECT	Amount Requested	Delivering Growth (45)			Environment (10)	Community Support (30)		Project Cost (25)			Deliverability (35)			Project Score /145
		Will the project contribute towards the delivery of the adopted/emerging Local Plan?	What is the status of the project in the Infrastructure Delivery Plan (IDP)?	Does the project link to the Maidstone Borough Council Corporate Strategy?	Does the project support the aims and targets of the Council's Biodiversity Climate Change Strategy?	Is there evidence of a public benefit of the project?	Is there evidence that the local community support the project?	Is the project value for money (VfM)? (Considering comparison of quotes provided, costs against benchmark costs, potential benefits and outcomes for the borough, alternative funding sources available and the need for CIL, the added value which CIL could bring to the scheme.)	Does the project have or unlock additional funding from other sources (e.g., grants or matchfunding)?	If the project has or unlocks funding from other sources, what is the status of this funding?	What evidence is there to suggest the project is deliverable? (Consider feasibility; if planning permission would be required; what type of bid is the project, e.g. feasibility, preliminary works, or project; is there a project plan which includes timetabling and resources; what measures have been explored to minimise the risk of the project not being delivered.)	What is the delivery timescale for the project?	Have details been given as to how on-going maintenance will be provided for and the identification of the responsible party for the maintenance?	
St Faiths Centre	£200,000	0	0	5	5	5	0	5	10	5	15	6	5	61
Mote Cricket Club	Not Specified	0	0	5	0	0	0	0	0	3	0	0	5	13
Lenham Public Toilets	£115,138	0	0	5	5	5	0	3	0	0	5	6	10	39
Staplehurst Parish Council Highway works	£10,000	0	0	5	5	0	5	3	0	0	0	6	5	29
Staplehurst Parish Council Sports Pitch	£100,000	5	0	5	5	5	5	3	7	3	0	6	5	49

Staplehurst PC Youth Club Toilets	£12,800	0	0	5	0	5	0	3	0	0	0	6	5	24
Staplehurst Community Centre	£400,000	0	0	5	0	5	0	3	3	5	5	6	5	37
<del>Staplehurst Parish Council – Display Screen</del>	<del>£6,000</del>													NOT INFRASTRUCTURE
SECAMB- Vehicle prep scheme	£500,000+	0	15	5	5	10	0	3	7	3	5	6	5	64
MBC Parks Activation – Cycling and Wheeled sports Mote Park & South Park	£1,180,000	0	0	5	10	5	0	3	0	0	5	6	10	44
KCC Maidstone Grammar School	£4,519,310	10	0	10	5	5	10	3	7	3	5	6	10	74
KCC Linton Crossroads	£1,232,000	15	20	10	5	5	10	7	5	5	10	6	10	108
KCC Hermitage Lane	£223,550	15	15	5	5	5	0	5	0	3	5	6	10	74
MBC Maidstone Riverside Light Walk	£500,000	5	0	5	5	5	0	5	0	3	5	6	10	49
NHSKM - Extension of Shepway Medical Centre	£498,000	10	15	10	5	5	0	5	10	3	5	6	10	84
EA Headcorn Flood Alleviation Scheme	£300,000	0	10	5	5	5	0	5	0	0	5	6	5	46
KCC Transport-Improvements at M2 J3 A229 & M20 J6	£5,000,000	0	0	5	0	5	5	5	10	3	5	3	10	51
KCC Transport -M20 J7 Upgrade	£5,559,181	15	20	10	0	5	5	5	5	3	5	6	10	89

KCC - Maidstone Demand Responsive Transport (DRT)	£1,800,000	0	0	5	5	5	5	5	3	3	5	6	0	42
Staplehurst Golf Club Improvements	£126,079.80	0	0	5	0	0	0	3	0	0	5	6	5	24
MBC- Redevelopment of Heather House Community Centre (Parkwood)	£956,420	5	0	5	5	5	5	5	3	5	5	6	5	54
Lenham Nursery School	£450,000	10	0	10	5	5	10	5	3	3	5	6	5	67
Total Requested	£23,682,478													

## APPENDIX 3:

### CIL Steering Group Meetings Dates

<b>2020</b>
11 June @12pm
15 June @2pm
26 June @12pm
14 September @3.30
<b>2021</b>
20 January @11am
17 March @11am
25 May @11am
26 July @3.30pm
15 September @11am
<b>2022</b>
31 January @12pm
9 August @4pm
23 August @11am
13 December @4pm
<b>2023</b>
19 January @12pm (with Turleys)
25 April @ 12pm

## **CABINET MEETING**

**26 July 2023**

### **Urgent Update**

#### **Agenda Item 18 - Strategic CIL Assessments & Spend**

This urgent update comprises modifications to the recommended projects in the Report agreed by the Planning and Infrastructure Policy and Advisory Committee on 7<sup>th</sup> June 2023.

##### **1) 1.9 M20 Junction 7 Upgrade - KCC**

KCC have received more in S106 funding from developers towards the scheme than originally identified. Therefore, the original amount of CIL funding recommended would be reduced from £1,897,726 (rounded up to £1,900,000) reduced to £1,836,729

KCC have identified their revised S106 funds and CIL amount requested;

<i>Project Cost</i>	<b>£ 6,621,610</b>
<i>Revised S106 funds</i>	<b>-£ 4,784,881</b> (£2,250,554 received + £2,534,327 final payment to be received on Sutton Road S106 on 300 Occupation – as of June 2023 172 Occupations)
<i>Revised CIL amount requested</i>	<b>=£ 1,836,729</b> (£60,997 less than previously identified by KCC)

##### **2) 1.12 –Linton Crossroads - KCC**

KCC have provided additional justification in their bid in the form of an accident/incident records at the junction (*Appendix 1 and 2 attached*) which are self-evident. This junction has the second highest number of collisions compared to 92 other 4-arm signal-controlled junctions on A and B roads in Kent and the junction has also recently appeared on a list of high-risk junctions.

##### **3) 1.16 St Faith’s Community Centre– Ringlestone Development Group**

- The applicant has requested an additional £100,000 CIL funds as the build costs have increased by £465k since their application was submitted May 2022.
- MBC proposes supporting the project with a further £50,000 from the Springfield Mill S106 to be secured by way of a variation to the S106 in lieu of the community space in the Rag Room. MBC have advised the owner Harrisons/Redrow they would support a variation to the S106 to this effect and MBC have been informed this will be submitted shortly.
- MBC propose awarding an extra £50,000 CIL money in addition to the £200k originally requested as the CIL fund has the savings from the M20 project.

**Appendix 1**

**KCC REPORT: Linton Crossroads Accidents**  
**Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'**

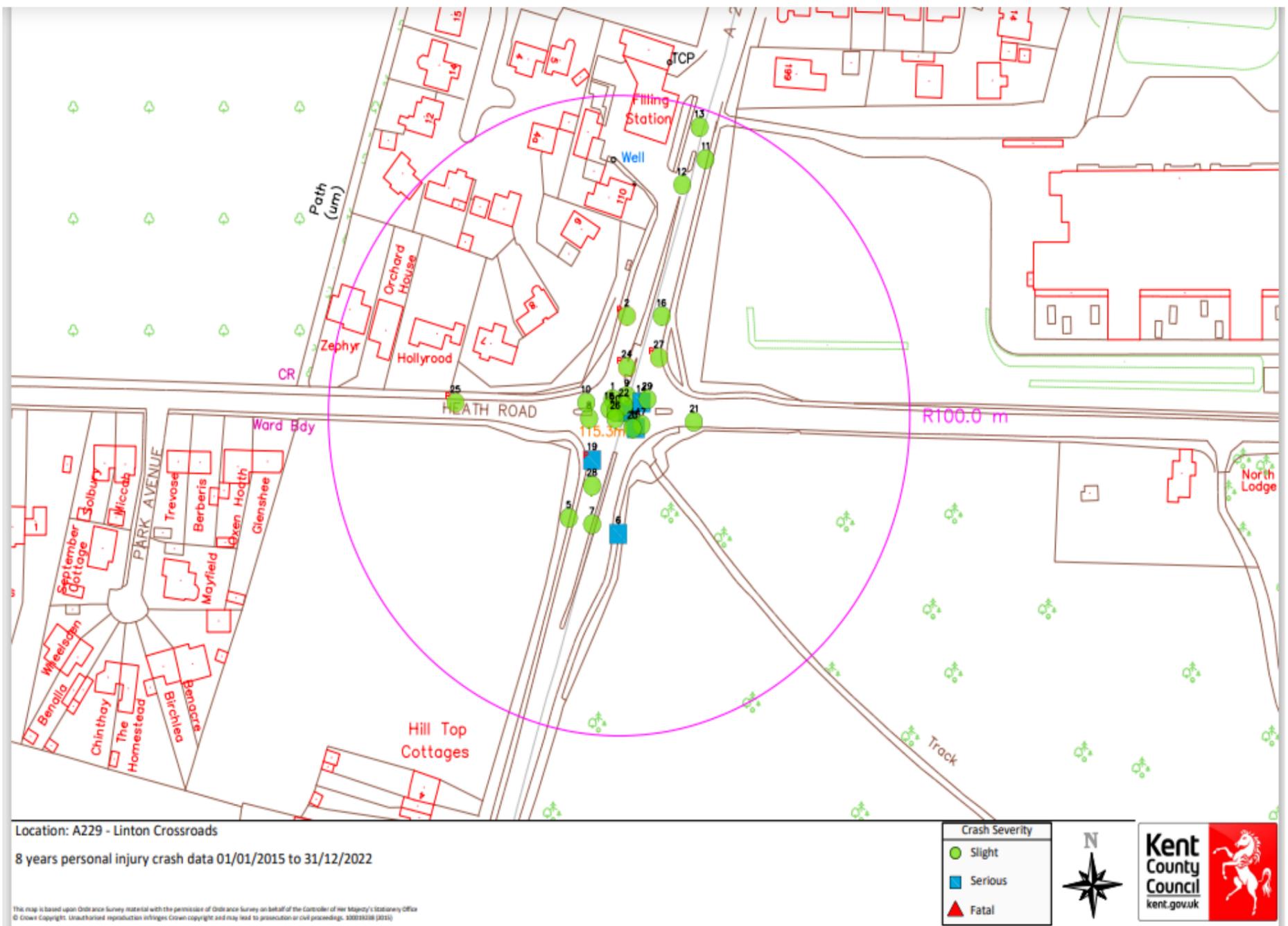
Crash Report Date: 17-July-2023

- There were **29** reported crashes resulting in injury

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'				
	Fatal	Serious	Slight	Total
2015	0	1	4	5
2016	0	1	2	3
2017	0	0	1	1
2018	0	1	4	5
2020	0	2	5	7
2021	0	0	5	5
2022	0	0	3	3
<b>Total</b>	<b>0</b>	<b>5</b>	<b>24</b>	<b>29</b>

There have been 5 collisions involving pedestrians during that period:

- 2015 – 1 slight
  - 2020 – 1 slight
  - 2021 – 2 slight
  - 2022 – 1 slight
- This junction is a 4 arm-signal controlled junction. This junction has the second highest number of collisions compared to 92 other 4-arm signal-controlled junctions on A and B roads in Kent (based on 10yrs collision data 2013-2022). As such this location carries a comparatively high collision risk compared to other similar junctions.
  - It has frequently occurred on the annual cluster site list (a process that flags locations with a number of collisions over a three-year period), most recently appearing on the 2023 cluster list.
  - The junction has also recently appeared on a list of high-risk junctions, based on the number of collisions, the severity and vulnerability of those involved in the collisions (based on 10yrs collision data to 2022).



