

AGENDA

PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW & SCRUTINY COMMITTEE MEETING



Overview and Scrutiny

Date: Tuesday 15 October 2013
Time: 6.30 pm
Venue: Room B, Town Hall, High Street, Maidstone

Membership:

Councillors: Chittenden, Collins (Chairman), McLoughlin, Munford,
Ross, Springett, Watson, de Wiggondene and
Mrs Wilson

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1. **The Committee to consider whether all items on the agenda should be web-cast.**
2. **Apologies.**
3. **Notification of Substitute Members.**
4. **Notification of Visiting Members/Witnesses.**
5. **Disclosures by Members and Officers.**
6. **To consider whether any items should be taken in private because of the possible disclosure of exempt information.**
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8. **Community Infrastructure Levy** 65 - 79
Interviews with Rob Jarman, Head of Planning and Development and Darren Bridgett, Principle Planning Officer.
9. **Future Work Programme.** 80 - 97

Continued Over/:

Issued on 7 October 2013

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

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MAIDSTONE BOROUGH COUNCIL

Planning, Transport and Development Overview & Scrutiny Committee

MINUTES OF THE MEETING HELD ON TUESDAY 20 AUGUST 2013

Present: Councillors Collins (Chairman), Chittenden, Lusty, Ross, Springett, de Wiggondene and Mrs Wilson.

Also Present: Councillors English, Mrs Gooch, Nelson-Gracie and Councillor Paine

11. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEB-CAST.

RESOLVED: That all items on the agenda be web-cast.

12. APOLOGIES.

It was noted that apologies for absence had been received from Councillors Munford, McLoughlin and Mrs Watson.

13. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Lusty was substituting for Councillor McLoughlin.

14. NOTIFICATION OF VISITING MEMBERS/WITNESSESS

Councillors English, Gooch and Nelson-Gracie attended as Visiting Members in relation to agenda items 9 and 10.

Councillor Paine attended as Cabinet Member in relation to agenda items 9 and 10.

15. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Mrs Wilson be appointed as Vice-Chairman for the municipal year 2013-14.

16. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

17. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

18. MINUTES OF THE MEETING HELD ON 18 JUNE 2013

RESOLVED: That the Minutes of the meeting held on 18 June 2013 be approved as a correct record and signed.

19. PUBLIC CONSULTATION APPROACH FOR THE MAIDSTONE BOROUGH LOCAL PLAN

Emma Boshell, presented the report on the Public Consultation approach for the Maidstone Borough Council Local Plan.

The officer set out the ways in which the Council planned to consult as set out on pages 10-12 of the agenda report. She explained that all responses would be acknowledged but that an individual response could not be guaranteed.

In response to Members comments on the lack of public confidence in consultation responses being listened to and the possible negative impact of this on the public's response to the Local Plan consultation, the officer explained that the Planning Viewpoint Newsletter was produced, anyone who had responded to a consultation was included on a database and would receive a newsletter telling them how to get involved.

During the course of the discussion with officers and the Cabinet Member for Planning, Development and Transport the Committee made a number of suggestions on the consultation plan:

- With regards to the consultation methods in the Council's Consultation Plan: **Meetings with Parish Councils** – at meetings with designated Parish Councillors, these meetings should also include the relevant Borough and County Councillor(s) to ensure a comprehensive viewpoint is sought and provided
- With regards to the consultation methods in the Council's Consultation Plan: **Meetings with Parish Councils** - at meetings in non-parished areas with representatives from designated neighbourhood areas representative. These meetings should also included representatives from residents groups, as well as the relevant Borough and County Councillor(s) are included to ensure a comprehensive viewpoint is sought and provided;
- Where appropriate, officers find opportunities to link wards and parishes together at meetings as part of its consultation process;
- In order to overcome the perceived perception that developers representations are listened to ahead of those of residents; when the findings of the consultation are presented, the representations should be presented in a similar way to a planning application committee report i.e. clearly stating the number of representations made 'for' and 'against' with a comment from the developer; and

- It be communicated on the website and all forms of council communications that all representations will be considered but the council cannot guarantee that it will agree or disagree with individual representations; and
- That the public notice in relation to the Maidstone Borough Local Plan is placed in the Downs Mail as well as the Kent Messenger.