Date: 17-July-2023

Time: 12:35:51

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Title: **Linton Crossroads**

Requested output: **D - Print Crash Report**

Date: 17-July-2023

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

There were 29 reported crashes resulting in injury

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
1	<b>Road No B2163 Grid 575542E Section 166 Ref 150868N</b>	SLIGHT	01/03/2015	1	20:13	DRK STL	Wet/Damp	Fine		R.TURN	
B2163, Heath Road Jw Linton Hill, Maidstone, Kent									Maidstone		
V1 was Travelling from Boughton Monchelsea and was Signalling to Turn right from the B2163 into A229 Towards Maidstone. V2 was Travelling Straight across the Junction from Heath Road into B2163. V1 Did Not See V2 and Crossed into Their Pathway. They Collided Causing Injury to the Driver of V1.							Veh1, car, E -> N Veh2, car, W -> E			Casualties 1 Vehicles 2	
2	<b>Road No A229 Grid 575547E Section 168 Ref 150894N</b>	SLIGHT	23/03/2015	2	11:30	L	Dry	Fine	N	S.VEH	PSV
A229, Linton Road, 30M North of B2163 Heath Road, Maidstone, Kent									Maidstone		PED
Pedestrian was Running for the Bus which Had Stopped at the Bus Stop, North Bound A229 Linton Road, as Ped Approached the Bus it Started to Pull Away from the Bus Stop Approx 30-40 Metres from the Jw Heath Road B2163. Ped Tried to Get the Bus Drivers Attention by Banging the Side of the Bus. as Ped was Doing So Lost Footing on the Kerb, Stumbled and Fell into the Road Between the Kerb and the Bus. the Bus Continued to Move Away for 2-3 Seconds Until the Driver Noticed Ped and Stopped.							Veh1, bus or coach, SW -> NE			Casualties 1 Vehicles 1	
3	<b>Road No A229 Grid 575547E Section 168 Ref 150864N</b>	SERIOUS	28/03/2015	7	13:00	L	Dry	Fine		R.TURN	M/C
A229 Linton Road Jw B2163 Heath Road, Maidstone, Kent									Maidstone		
V1 was turning right out of Heath Road, Coxheath into Linton Hill (Linton Crossroads). V2 was Travelling Along Heath Road Towards Coxheath. There was a Veh Blocking the View of V1. the Driver of V1 Has Manoeuvred Slowly but both Vehicles Have Collided. the Rider of V2 was Thrown off the Motorbike across the Junction. the Rider Had a Broken Ankle.							Veh1, car, W -> S Veh2, m/cycle 50 - 125cc, E -> W			Casualties 1 Vehicles 2	

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**Key**

Involved

PED Pedestrian  
 HGV Heavy Goods Vehicle  
 GV Goods Vehicle  
 M/C Motor Cycle  
 P/C Pedal Cycle  
 PSV Bus/Coach

Street Lighting

L Daylight  
 STL Street Lights  
 USL Street Lights Unlit  
 NSL No Street Lights  
 STU Street Lights Unknown

FACTORS

+VE Positive Breath Test  
 R.TURN Right Turn Manoeuvre  
 O/TAKE Overtaking Manoeuvre  
 S.VEH Single Vehicle

Special Conditions

ATS OUT Traffic Lights Not Working  
 ATS DEF Traffic Lights Defective  
 SIGNS Road Signs Defective or Obscured  
 RD WRKS Road Works  
 Surface Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
4	<b>Road No A229 Grid 575549E Section 168 Ref 150860N</b>	SLIGHT	04/05/2015	2	07:40	L	Wet/Damp	Fine		R.TURN	
Linton Hill, North of Heath Road, Maidstone, Kent									Maidstone		
V1 was Approaching the Crossroads from Heath Road (Coxheath Direction). V1 was Supposed to Stop/Give Way at the Crossroads, Despite a Green Light, They Didnt and Continued. V1 Drove with the Intention of turning right Towards Staplehurst. on the Crossroads as They Made the Manoeuvre, V1 Saw the Driver of V2 Drive at Speed and then Felt the Collision. V1 Admitted to Fault Despite V2 Driving at Speed as V1 was Supposed to Give Way. Secas Called. Nothing Further - Section 170 Complied.							Veh1, car, W -> S Veh2, car, E -> W			Casualties 1 Vehicles 2	
5	<b>Road No A229 Grid 575527E Section 167 Ref 150831N</b>	SLIGHT	27/08/2015	5	11:30	L	Wet/Damp	Rain			
A229 Linton Hill, 50 Metres from Linton/Heath Road Crossroads, Maidstone, Kent									Maidstone		
Apparantly V2 was Stationary in Traffic when V1 Collided into the Rear of It.							Veh1, car, S -> N Veh2, car, S -> P			Casualties 1 Vehicles 2	
6	<b>Road No A229 Grid 575544E Section 167 Ref 150826N</b>	SERIOUS	28/09/2016	4	19:20	DRK STL	Dry	Fine			M/C
A229, LINTON HILL, LINTON (MAPPED TO 575544,150826)									Maidstone		
V1 TRAVELLING BEHIND V2 WHICH STOPPED IN TRAFFIC. V1 FAILED TO REALISE THIS AND RAN INTO THE BACK OF V2. RIDER OF V1 FELL OFF AND INJURED THEIR LEG. NO INJURIES TO OCCUPANTS OF V2.							Veh1, m/cycle 50 - 125cc, E -> W Veh2, car, W -> E			Casualties 1 Vehicles 2	

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**Key** Involved

PED Pedestrian  
HGV Heavy Goods Vehicle  
GV Goods Vehicle  
M/C Motor Cycle  
P/C Pedal Cycle  
PSV Bus/Coach

Street Lighting

L Daylight  
  
STL Street Lights  
USL Street Lights Unlit  
NSL No Street Lights  
STU Street Lights Unknown

FACTORS

+VE Positive Breath Test  
R.TURN Right Turn Manoeuvre  
O/TAKE Overtaking Manoeuvre  
S.VEH Single Vehicle

Special Conditions

ATS OUT Traffic Lights Not Working  
ATS DEF Traffic Lights Defective  
SIGNS Road Signs Defective or Obscured  
RD WRKS Road Works  
Surface Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
7	<b>Road No A229    Grid 575535E</b> <b>Section 167       Ref 150829N</b>	SLIGHT	05/11/2016	7	18:09	DRK STL	Dry	Fine		+VE	
A229, LINTON HILL, MAIDSTONE (MAPPED TO 575535,150829)									Maidstone		
V1 TRAVELLING TOWARDS MAIDSTONE, LINTON ROAD. V1 HAS DRIVEN INTO THE BACK OF V2 WHICH WAS STATIONARY AT THE TRAFFIC LIGHTS, IN TURN THIS HAS LED TO V2 SHUNTING INTO V3 WHICH WAS ALSO STATIONARY AT TRAFFIC LIGHTS, IT WAS MENTIONED AT THE TIME THAT D1 SMELLED OF ALCOHOL.							Veh1, car, SW -> NE Veh2, car, SW -> NE Veh3, car, SW -> NE			Casualties 1 Vehicles 3	
8	<b>Road No A229    Grid 575534E</b> <b>Section 168       Ref 150862N</b>	SLIGHT	16/11/2016	4	08:30	L	Dry	Fine		R.TURN	
A229, LINTON HILL, MAIDSTONE (MAPPED TO 575534,150862)									Maidstone		
V2 was at the traffic lights waiting to turn right into Heath Road. V1 came up behind V2 and did not stop in time. V1 hit V2. The driver of V1 said that they had a coughing fit so didn't stop in time.							Veh1, car, S -> N Veh2, car, S -> N			Casualties 1 Vehicles 2	
9	<b>Road No B2163    Grid 575547E</b> <b>Section 168       Ref 150869N</b>	SLIGHT	17/02/2017	6	20:00	DRK STL	Dry	Fine		R.TURN	M/C
B2163 HEATH ROAD, AT J/W A229 LINTON ROAD, LOOSE, MAIDSTONE									Maidstone		
V1 turning right into Linton Road towards Loose. V2 travelling along Heath Road towards Boughton Monchelsea. V1 turned across V2, knocking the rider off.							Veh1, car, E -> N Veh2, m/cycle 50 - 125cc, W -> E			Casualties 1 Vehicles 2	

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**Key**    Involved

PED    Pedestrian  
HGV    Heavy Goods Vehicle  
GV      Goods Vehicle  
M/C    Motor Cycle  
P/C    Pedal Cycle  
PSV    Bus/Coach

Street Lighting

L       Daylight  
  
STL     Street Lights  
USL    Street Lights Unlit  
NSL    No Street Lights  
STU    Street Lights Unknown

FACTORS

+VE     Positive Breath Test  
R.TURN    Right Turn Manoeuvre  
O/TAKE    Overtaking Manoeuvre  
S.VEH     Single Vehicle

Special Conditions

ATS OUT    Traffic Lights Not Working  
ATS DEF    Traffic Lights Defective  
SIGNS      Road Signs Defective or Obscured  
RD WRKS    Road Works  
Surface     Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
10	<b>Road No B2163</b> <b>Grid 575533E</b> <b>Section 166</b> <b>Ref 150867N</b>	SLIGHT	19/03/2018	2	16:22	DRK NSL	Dry	Fine			
	B2163, HEATH RD J/W A229 LOOSE RD, BOUGHTON MONCHELSEA.									Maidstone	
V2 stationary at traffic lights. V1 collided with rear of V2. V1 failed to stop.							Veh1, car, W -> E Veh2, car, W -> E			Casualties    1 Vehicles       2	
11	<b>Road No A229</b> <b>Grid 575574E</b> <b>Section 169</b> <b>Ref 150943N</b>	SLIGHT	19/04/2018	5	07:30	L	Dry	Fine			P/C
	A229 LINTON RD O/S SHELL GARAGE, LOOSE (MAPPED TO DESC. ORIGINAL COORDS - 575585,151979)									Maidstone	
THE COLLISION HAPPENED AS THE ROAD NARROWS WITH A CENTRAL ISLAND AND SEPARATES INTO TWO LANES. V2 WAS ON THE OUTSIDE OF V1 WHO WAS MOVING VERY SLOWLY IN TRAFFIC. AS V1 HAS MOVED OVER IT HAS CLIPPED V2 WHO WAS UP BY THE TRACTOR UNIT AND UNSEEN BY THE D1 OF THE LEFT HAND DRIVE LORRY.							Veh1, agric veh, NE -> SW Veh2, pedal cycle, NE -> SW			Casualties    1 Vehicles       2	
12	<b>Road No A229</b> <b>Grid 575566E</b> <b>Section 169</b> <b>Ref 150935N</b>	SLIGHT	09/07/2018	2	21:14	DRK STL	Dry	Fine		R.TURN	M/C
	A229 LINTON RD J/W SHELL PETROL STATION, LOOSE (MAPPED TO DESC. ORIGINAL COORDS - 575567,151196)									Maidstone	
V1 was travelling south along Linton Rd and V2 was travelling in the opposite direction. V1 reached the give way junction to turn into the Shell petrol station. To enter the petrol station, V1 had to cross V2's path. V1 has not seen V2 and has pulled out in front of V2, causing a collision.							Veh1, car, NE -> NW Veh2, m/cycle > 500cc, SW -> NE			Casualties    2 Vehicles       2	

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**Key**    Involved

PED    Pedestrian  
HGV    Heavy Goods Vehicle  
GV      Goods Vehicle  
M/C    Motor Cycle  
P/C    Pedal Cycle  
PSV    Bus/Coach

Street Lighting

L       Daylight  
  
STL     Street Lights  
USL    Street Lights Unlit  
NSL    No Street Lights  
STU    Street Lights Unknown

FACTORS

+VE     Positive Breath Test  
R.TURN    Right Turn Manoeuvre  
O/TAKE    Overtaking Manoeuvre  
S.VEH     Single Vehicle

Special Conditions

ATS OUT    Traffic Lights Not Working  
ATS DEF    Traffic Lights Defective  
SIGNS      Road Signs Defective or Obscured  
RD WRKS    Road Works  
Surface     Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
13	<b>Road No A229</b> <b>Grid 575572E</b> <b>Section 169</b> <b>Ref 150953N</b>	SLIGHT	25/10/2018	5	00:16	DRK STU	Wet/Damp	Fine		S.VEH	
A229, LINTON RD, OPPOSITE SHELL GARAGE, LINTON.									Maidstone		
V1 travelling out of Maidstone towards Linton Hill. The road was damp, D1 believes they may have hit kerb and lost control. D1 said vehicle is quite powerful and vehicle hit lamppost and wall, ending up on verge.							Veh1, car, NE -> SW			Casualties	1
										Vehicles	1
14	<b>Road No A229</b> <b>Grid 575552E</b> <b>Section 168</b> <b>Ref 150867N</b>	SERIOUS	25/12/2018	3	21:53	DRK STL	Wet/Damp	Rain			
A229 LINTON HILL CROSSROADS J/W B2163 HEATH ROAD, LINTON									Maidstone		
V1 was on urgent duty driving with lights and sirens in use responding to an emergency call. As it headed in the general direction of Linton along A229 Linton Road, it approached a set of traffic signals at the junction with B2163 Heath Road and proceeded through a red light as V2 was travelling along B2163 in the general direction of Boughton Monchelsea, having passed through a green light. V1 collided with the nearside of V2, causing V2 to leave the carriageway to the offside where it came to rest and V2 stopping in the middle of the junction facing towards Boughton Monchelsea.							Veh1, car, NE -> SW Veh2, car, W -> E			Casualties	3
										Vehicles	2
15	<b>Road No A229</b> <b>Grid 575550E</b> <b>Section 168</b> <b>Ref 150859N</b>	SERIOUS	17/01/2020	6	11:05	L	Dry	Fine		R.TURN	
A229 LINTON RD J/W B2163 HEATH RD, COXHEATH									Maidstone		
V2 was travelling west on Heath Rd and saw two vehicles, including V1, stationary in the middle of the junction, indicating to turn right onto Linton Hill. V1 then turned across the path of V2, causing V2 to collide with the nearside of V1.							Veh1, car, W -> SW Veh2, car, E -> W			Casualties	2
										Vehicles	2

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**Key**

Involved

PED    Pedestrian  
HGV    Heavy Goods Vehicle  
GV      Goods Vehicle  
M/C    Motor Cycle  
P/C    Pedal Cycle  
PSV    Bus/Coach

Street Lighting

L        Daylight  
  
STL      Street Lights  
USL     Street Lights Unlit  
NSL     No Street Lights  
STU     Street Lights Unknown

FACTORS

+VE      Positive Breath Test  
R.TURN   Right Turn Manoeuvre  
O/TAKE   Overtaking Manoeuvre  
S.VEH    Single Vehicle

Special Conditions

ATS OUT    Traffic Lights Not Working  
ATS DEF    Traffic Lights Defective  
SIGNS      Road Signs Defective or Obscured  
RD WRKS    Road Works  
Surface     Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

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Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
16	<b>Road No A229</b> <b>Grid 575559E</b> <b>Section 168</b> <b>Ref 150894N</b>	SLIGHT	25/01/2020	7	21:52	DRK STL	Wet/Damp	Other			PSV
	A229 LINTON J/W B2163 HEATH RD, COXHEATH									Maidstone	
V2 was stationary at the traffic lights when V1 collided with its rear. V1 failed to stop at the scene and sped away.							Veh1, car, NE -> SW Veh2, bus or coach, NE -> SW			Casualties 1 Vehicles 2	
17	<b>Road No B2163</b> <b>Grid 575552E</b> <b>Section</b> <b>Ref 150860N</b>	SLIGHT	24/04/2020	6	19:53	DRK STL	Dry	Fine		R.TURN	PSV
	B2163 HEATH RD J/W A229 LINTON HILL, LINTON. (MAPPED TO NEW GRIDS, ORIGINAL GRIDS 575530, 150829)									Maidstone	
Both cars were coming from opposite directions. V2 was going straight over the crossroads and V1 was turning right. They both thought they had right of way so continued driving. This caused a head on collision between the two vehicles. Both cars were left undriveable. Driver of V2 was taken to hospital as they had a large lump on their forehead as a result of the collision.							Veh1, car, W -> S Veh2, car, E -> W			Casualties 1 Vehicles 2	
18	<b>Road No B2163</b> <b>Grid 575541E</b> <b>Section 166</b> <b>Ref 150865N</b>	SLIGHT	04/08/2020	3	13:57	L	Dry	Fine		R.TURN	PSV
	B2163 HEATH RD J/W A229 LINTON RD, COXHEATH									Maidstone	
V1 was travelling eastbound on Heath Road approaching Linton crossroads. Driver of V1 misjudged the right lane onto Linton Hill and swerved to avoid V2. V1 then veered onto the automatic traffic signal on the north bound approach to the crossroads on Linton Hill. Driver of V1 has admitted this was a error of judgement. The passenger has medical history and was seen by Secas at scene, prior to being taken to Pembury Hospital.							Veh1, car, W -> S Veh2, car, E -> S			Casualties 1 Vehicles 2	

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**Key**    Involved

PED    Pedestrian  
HGV    Heavy Goods Vehicle  
GV      Goods Vehicle  
M/C    Motor Cycle  
P/C    Pedal Cycle  
PSV    Bus/Coach

Street Lighting

L        Daylight  
  
STL     Street Lights  
USL     Street Lights Unlit  
NSL     No Street Lights  
STU     Street Lights Unknown

FACTORS

+VE     Positive Breath Test  
R.TURN    Right Turn Manoeuvre  
O/TAKE    Overtaking Manoeuvre  
S.VEH     Single Vehicle

Special Conditions

ATS OUT    Traffic Lights Not Working  
ATS DEF    Traffic Lights Defective  
SIGNS      Road Signs Defective or Obscured  
RD WRKS    Road Works  
Surface     Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
19	<b>Road No A229</b> <b>Grid 575535E</b> <b>Section 168</b> <b>Ref 150849N</b>	SERIOUS	17/09/2020	5	08:36	L	Dry	Fine	E	S.VEH	
A229, LINTON HILL J/W B2163 HEATH RD, LINTON.									Maidstone	PED	
The casualty was on foot waiting to cross the road at the traffic lights. The traffic turning left towards Coxheath was stationary although the traffic lights were green. The casualty could not see any cars in lane two and crossed the road. A car in lane two collided with the casualty.							Veh1, car, S -> NE			Casualties 1 Vehicles 1	
20	<b>Road No A229</b> <b>Grid 575543E</b> <b>Section 168</b> <b>Ref 150864N</b>	SLIGHT	30/09/2020	4	11:50	L	Dry	Fine		R.TURN	
A229, LINTON RD J/W B2163 HEATH RD, LINTON.									Maidstone		
V1 has been waiting in crossroads, as V2 has approached V1 has flashed main beam in signal to continue. As V2 has gone to pass V1 on offside, V1 has turned and vehicles have collided. V1 was immobilized and V2 was able to clear junction and park nearby. Driver returned to scene.							Veh1, car, W -> S Veh2, car, E -> W			Casualties 2 Vehicles 2	
21	<b>Road No B2163</b> <b>Grid 575570E</b> <b>Section 166</b> <b>Ref 150861N</b>	SLIGHT	06/11/2020	6	08:18	L	Wet/Damp	Other			
B2163 HEATH RD J/W A229 LINTON RD, MAIDSTONE									Maidstone		
V2 and V3 were travelling west on Heath Rd and came to a stop at the traffic lights. V1 failed to stop in time and collided with the rear of V2, shunting it into the rear of V3.							Veh1, car, E -> W Veh2, car, E -> W Veh3, car, E -> W			Casualties 1 Vehicles 3	

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**Key**    Involved

PED    Pedestrian  
HGV    Heavy Goods Vehicle  
GV     Goods Vehicle  
M/C    Motor Cycle  
P/C    Pedal Cycle  
PSV    Bus/Coach

Street Lighting

L       Daylight  
  
STL     Street Lights  
USL     Street Lights Unlit  
NSL     No Street Lights  
STU     Street Lights Unknown

FACTORS

+VE     Positive Breath Test  
R.TURN    Right Turn Manoeuvre  
O/TAKE    Overtaking Manoeuvre  
S.VEH     Single Vehicle

Special Conditions

ATS OUT    Traffic Lights Not Working  
ATS DEF    Traffic Lights Defective  
SIGNS      Road Signs Defective or Obscured  
RD WRKS    Road Works  
Surface     Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
22	Road No A229 Grid 575546E Section 168 Ref 150866N	SLIGHT	04/01/2021	2	14:38	L	Wet/Damp	Fine		R.TURN	
A229, LINTON RD J/W B2163 HEATH RD, COXHEATH.									Maidstone		
V2 was travelling along Heath Rd, when they came to the crossroad with A229. Traffic lights were green so proceeded through the traffic lights intending to go straight ahead towards Boughton Monchelsea. When V2 proceeded through the lights it collided with V1 who was sat in the filter lane to turn right onto A229 to go towards Maidstone.							Veh1, car, E -> N Veh2, car, W -> E			Casualties 2 Vehicles 2	
23	Road No A229 Grid 575549E Section 168 Ref 150859N	SLIGHT	09/05/2021	1	16:32	L	Dry	Fine		R.TURN	
A229 LINTON RD J/W B2163 HEATH RD, COXHEATH									Maidstone		
V1 WAS TRAVELLING EAST ON HEATH RD AND TURNED RIGHT TOWARDS LINTON HILL ACROSS THE PATH OF V2 AND CAUSED A HEAD ON COLLISION.							Veh1, car, W -> SW Veh2, car, E -> W			Casualties 1 Vehicles 2	
24	Road No A229 Grid 575547E Section 168 Ref 150878N	SLIGHT	06/10/2021	4	08:23	L	Dry	Other	SE	S.VEH	GV
A229 LINTON RD J/W B2163 HEATH RD, COXHEATH									Maidstone		PED
C1 was crossing Linton Rd in an easterly direction and had the right of way at the pedestrian crossing. V1, travelling southwest on Linton Rd, failed to stop at the lights and collided with C1 before driving off.							Veh1, goods < 3.5t, SW -> NE			Casualties 1 Vehicles 1	

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**Key** Involved

PED Pedestrian  
HGV Heavy Goods Vehicle  
GV Goods Vehicle  
M/C Motor Cycle  
P/C Pedal Cycle  
PSV Bus/Coach

Street Lighting

L Daylight  
  
STL Street Lights  
USL Street Lights Unlit  
NSL No Street Lights  
STU Street Lights Unknown

FACTORS

+VE Positive Breath Test  
R.TURN Right Turn Manoeuvre  
O/TAKE Overtaking Manoeuvre  
S.VEH Single Vehicle

Special Conditions

ATS OUT Traffic Lights Not Working  
ATS DEF Traffic Lights Defective  
SIGNS Road Signs Defective or Obscured  
RD WRKS Road Works  
Surface Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
25	Road No B2163 Grid 575488E Section 034 Ref 150867N	SLIGHT	07/10/2021	5	08:30	L	Dry	Fine	E	S.VEH	GV
B2163 HEATH RD, COXHEATH (MAPPED TO COORDS)									Maidstone	PED	
C1 was walking in an easterly direction on Heath Rd when V1 approached from behind, mounted the pavement and collided with C1. V1 did not stop at the scene.							Veh1, goods < 3.5t, W -> E			Casualties 1 Vehicles 1	
26	Road No A229 Grid 575543E Section Ref 150862N	SLIGHT	20/12/2021	2	12:00	L	Dry	Fine		R.TURN	
A229, LINTON RD J/W B2163 HEATH RD, LINTON.									Maidstone		
V1 travelling along Heath Rd towards Linton crossroads, V1 committed through the lights and collided with V2. V2 was preparing to turn right from Linton Rd towards Coxheath, upon edging out V1 collided with the front of V2 causing extensive damage.							Veh1, car, E -> W Veh2, car, N -> W			Casualties 1 Vehicles 2	
27	Road No A229 Grid 575558E Section Ref 150881N	SLIGHT	02/03/2022	4	08:20	L	Dry	Fine	SE	S.VEH	
A229 LINTON RD J/W B2163 HEATH RD, LOOSE									Maidstone	PED	
C1 was crossing the road at the pedestrian crossing when the traffic lights changed to green for oncoming traffic. C1 was then struck by V1, which was travelling southwest on Linton Rd, at low speed before their foot was run over. V1 did not stop at the scene.							Veh1, car, NE -> SW			Casualties 1 Vehicles 1	

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**Key** Involved

PED Pedestrian  
HGV Heavy Goods Vehicle  
GV Goods Vehicle  
M/C Motor Cycle  
P/C Pedal Cycle  
PSV Bus/Coach

Street Lighting

L Daylight  
  
STL Street Lights  
USL Street Lights Unlit  
NSL No Street Lights  
STU Street Lights Unknown

FACTORS

+VE Positive Breath Test  
R.TURN Right Turn Manoeuvre  
O/TAKE Overtaking Manoeuvre  
S.VEH Single Vehicle

Special Conditions

ATS OUT Traffic Lights Not Working  
ATS DEF Traffic Lights Defective  
SIGNS Road Signs Defective or Obscured  
RD WRKS Road Works  
Surface Road Surface Defective

## D-PRINT CRASH REPORT

17-Jul-2023

12:35:51

Linton Crossroads

Accident Date BETWEEN '01-Jan-2015' AND '31-Dec-2022'

No	Location	Severity	Date	Day	Time	Street Lighting	Road Surface	Weather	Pedestrian Direction	Factors	Involved
<b>28</b>	<b>Road No A229    Grid 575535E</b> <b>Section 168        Ref 150841N</b>	SLIGHT	28/09/2022	4	22:00	DRK STL	Dry	Fine		S.VEH	PSV
A229 LINTON HILL J/W HEATH ROAD, LINTON									Maidstone		
FROM OLR: D1 DRIVING BUS TOWARDS COXHEATH. THEY HAD TO BRAKE HARSHLY AT THE TRAFFIC LIGHTS AND C1 PASSENGER BANGED THEIR HEAD ON THE RAIL. THEY DID NOT TELL D1 UNTIL THEY GOT OFF AND JUST SAID 'I BANGED MY HEAD' AND LEFT THE BUS WITHOUT GIVING THEIR DETAILS. THEY JUST SAID NOT TO WORRY ABOUT IT. (DETAILS UNKNOWN FOR C1)							Veh1, bus or coach, SW -> NE			Casualties    1 Vehicles        1	
<b>29</b>	<b>Road No A229    Grid 575554E</b> <b>Section 168        Ref 150868N</b>	SLIGHT	01/12/2022	5	21:17	DRK STL	Wet/Damp	Rain			HGV
A229, LINTON RD J/W B2163 HEATH RD, LOOSE.									Maidstone		
AMBULANCE ON BLUE LIGHTS HAS SLOWLY GONE THROUGH A RED LIGHT TRAVELLING FROM MAIDSTONE TOWARDS STAPLEHURST. V1 HAS BEEN TRAVELLING FROM COXHEATH TOWARDS BOUGHTON MONCHELSEA AND HAS TRAVELLED THROUGH A GREEN LIGHT NOT SEEING AMBULANCE UNTIL COLLIDING WITH OFFSIDE.							Veh1, car, W -> E Veh2, goods 3.5 - 7.5t, N -> S			Casualties    1 Vehicles        2	

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**Key**    Involved

PED    Pedestrian  
HGV    Heavy Goods Vehicle  
GV      Goods Vehicle  
M/C    Motor Cycle  
P/C    Pedal Cycle  
PSV    Bus/Coach

Street Lighting

L        Daylight  
  
STL      Street Lights  
USL      Street Lights Unlit  
NSL      No Street Lights  
STU      Street Lights Unknown

FACTORS

+VE      Positive Breath Test  
R.TURN   Right Turn Manoeuvre  
O/TAKE   Overtaking Manoeuvre  
S.VEH     Single Vehicle

Special Conditions

ATS OUT    Traffic Lights Not Working  
ATS DEF    Traffic Lights Defective  
SIGNS      Road Signs Defective or Obscured  
RD WRKS    Road Works  
Surface     Road Surface Defective

**MAIDSTONE BOROUGH COUNCIL**

**MINUTES (EXCERPT) OF THE PLANNING, INFRASTRUCTURE AND  
ECONOMIC DEVELOPMENT POLICY ADVISORY COMMITTEE MEETING  
HELD ON 7 JUNE 2023**

**15. STRATEGIC CIL ASSESSMENTS & SPEND**

The Cabinet Member for Planning, Infrastructure and Economic Development introduced the report and outlined the requirement for the Council to allocate strategic CIL monies to the infrastructure needed to support the development of the areas as set out in the adopted Local Plan.

Infrastructure providers were invited to submit bids during a consultation process between 3 May 2022 to 15 July 2022. A total of 22 bids were received, which had then been appraised by the relevant Officers and moderated by an external consultancy. The four schemes put forward were outlined.

Several Committee Members expressed that bids for other highway improvement schemes should have been submitted, such as for the Fountain Lane/A26 junction, Baker Street and Hart Street improvement schemes. In response, the Head of Development Management confirmed that the Council had engaged with infrastructure providers, including Kent County Council, in advance of the bids' opening. There were no detailed plans for the Fountain Lane/A26 junction improvement scheme, and the Council could only consider the bids received. The Head of Development Management reiterated the bids suitability with reference made to the Council's adopted Local Plan monitoring indicators. The Chief Executive further advised on the bids' alignment with the Council's strategic objectives.

In response to further questions, the Head of Development Management confirmed that the bid consultation had run for 10-weeks as it was the first consultation run. The standard approach for planning related consultations was a 6-week consultation. The CIL monies provision could be prefaced with a time period by which the funds had to be spent, to prevent unnecessary delay to the schemes' progression. The Head of Finance confirmed that the bids' received had to include information on the project's deliverability, to mitigate the risk of increasing costs.

The Committee expressed support in particular for the Heather House and St.Faiths Community Centre projects as these would benefit the local communities. To ensure the schemes deliverability, a time-restriction on the funds' usage within the agreement between the Council and relevant bodies was supported. It was recommended that a second consultation process take place to encourage further bids, to focus on areas such as highway improvement, social infrastructure and biodiversity and climate change.

Appendix 4 – Excerpt of the Minutes of the PIED PAC Meeting held on 7 June 2023.

The Cabinet Member for Planning, Infrastructure and Economic Development stated that the discussion had been helpful and reiterated the requirement for infrastructure providers to submit bids.

**RESOLVED:** That the Cabinet be recommended to:

1. Agree the Community Infrastructure Levy funding that has been collected be allocated (as minima) to the following strategic projects for the period to 31 March 2025 (figures are approximate and based on early February 2023 data):
  - a) M20 Junction 7 Upgrade - £1,900,000 in Strategic CIL monies subject to appropriate due diligence by the Director of Finance & Business Improvement in consultation with the Cabinet Member for Finance & Corporate Services; and
  - b) A229 Linton Crossroads Junction Improvement - £1,232,000; and
  - c) Heather House Community Centre Redevelopment - £956,420; and
  - d) St Faith's Community Centre Redevelopment - £200,000; and
2. Agree that Maidstone Borough Council and the Infrastructure Provider for the A229 Linton Crossroads Junction Improvement includes a time limited delivery date; and
3. Agree to reopen the Community Infrastructure Levy funding process with effect from 1 October 2023 to 15 December 2023 (10-week period) for a further round of bids to be received according to the terms and conditions of the process.

## **OVERVIEW AND SCRUTINY COMMITTEE 15 AUGUST 2023**

### **Urgent Update Report regarding the ‘call in’ of the Cabinet decision not to award CIL monies toward the improvement of Linton Crossroads**

#### **Reason for urgency:**

It is important that the Overview and Scrutiny Committee is aware of the consequences of the decision by Cabinet not to fund improvements to Linton Crossroads from CIL monies specifically in relation to considering the use of a s106 legal agreement to secure monies as part of future development proposals on newly allocated sites. The Cabinet, as part of its deliberations, was aware of the outcome of the recent Local Plan Review examination concerning site allocations for residential development in the Local Plan Review which is currently at examination, and referred to the Inspector’s letter clarifying which one of two sites that had been considered for Coxheath would be taken forward and from which S106 funding could flow.

S106 agreements are the subject of specific government guidance and statutory tests must be applied. In particular, based on proportionality and reasonableness it seems very unlikely that S106 monies from the draft allocation would entirely close the financial gap for the junction improvements needed at Linton Crossroads.

In his letter dated 7 July 2023, the Local Plan Review Inspector confirmed the draft allocation of a residential site for approximately 85 units for a site on the eastern edge of Coxheath (land north of Heath Road) rather than an alternative site to the north proposed by this Council subsequent to the submission of the Local Plan Review which would significantly affect congestion at Linton Crossroads. The Inspector states that “The Local Highway Authority have raised no fundamental objection to the allocation...subject to securing contributions to improvements at the nearby Linton crossroads”. This was a high-level assessment of matters rather than the detailed consideration required at the decision-making stage for an application for development because the Inspector is examining ‘soundness’.

Whilst this was known at the Cabinet meeting, it is considered helpful to discuss the specific implications of this draft allocation and, moreover, the potential to reasonably seek financial contributions and the level of contribution, to secure the improvement of Linton Crossroads via a legal agreement under s106 of the Planning Act. Now that the Cabinet decision is known, all relevant development will be subject to similar considerations.

#### **Consideration of the allocation and other potential development affecting Linton Crossroads**

##### **Background:**

In terms of previous allocations and related s106 contributions toward the improvement of Linton Crossroads, allocations in the adopted (2017) Local Plan in Coxheath and Boughton Monchelsea were heavily scrutinised in terms of their impact on Linton Crossroads. The capacity of this junction to take more traffic with commensurate mitigation was analysed by MBC’s consulting engineers (Mott McDonald) and a scheme of mitigation (with stage 1 safety compliance) put forward and accepted by the Inspector. The improvement of this junction and the link with the allocations is explicit in the Local Plan and there is a specific monitoring requirement (M47). Therefore, when planning applications were submitted and approved, they were all subject to s106 agreements which aligned to the Local Plan. As a result of the Inspector’s specific consideration of the delivery of evidenced proposed improvements to Linton Crossroads it was considered that s106 legal agreements could be used as the tests (see below) were all met. Therefore, the Inspector undertook

detailed analysis on the need and use of s106 legal agreements at the Examination stage rather than the subsequent planning application stage.

With respect to the draft allocation envisaged by the LPR there has been a pre-application meeting with councillors and some form of planning application is expected. The LPR Inspector has referred to a 'contribution' to Linton Crossroads and this is assumed to be a developer contribution via a s106 agreement.

### **Planning applications:**

In consideration of an application (in consultation with KCC Highways) at land north of Heath Road (i.e the draft allocation) there is likely to be a significant adverse impact on Linton Crossroads. The degree will need to be set out through a transport assessment (including modelling data). A careful judgement will need to be made by the decision maker on whether or not it is reasonable for some of the cost of improvement to Linton Crossroads to be made up of s106 monies contributed by this development. In addition to the impact of the development on the junction a key factor will be whether there is a prospect of the junction improvement works being delivered in a reasonable period of time.

If the assessment has a positive conclusion, then the amount of monies that can be sought reasonably will be another important material consideration.

All s106 legal agreements are subject to the following tests :

1. "necessary to make the development acceptable in planning terms
  2. Directly related to the development; and
  3. **Fairly and reasonably related** in scale and **kind** to the development"
- My emphasis in bold.

It seems unreasonable that a scheme for 85 units with 'costs' of affordable housing provision and CIL would close the financial gap entirely with regard to the junction improvements.

Furthermore, given the situation i.e significant residential development has taken place without improvement to the junction, the decision may need to impose a Grampian style condition on any permission prior to first occupation given the context. However, there are 6 tests to planning conditions and one is **reasonableness**.

### **Latest comments from KCC Highways (received 4 August 2023)**

Following Cabinet's decision on 26<sup>th</sup> July 2023, further detailed information has been requested to understand why Linton Crossroads was prioritised so highly and the Fountain Lane/A26 junction to a lesser degree. KCC's advice is set out below.

"The KCC bids for CIL funding were made based on the MBC criteria for funding which included compliance with MBC policies, availability of contributions and being 'delivery ready'.

Following review by MBC, the Linton Crossroads scheme was recommended for funding. You know the background to the Linton Crossroads scheme and you have the bid details, but the key aspects to draw out are that it is a congestion hot spot, we have a mature scheme design, we have developer contributions and it is also regularly one of the top crash sites in Kent despite several alterations although they have only been minor changes within the existing highway boundary compared to what is now proposed.

The A26 Fountain Lane scheme by comparison is not as advanced in terms of design, certainty of costs (the current scheme is estimated at £3.0 - £3.5m) v benefits, mitigating construction impact, land requirements (additional 3<sup>rd</sup> party land may be needed subject to design) and, whilst relatively significant developer contributions have been negotiated, the bulk of these have not yet come to KCC as the developments have not yet reached trigger points for payment. This being said, the importance of the scheme is accepted and assessment and design work is in hand with the intention of a future bid to MBC for CIL funding.”

## OVERVIEW AND SCRUTINY COMMITTEE

**15 AUGUST 2023**

### Receipt of a 'Call-In' – Relevant Procedure (Archbishops Palace Decision)

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Overview and Scrutiny Committee	15 August 2023
Council (if applicable)	To be confirmed.
Cabinet (if applicable)	To be confirmed.

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Oliviya Parfitt, Principal Democratic Services Officer
<b>Classification</b>	<p>Public report, with an Exempt Appendix (3b).</p> <p>The information contained within Appendix 1 is considered exempt under the following paragraph of Part I of Schedule 12A to the Local Government Act 1972:-</p> <p>3= Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> <p>The exempt information is the same as that provided to the relevant Policy Advisory Committee and Cabinet ahead of the Archbishops Palace decision.</p>
<b>Wards affected</b>	High Street Ward

**Executive Summary**

This report outlines how the call-in received will be facilitated at the meeting, in accordance with the requirements of the Constitution and best practice.

**Purpose of Report**

Decision

**This report makes the following recommendations to the Committee:**

That the decision relating to the Archbishops Palace be considered against the call-in request received, as shown in Appendix 1 to the report.

## Receipt of a 'Call-In' – Relevant Procedure (Archbishops Palace Decision)

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect this report's recommendation to materially affect achievement of corporate priorities.</p> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Risk Management</b>	<p>No impact identified for the purposes of this report.</p> <p>The risk associated with the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Financial</b>	<p>No additional financial implications arising identified from this report.</p> <p>The financial implications of the decision</p>	Chief Executive/Director of Finance, Resources and

	being called-in can be found in Appendix 3 to the report.	Business Improvement
<b>Staffing</b>	<p>The call-in will be facilitated with the support of the Democratic Services Team.</p> <p>The staffing implications of the decision being called-in can be found in Appendix 3 to the report.</p>	Chief Executive
<b>Legal</b>	<p>The Local Government Act Section 9(F) as amended by the Localism Act 2011, requires that where a Local Authority operates under an Executive Governance System there must be at least one Overview and Scrutiny Committee that is able to:</p> <ul style="list-style-type: none"> <li>• 'Review or scrutinise decisions made' and</li> <li>• Make 'reports or recommendations' to the Executive on the discharge of executive functions (LGA 2000, Section 9F (1-2))</li> </ul> <p>Therefore, the call-in and review of the decision made by the Cabinet and any alternative recommendations produced as a result, is within the Committee's statutory powers.</p>	Team Leader (Planning) and Monitoring Officer
<b>Information Governance</b>	<p>No impact identified from this report.</p> <p>Any information governance implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Information Governance Officer
<b>Equalities</b>	<p>No impact identified from this report.</p> <p>Any equalities implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Equalities & Communities Officer
<b>Public Health</b>	<p>No impact identified from this report.</p> <p>Any effects on public health arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Democratic Services Officer
<b>Crime and Disorder</b>	No impact identified from this report.	Chief Executive

	Any crime and disorder governance implications arising from the decision being called-in can be found in Appendix 3 to the report.	
<b>Procurement</b>	No impact identified from this report.  Any procurement implications arising from the decision being called-in can be found in Appendix 3 to the report.	Chief Executive
<b>Biodiversity and Climate Change</b>	No impact identified from this report.  Any biodiversity and climate change implications arising from the decision being called-in can be found in Appendix 3 to the report.	Chief Executive

## 2. INTRODUCTION AND BACKGROUND

2.1 At its meeting on the 26 July 2023, the Cabinet made the following decision:

1. *Option 2 of the report, namely to develop plans for use of the Palace as a wedding and events venue be agreed;*
2. *Delegated authority be given to the Director of Finance, Resources and Business Improvement in consultation with the Cabinet Member for Corporate Services to select and appoint professional advisers to develop the plans, enter into contracts for applicable services as necessary, and to invite offers from potential operations for a conditional agreement for lease; and*
3. *Delegated authority be given to the Head of Legal Services to negotiate and complete all necessary legal formalities arising from the purchase of services and invitation for offers as set out above.*

2.2 The Record of Decision was published on 26 July 2023, with the call-in period set to expire on the 4 August 2023; during this time a call-in request was received. This is attached at Appendix 1 to the report, following its acceptance by the Proper Officer.

For information, the only constitutional requirements that must be met in submitting a call-in request are as follows:

*'Such a request must be made in writing and must state the reason the call-in is believed to be necessary, and the desired outcome of the decision's review' (Part C2, Rule 13.4, 13.4.3 (b)).*

The Constitution also states that:

*'At the meeting, the Members calling in the decision should make themselves available for questioning and will be able to take part in the*

*debate as non-voting Members of the Committee if they are not a Member of the Committee’ (Part C2, Rule 13.4, 13.4.4).*

2.3 The options available to the Committee in reviewing the decision made are outlined below, with a table underneath demonstrating the resulting actions from each option.

- a) Agree that no further action is required; OR
- b) Recommend an alternative decision for consideration by the Executive;  
OR
- c) Recommend that the decision be reviewed by Full Council.

<b>OSC Options</b>	<b>Next Steps</b>	<b>Decision Implementation</b>
Review original decision made and agree that no further action is required.	No further action required.	Cabinet Informed.  Decision to be implemented straight after the Overview and Scrutiny Meeting.
Recommend an alternative decision to the Cabinet.	Cabinet to consider alternative decision.  Either the original decision remains, or an amended decision is issued.	Decision implemented straight after the Cabinet’s re-consideration.  (Decision is final)
Recommend that the decision be reviewed by Full Council.	Council review the decision and either agree with the original decision or recommend an alternative decision.  Cabinet to consider alternative decision; either the original decision remains, or an amended decision is issued.	Decision implemented after the Cabinet’s re-consideration.  (Decision is final)

2.4 The information relating to the Cabinet’s decision has been included within the appendices to this report.

### **3. AVAILABLE OPTIONS**

#### **3.1 Option 1 – Agree that no further action is required.**

In this instance, the Cabinet will be formally informed with the original decision to be implemented immediately following the Overview and Scrutiny Committee Meeting.

### **3.2 Option 2 – Recommend an alternative decision to the Cabinet.**

In this instance, the Cabinet will receive formal notification of the Committee’s recommendations at its next meeting (likely an additional meeting). The Committee must include the nature of its concerns to supplement the alternative decision.

The Cabinet will consider the recommendations made by the Committee and either the original decision or an amended decision will be issued as a result. Once this has taken place, the decision reached is final and will not be subject to call-in.

### **3.3 Option 3 – Recommend that the decision be reviewed by Full Council.**

In this instance, the Committee would refer the decision to the full Council. The Council would then be able to:

- d) Agree that no further action is required; OR
- e) Recommend an alternative decision for consideration by the Executive;

However, similarly to the Overview and Scrutiny Committee, the Council can only advise the Cabinet on which course of action to take. As the original decision made relates to an executive function (Corporate Property Management), the Cabinet is the final decision-maker.

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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 There is no preferred option from an Officer perspective, as this report aims to support the Committee in reviewing the Cabinet decision submitted for Call-In.
- 

## **5. RISK**

- 5.1 This report is presented for information only and has no risk management implications.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This Committee has not previously considered the matter. In accordance with the Council’s governance arrangements, the Corporate Services Policy Advisory Committee (CS PAC) conducted the pre-decision scrutiny on the item (12 July 2023), before the issue was presented to the Cabinet for decision.
- 6.2 The relevant papers for the CS PAC agenda can be accessed using the link at Section 9 of the report.

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Given the number of options available, the next steps depend on the option chosen by the Committee. See section 3 for the resulting actions for each option.
- 

## **8. REPORT APPENDICES**

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

- Appendix 1: Call-In Request
  - Appendix 2: Record of Decision (Cabinet)
  - Appendix 3: Papers provided to the Cabinet for the 26 July 2023 Meeting.
    - 3a: Report; and
    - 3b: Appendix (Exempt)
  - Appendix 4: Excerpt (draft) of the Minutes of the Corporate Services Policy Advisory Committee Meeting held on 12 July 2023.
- 

## **9. BACKGROUND PAPERS**

Agenda Papers for the Corporate Services Policy Advisory Committee Meeting held on 12 July 2023:

[Your Councillors - Maidstone Borough Council](#)

### CALL IN FORM

Once completed, please submit this form to either of the Officers shown below, cc'ing in Democratic Services.

Director of Strategy, Insight & Governance or The Chief Executive.

Please fill in the below form:

Decision making body or individual

CABINET

Decision made (please include the date the decision was taken)

FUTURE OF THE Archbishop's Palace

Reason for calling in the decision

To give further consideration to the financial data and projections and to consider the robustness of the Proposal

Desired Outcome

To make a fully informed and considered recommendation on the future having considered all relevant and available information.

Unless this request is made by the Chairman of the Overview and Scrutiny Committee, any call-in must be supported by three Members of the Council.

Members calling in decision

Signed

1. Clive English

1. Clive A English

2. Brian Galk

2. Brian Galk

3. Paul Harper

3. Paul Harper

Date:

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE CABINET**

Decision Made: 26 July 2023

#### **Archbishop's Palace**

##### **Issue for Decision**

To seek an agreement to develop plans for use of the Palace as a wedding and events venue.

An extensive process of member and public consultation has been carried out about future use of the Archbishop's Palace. Following expiry of the former preferred development partner's exclusivity period, and vacation of the building by Kent County Council, it is appropriate to consider the next steps.

##### **Decision Made**

1. Option 2 of the report, namely to develop plans for use of the Palace as a wedding and events venue, be agreed.
2. Delegated authority be given to the Director of Finance, Resources and Business Improvement in consultation with the Cabinet Member for Corporate Services to select and appoint professional advisers to develop the plans, enter into contracts for applicable services as necessary, and to invite offers from potential operators for a conditional agreement for lease; and
3. Delegated authority be given to the Head of Legal Services to negotiate and complete all necessary legal formalities arising from the purchase of services and invitation for offers as set out above.

##### **Reasons for Decision**

The Archbishop's Palace is a landmark building of unique significance for the borough and the town of Maidstone. Until recently, it was let to Kent County Council (KCC) for use as a Registry Office and Coroners Court.

Knowing that KCC were due to vacate, an extensive process of member and public consultation has been carried out about its future use, starting in early 2020. The following objectives were set for any future use:

- Respect the historical fabric of the buildings.
- Bring the building promptly back into active use.
- Any proposed use should be economically viable.
- Develop linkages to the property with the surrounding area, particularly the River Medway, Lockmeadow and the Town Centre.

The steps in this process may be summarised as follows.

February 2020	Options for future use of Palace were considered at an open meeting for councillors on 20th February.
July 2021	<p>A feasibility study was presented to Policy and Resources Committee. This considered a wide range of different potential uses, with the following short list drawn up as meriting detailed review:</p> <ol style="list-style-type: none"> <li>1. Co-Working and/or Serviced Offices</li> <li>2. Training and Seminar Centre</li> <li>3. Wedding and Seminar Venue</li> <li>4. Boutique Hotel</li> <li>5. Commercial Mixed Use (ie combination of 1 and 2)</li> <li>6. Mixed Use Culture and Weddings</li> </ol> <p>Agreement was reached to seek a preferred partner, through an open procurement process, for development of further proposals.</p>
October 2021	Council undertook public consultation. This attracted considerable interest, with over 2,000 individual responses. The top three options for respondents were a wedding and seminar venue, mixed use culture and weddings, and a boutique hotel.
March 2022	Policy and Resources Committee selected a preferred partner. This was Balfour Hospitality, who proposed to develop the Palace as a boutique hotel.
March 2023	KCC vacated the premises and the building was taken over on a temporary basis by Parking Services.
April 2023	The preferred partner exclusivity period expired. Balfour Hospitality, as promoter of the boutique hotel concept, concluded that it would not be commercially viable, given the scale of investment required.

The Council remains committed to seeking an appropriate use for the Archbishop's Palace. Although its chosen partner was not in the end able to produce suitable proposals, an extensive body of information about the Palace and its potential has now been accumulated, and the feasibility of different potential options for the future have been thoroughly researched, allowing an informed decision to be made about the next steps.

The Palace's current use as a service location ensures that the building is occupied, but it does not generate any income, and the council must now incur the costs of occupancy, previously borne by KCC. These comprise principally business rates and repairs and maintenance costs. The total marginal cost now incurred amounts to approximately £350,000 – being £100,000 of annual rent foregone and approximately £250,000 of running costs.

A further factor in consideration of the next steps is that, as a new Town Centre Strategy emerges, the heritage quarter of which the Archbishop's Palace forms a key component will become a vital part of the Council's plans for the future. Any future use of the Palace will need to form an

integral part of the whole offer presented by the Town Centre to residents and visitors.

### **Market Testing**

The Council has now undertaken further market testing, going back to the options originally considered by members in July 2021. Based on discussions with leading local participants in the market, this indicates strong interest in commercial use of the Palace as a wedding and events venue. This would be less capital intensive than the 'boutique hotel' concept and it will be seen that it is supported by a strong business case.

The Archbishop's Palace is already well-known as a wedding venue through its use as a Registry Office. Heritage venues are very popular for weddings and special events, as they provide a suitably attractive setting for big occasions. This is reflected in the strong interest that we have found amongst established businesses in the market.

It is proposed to seek a specialist operator who already has experience of this market. Although an in-house operation was considered by Members when selecting our preferred partner in March 2022, the Council does not have the requisite business knowledge in-house to run the Palace as a wedding and event venue.

The Palace would not require major alterations to accommodate use as a wedding venue. This is a key benefit, given its Grade 1 listing and the accompanying constraints on any changes.

An operator's main requirement would be a commercial kitchen, to allow large scale catering. As part of our previous partner's planning, an outline concept for providing a commercial kitchen on the ground floor of the Palace has already been developed and broad cost indications obtained. Detailed plans now need to be drawn up.

Wedding and event organisers are specialists, and (unlike our previous partner) could not be expected to have the project management skills to fit out the Palace. This work therefore more appropriately falls to the Council, as the property owner, to carry out. The fit-out would be provided by the Council as landlord, using our financial resources, and commissioning architects and contractors as appropriate. The specification would be generic, such that we would not be committed to any one operator, and to ensure an enhancement in the value of the Palace from carrying out these works.

Having carried out initial fit-out works as landlord, the Palace would be let on a commercial lease, with the tenant taking on full responsibility for business rates and repairs and maintenance. These costs, currently borne by the Council, would therefore be passed on to the tenant.

Market testing has indicated that the rental cost of suitable venues is broadly aligned with office rental values. This allows an estimate of return on investment to be drawn up. Details are set out in the exempt Appendix to the report. These show a strong investment return and a positive net present value. Modelling has also been carried out on an alternative, more pessimistic scenario. This still generates a positive net present value and a return in excess of the Council's capital strategy hurdle rate.

Public consultation highlighted the value that residents place on access to the Palace and its grounds. This has been reiterated as part of our market testing with potential operators. The organisations with whom we have engaged recognise that use of a heritage asset like the Palace is bound to be accompanied by a requirement for public access. It is customary for the arrangements to be reflected in a formal agreement with the operator and there are many established models on which we would draw, in order to ensure that local aspirations for public access are met.

Work is under way on a new Town Centre Strategy, which would set out a vision for the Council for the period to 2050. This is likely to take advantage of the rich heritage of the quarter in which the Palace is located. The proposed use of the Palace as a wedding and events venue would reflect this, by showcasing the building and ensuring that it remains in active use.

The matter was considered by the Corporate Services Policy Advisory Committee at its meeting on 12 July 2023 and the Committee supported the decision.

### **Alternatives considered and Why Rejected**

Option 1: Do nothing. The Council would continue to incur significant annual costs in maintaining the Palace. There would be an opportunity cost, both in financial terms and in failing to allow potential users to benefit from this prime Council asset.

Option 3: Develop alternative plans for use of the Palace

a. Co-working and Serviced Office Space

This option was considered as part of the feasibility study presented to Members in 2021. It would require some internal work to the building, to enable good quality communications links and to provide secure and safe partitioning between offices. If used for this purpose, the Palace would be competing in what is already an active market in Maidstone Town Centre, with potential disadvantages compared with the competition in not being able to provide modern accommodation or extensive parking facilities.

b. Training and Seminar Centre

This option was considered as part of the feasibility study presented to Members in 2021. Like option 3a above, it would require internal work to the building. However, it is not clear that there would be sufficient demand in the market to make this use viable.

c. Mixed Use Culture and Weddings

Members requested that this option be considered in 2021. Whilst they acknowledged the potential of the Palace as a venue for weddings, some members wanted to see a café, an arts space, and exhibition and gallery spaces, which would enable interpretation of the building, to give the widest public access. Such uses would have limited revenue generating

potential and would limit the potential of the Palace as a wedding and event venue, by taking up dates in the calendar and/or space at the Palace that would otherwise have commercial potential. Accordingly, this option is unlikely to be economically viable.

d. Boutique Hotel

This option was considered extensively by our preferred partner in 2022/23. It relies on a minimum number of bedrooms to be offered to establish a viable hotel business. The existing building could not accommodate the required number of rooms, whilst at the same time providing space for dining and events. It became clear during the course of our partner's research that the financial and conservation challenges of new building in the grounds of the Palace were very significant. This position is unlikely to change in the foreseeable future.

e. Residential conversion

The option would face a number of very significant practical obstacles. Residential property values in central Maidstone make the financial return much less attractive than option 2 of the report. There would be potentially insuperable challenges from a conservation viewpoint, given the Palace's Grade 1 listing, in installing the necessary partitioning, ventilation and other services needed to create units of residential accommodation. Finally, it would be very difficult to reconcile members' and residents' aspirations for public access with private residential accommodation.

### **Background Papers**

None.

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: \_\_\_\_\_

Councillor David Burton, Leader of the Council

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on Friday 4 August 2023.**

**Archbishop's Palace – Next Steps**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Corporate Services PAC	12 July 2023
Cabinet	26 July 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet
<b>Lead Head of Service</b>	Mark Green, Director of Finance, Resources and Business Improvement
<b>Lead Officer and Report Author</b>	Deborah Turner, Corporate Property
<b>Classification</b>	Public report with private appendix  The information contained within Appendices 1 and 2 is considered exempt under the following paragraph of part I of schedule 12A to the Local Government Act 1972:-  3 = Information relating to the financial or business affairs of any particular person (including the authority holding that information)
<b>Wards affected</b>	High Street

**Executive Summary**

An extensive process of member and public consultation has been carried out about future use of the Archbishop's Palace. Following expiry of our former preferred development partner's exclusivity period, and vacation of the building by Kent County Council, it is appropriate to consider the next steps.

The report recommends that plans are developed for use of the Palace as a wedding and events venue. This is likely to be a viable option in financial terms and would

meet the Council's objectives for future use of the Palace. It would also be consistent with the emerging Town Centre Strategy.

**Purpose of Report**

Decision.

**This report makes the following recommendation to the Cabinet:**

1. To agree option 2 as set out in this report, namely to develop plans for use of the Palace as a wedding and events venue.
2. To delegate authority to the Director of Finance, Resources and Business Improvement to select and appoint professional advisers to develop the plans, enter into contracts for applicable services as necessary, and to invite offers from potential operators for a conditional agreement for lease.
3. To delegate authority to the Head of Legal Services to negotiate and complete all necessary legal formalities arising from the purchase of services and invitation for offers as set out above.

# ARCHBISHOP'S PALACE – NEXT STEPS

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p>The project described in this report supports the Council's Strategic Plan objectives, most notably A Thriving Place.</p>	Director of Finance, Resources & Business Improvement
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation is reduced and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p>The report recommendations support the achievements of the cross-cutting objectives by respecting the heritage of the existing building with sensitive design and addressing environmental sustainability by upgrade works to improve the use and condition of the building.</p>	Director of Finance, Resources & Business Improvement
<b>Risk Management</b>	Already covered in the risk section.	Director of Finance, Resources & Business Improvement
<b>Financial</b>	Running costs of the building are currently approximately £250k per annum. These have until recently been met by the tenant, who additionally paid the Council £100k per annum. Accordingly, there is a net shortfall of £350k per annum against ongoing budgets whilst the building remains in its present state.	Director of Finance, Resources & Business Improvement

<b>Staffing</b>	We may need access to extra external expertise to deliver the recommendations.	Director of Finance, Resources & Business Improvement
<b>Legal</b>	Acting on the recommendations is within the Council's powers as set out in local authority legislation (including the general power of competence under the Localism Act 2011) and the Council's Constitution.	Interim Team Leader (Contentious and Corporate Governance)
<b>Information Governance</b>	No implications.	Director of Finance, Resources & Business Improvement
<b>Equalities</b>	There is no impact on Equalities as a result of the recommendations in this report. An EqIA would be carried out as part of a policy or service change, should one be identified.	Equalities and Communities Officer
<b>Public Health</b>	No implications.	Director of Finance, Resources & Business Improvement
<b>Crime and Disorder</b>	No implications.	Director of Finance, Resources & Business Improvement
<b>Procurement</b>	The Council will follow its usual procurement processes in selecting professional advisers and a contractor for works at the site.	Director of Finance, Resources & Business Improvement
<b>Biodiversity and Climate Change</b>	Any new use/lease of the Archbishop's Palace would need to be consistent with the Biodiversity and Climate Change Action Plan.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

### Background

- 2.1 The Archbishop's Palace is a landmark building of unique significance for the borough and the town of Maidstone. Until recently, it was let to Kent County Council (KCC) for use as a Registry Office and Coroners Court.

Knowing that KCC were due to vacate, an extensive process of member and public consultation has been carried out about its future use, starting in early 2020. The following objectives were set for any future use:

- Respect the historical fabric of the buildings
- Bring the building promptly back into active use
- Any proposed use should be economically viable
- Develop linkages to the property with the surrounding area, particularly the River Medway, Lockmeadow and the Town Centre.

2.2 The steps in this process may be summarised as follows.

February 2020	Options for future use of Palace were considered at an open meeting for councillors on 20 <sup>th</sup> February.
July 2021	A feasibility study was presented to Policy and Resources Committee. This considered a wide range of different potential uses, with the following short list drawn up as meriting detailed review: <ol style="list-style-type: none"> <li>1. Co-Working and/or Serviced Offices</li> <li>2. Training and Seminar Centre</li> <li>3. Wedding and Seminar Venue</li> <li>4. Boutique Hotel</li> <li>5. Commercial Mixed Use (ie combination of 1 and 2)</li> <li>6. Mixed Use Culture and Weddings</li> </ol> Agreement was reached to seek a preferred partner, through an open procurement process, for development of further proposals.
October 2021	Council undertook public consultation. This attracted considerable interest, with over 2,000 individual responses. The top three options for respondents were a wedding and seminar venue, mixed use culture and weddings, and a boutique hotel.
March 2022	Policy and Resources Committee selected a preferred partner. This was Balfour Hospitality, who proposed to develop the Palace as a boutique hotel.
March 2023	KCC vacated the premises and the building was taken over on a temporary basis by Parking Services.
April 2023	The preferred partner exclusivity period expired. Balfour Hospitality, as promoter of the boutique hotel concept, concluded that it would not be commercially viable, given the scale of investment required.

2.3 The Council remains committed to seeking an appropriate use for the Archbishop's Palace. Although its chosen partner was not in the end able to produce suitable proposals, an extensive body of information about the Palace and its potential has now been accumulated, and the feasibility of

different potential options for the future have been thoroughly researched, allowing an informed decision to be made about the next steps.

- 2.4 The Palace's current use as a service location ensures that the building is occupied, but it does not generate any income, and the council must now incur the costs of occupancy, previously borne by KCC. These comprise principally business rates and repairs and maintenance costs. The total marginal cost now incurred amounts to approximately £350,000 – being £100,000 of annual rent foregone and approximately £250,000 of running costs.
- 2.5 A further factor in consideration of the next steps is that, as a new Town Centre Strategy emerges, the heritage quarter of which the Archbishop's Palace forms a key component will become a vital part of the Council's plans for the future. Any future use of the Palace will need to form an integral part of the whole offer presented by the Town Centre to residents and visitors.

### **Market Testing**

- 2.6 The Council has now undertaken further market testing, going back to the options originally considered by members in July 2021. Based on discussions with leading local participants in the market, this indicates strong interest in commercial use of the Palace as a wedding and events venue. This would be less capital intensive than the 'boutique hotel' concept and it will be seen that it is supported by a strong business case.
- 2.7 The Archbishop's Palace is already well-known as a wedding venue through its use as a Registry Office. Heritage venues are very popular for weddings and special events, as they provide a suitably attractive setting for big occasions. This is reflected in the strong interest that we have found amongst established businesses in the market.
- 2.8 It is proposed to seek a specialist operator who already has experience of this market. Although an in-house operation was considered by Members when selecting our preferred partner in March 2022, the Council does not have the requisite business knowledge in-house to run the Palace as a wedding and event venue.
- 2.9 The Palace would not require major alterations to accommodate use as a wedding venue. This is a key benefit, given its Grade 1 listing and the accompanying constraints on any changes.
- 2.10 An operator's main requirement would be a commercial kitchen, to allow large scale catering. As part of our previous partner's planning, an outline concept for providing a commercial kitchen on the ground floor of the Palace has already been developed and broad cost indications obtained. Detailed plans now need to be drawn up.
- 2.11 Wedding and event organisers are specialists, and (unlike our previous partner) could not be expected to have the project management skills to fit out the Palace. This work therefore more appropriately falls to the Council, as the property owner, to carry out. The fit-out would be

provided by the Council as landlord, using our financial resources, and commissioning architects and contractors as appropriate. The specification would be generic, such that we would not be committed to any one operator, and to ensure an enhancement in the value of the Palace from carrying out these works.

- 2.12 Having carried out initial fit-out works as landlord, the Palace would be let on a commercial lease, with the tenant taking on full responsibility for business rates and repairs and maintenance. These costs, currently borne by the Council, would therefore be passed on to the tenant.
- 2.13 Market testing has indicated that the rental cost of suitable venues is broadly aligned with office rental values. This allows an estimate of return on investment to be drawn up. Details are set out in the Part 2 Appendix. These show a strong investment return and a positive net present value. Modelling has also been carried out on an alternative, more pessimistic scenario. This still generates a positive net present value and a return in excess of the Council's capital strategy hurdle rate.
- 2.14 Public consultation highlighted the value that residents place on access to the Palace and its grounds. This has been reiterated as part of our market testing with potential operators. The organisations with whom we have engaged recognise that use of a heritage asset like the Palace is bound to be accompanied by a requirement for public access. It is customary for the arrangements to be reflected in a formal agreement with the operator and there are many established models on which we would draw, in order to ensure that local aspirations for public access are met.

### **Next Steps**

- 2.15 This report proposes that the Council instruct architects to produce a design concept and to liaise with Historic England and MBC planners to obtain the necessary consents. Alongside this work, we would engage with the market and invite potential operators to submit offers for an agreement to lease the Palace as a wedding and event venue. A further report will be brought to the Policy Advisory Committee and to Cabinet in Autumn 2023 with a recommendation as to the preferred operator, the lease terms, and the capital investment to be incurred.
- 2.16 Work is under way on a new Town Centre Strategy, which would set out a vision for the Council for the period to 2050. This is likely to take advantage of the rich heritage of the quarter in which the Palace is located. The proposed use of the Palace as a wedding and events venue would reflect this, by showcasing the building and ensuring that it remains in active use. As the Strategy develops, it will be important to ensure that plans for the Palace, and in particular any agreement to lease the Palace to a third party, are consistent with its objectives.

### **3. AVAILABLE OPTIONS**

#### **3.1 Option 1: Do nothing**

The Council would continue to incur significant annual costs in maintaining the Palace. There would be an opportunity cost, both in financial terms and in failing to allow potential users to benefit from this prime Council asset.

#### **3.2 Option 2: Develop plans for use of the Palace as a wedding and events venue**

This option has been described above. Market testing has established that it would be a viable option in financial terms, and it would meet the objectives set by members for future use of the Palace.

#### **3.3 Option 3: Develop alternative plans for use of the Palace**

##### **a. Co-working and Serviced Office Space**

This option was considered as part of the feasibility study presented to Members in 2021. It would require some internal work to the building, to enable good quality communications links and to provide secure and safe partitioning between offices. If used for this purpose, the Palace would be competing in what is already an active market in Maidstone Town Centre, with potential disadvantages compared with the competition in not being able to provide modern accommodation or extensive parking facilities.

##### **b. Training and Seminar Centre**

This option was considered as part of the feasibility study presented to Members in 2021. Like option 3a above, it would require internal work to the building. However, it is not clear that there would be sufficient demand in the market to make this use viable.

##### **c. Mixed Use Culture and Weddings**

Members requested that this option be considered in 2021. Whilst they acknowledged the potential of the Palace as a venue for weddings, some members wanted to see a café, an arts space, and exhibition and gallery spaces, which would enable interpretation of the building, to give the widest public access. Such uses would have limited revenue generating potential and would limit the potential of the Palace as a wedding and event venue, by taking up dates in the calendar and/or space at the Palace that would otherwise have commercial potential. Accordingly, this option is unlikely to be economically viable.

##### **d. Boutique Hotel**

This option was considered extensively by our preferred partner in 2022/23. It relies on a minimum number of bedrooms to be offered to establish a viable hotel business. The existing building could not accommodate the required number of rooms, whilst at the same time providing space for dining and events. It became clear during the course of our partner's

research that the financial and conservation challenges of new building in the grounds of the Palace were very significant. This position is unlikely to change in the foreseeable future.

e. Residential conversion

This option was not considered as part of the original feasibility study, but has been included here for the sake of completeness. The option would face a number of very significant practical obstacles. Residential property values in central Maidstone make the financial return much less attractive than option 2 above. There would be potentially insuperable challenges from a conservation viewpoint, given the Palace's Grade 1 listing, in installing the necessary partitioning, ventilation and other services needed to create units of residential accommodation. Finally, it would be very difficult to reconcile members' and residents' aspirations for public access with private residential accommodation.

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is option 2, Develop plans for use of the Palace as a wedding and events venue. It is likely to be a viable option in financial terms, and it would meet the Council's objectives for future use of the Palace.

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#### **5. RISK**

- 5.1 There are a number of risks associated with this proposal.

Project risk – Delivering the required improvements to the Palace to accommodate a new tenant will bring all the usual risks associated with construction projects. These will be mitigated as much as possible by use of experienced and qualified contractors and application of strong project management disciplines.

Commercial risk – The proposed future use of the Palace depends on the commercial success of the operator, which in turn depends on the overall health of the local economy.

Site specific risks – The palace is a historic and sensitive site. Carrying out any work at the site therefore brings a heightened degree of risk. These will be mitigated so far as possible by working with contractors and partners who have relevant experience and can be expected to anticipate and respect the specific issues involved. The Council's conservation specialists have been consulted during the course of the project to date and will continue to be involved.

- 5.2 The above risks, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

## 6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 As described above, a comprehensive public consultation exercise was held in 2021 about the future of the Palace. It is considered that the findings from this remain relevant and they have helped to determine the recommended way forward.
- 6.2 The matter was considered by the Corporate Services Policy Advisory Committee on the 12 July 2023 and the Committee recommended that the Cabinet approve the recommendations.

## 7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The proposed next steps are set out below.

<b>2023</b>	<b>Action to be undertaken</b>
By end July	Council appoint Architect to produce illustrative design concepts and scope of essential works and suggested operator specified works
August	Appointed Architect to commence discussions with Historic England (Listed Building Consent) and Planners (Change of Use and Planning Consent) for necessary consents
September	Formal Supplier Engagement to consult as to commercial Lease Terms and determine specific operator building requirements. Options to be offered : Palace only; Palace and Gatehouse; Palace, Gatehouse and Dungeon.
October	Council to seek Planning Pre App advice and prepare Heads of Terms (HoTs) for the lease and costed scope of works. HoTs to include payment of commercial rent and public access arrangements
Oct/Nov	Invite Best Offers from Operators for a Conditional Agreement for Lease based on the approved HoTs and agreed scope of works
By end November	Cabinet select Operator and agree terms
By end December	Council enter into the Conditional Agreement for Lease with the preferred operator and submit Planning and Listed Building Consent
<b>2024</b>	<b>Action to be undertaken</b>

March	Council obtain Planning and all other necessary consents and commence the agreed improvement works to the building.
By end July	Building work completed, Lease signed and completed
August	Venue opens to host Weddings and Events

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## **8. REPORT APPENDICES**

Exempt Appendix – Financial Modelling

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## **9. BACKGROUND PAPERS**

None.

Corporate Services Policy Advisory Committee – 12 July 2023  
Draft Minute Extract – Archbishops’ Palace – Next Steps

Councillor Perry, the Cabinet Member for Corporate Services, introduced the report explaining that:

- As the owner of the Archbishops’ Palace, the Council was now incurring running costs together with a loss of rent following the vacation of the building by Kent County Council (KCC). Knowing that KCC would be vacating, options for the future use of the building had been explored. However, Balfour Hospitality, the Council’s preferred development partner, concluded that it would not be commercially viable to develop the building as a boutique hotel given the scale of investment required.
- It was now proposed that plans be developed for use of the building as a wedding and events venue. Market testing had established that this was likely to be a viable option in financial terms and it would meet the Council’s objectives for the future use of the building. It would also be consistent with the emerging Town Centre Strategy. Some capital investment would be required particularly for provision of a commercial kitchen.

In response to questions, the Officers advised the Committee that:

- The preferred development partner’s exclusivity period expired in April and the Council was informed informally shortly before that they did not want to take the proposal forward.
- It was planned to report back to the Policy Advisory Committee and the Cabinet in November with the outcome of the process of inviting bids from potential operators and Members would be able to see whether the proposal was financially viable.
- Based on the latest market testing, no one to date had shown interest or expressed willingness to take forward a mixed-use culture and weddings development.

During the discussion:

- It was proposed and seconded that consideration of this matter be deferred for at least one meeting cycle until there is more clarity regarding the Town Centre Strategy in terms of a cultural quarter comprising All Saints Church, the Archbishops’ Palace and the Archbishops’ Stables.
- The Cabinet Member emphasised the need to move forward with a scheme to generate funds to cover the costs of running the building, which was the Council’s responsibility, as soon as possible and expressed concern about the financial and economic viability of operating another café or cultural offering in conjunction with weddings and events.

- Reference was made to the need to adhere to the proposed timetable for the delivery of the project and it was suggested that discussions should take place with All Saints Church at the earliest opportunity.
- An amendment was moved and seconded that the recommendation set out in the report be agreed. When put to the vote, the amendment and the substantive motion were carried.

**RESOLVED to RECOMMEND to the CABINET:**

1. That Option 2 as set out in the report of the Interim Strategic Property Consultant, namely, to develop plans for use of the Archbishops' Palace as a wedding and events venue, be agreed.
2. That delegated authority be given to the Director of Finance, Resources and Business Improvement to select and appoint professional advisers to develop the plans; enter into contracts for applicable services as necessary; and invite offers from potential operators for a conditional agreement for lease.
3. That delegated authority be given to the Head of Legal Services to negotiate and complete all necessary legal formalities arising from the purchase of services and invitation for offers as set out above.

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

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