In addition, the Committee made the following requests for information:

- The number/percentage of people who attended meetings during the public consultation in 2011 be provided to the Committee; and
- Copies of the consultation documents be circulated to ALL members of the Council.

RESOLVED that:

- a) With regards to the consultation methods in the Council's Consultation Plan: **Meetings with Parish Councils** – at meetings with designated Parish Councillors, these meetings should also include the relevant Borough and County Councillor(s) to ensure a comprehensive viewpoint is sought and provided
- b) With regards to the consultation methods in the Council's Consultation Plan: **Meetings with Parish Councils** - at meetings in non-parished areas with representatives from designated neighbourhood areas representative. These meetings should also included representatives from residents groups, as well as the relevant Borough and County Councillor(s) are included to ensure a comprehensive viewpoint is sought and provided;
- c) Where appropriate, officers find opportunities to link wards and parishes together at meetings as part of its consultation process;
- d) In order to overcome the perceived perception that developers representations are listened to ahead of those of residents; when the findings of the consultation are presented, the representations should be presented in a similar way to a planning application committee report i.e. clearly stating the number of representations made 'for' and 'against' with a comment from the developer; and
- e) It be communicated on the website and all forms of council communications that all representations will be considered but the council cannot guarantee that it will agree or disagree with individual representations;
- f) That the public notice in relation to the Maidstone Borough Local Plan is placed in the Downs Mail as well as the Kent Messenger.
- g) The following information requests be provided:
 - i. The percentage of people attending meetings as part of the consultation process so far be provided to the Committee; and
 - ii. Copies of the consultation be circulated to ALL members of the Council.

20. MAIDSTONE BOROUGH LOCAL PLAN DEVELOPMENT MANAGEMENT POLICIES

Rob Jarman, Head of Development Management, presented the report on Maidstone Borough Council's Local Plan Development Management Policies.

The Chairman raised a question submitted to the Committee by a Member of the public, seeking clarification as to whether or not "the Council had considered the case for setting policies to resist inappropriate development of residential gardens, as requested in paragraph 53 of the new National Planning Policy Framework? And, if so, what conclusion had it reached?" Mr Jarman confirmed that it had considered this and the policy was set out in line with the NPPF guidelines.

A Member of the Committee commented favourable on the inclusion of renewable energy sources in the policies. However, the importance of the environmental net gain of policies was stressed. It was felt that more thought needed to be given to this aspect.

The Committee discussed the possible conflict between providing affordable housing alongside the need for regeneration. It felt that thought should be given to ways in which to encourage land owners to bring forward Brownfield sites for regeneration in the borough.

Through its discussion with officers the Committee highlighted the following areas to be explored in more detail and given explicit reference within the development management policies:

- Windfarms
- Live work units and the expansion of existing units in rural areas; and
- Car Parking Standards

RESOLVED: That

- a) Further thought be given to the environmental net gain of Development Management Policies;
- b) Further thought and investigation be given to ways in which to incentivise the development of Brownfield sites for regeneration in the borough;
- c) The appropriate Development Management Policies be explored and developed to include explicit reference to, and criteria for, the following:
 - Windfarms
 - Live work units and the expansion of existing units in rural areas; and
 - Car Parking Standards.

21. FUTURE WORK PROGRAMME

The Cabinet Member for Planning, Transport and Development updated the Committee on other areas within his portfolio, additional to the Local

Plan, which may be of interest to it. These included the Park and Ride Service and the Integrated Transport Strategy. The Cabinet Member also informed the Committee that he would report back to it on the Quality Bus Partnership.

The Committee felt that a written update from the Cabinet Member would be useful and suggested an all Member workshop on transport. It was also felt that basic planning training for all Members would be beneficial. Bob White from Kent County Council was suggested.

RESOLVED: That

- a) The Cabinet Member for Planning, Transport and Development provide the Committee with a written update on all areas within his portfolio;
- b) The scrutiny officer investigate the suggested training requirements put forward to the Learning and Development team:
 - An all Member Transport Workshop; and
 - All Member Basic Planning training.

22. DURATION OF MEETING.

6.30 p.m. to 8.53 p.m.

MAIDSTONE BOROUGH COUNCIL

**Special Planning, Transport and Development Overview &
Scrutiny Committee**

**MINUTES OF THE MEETING HELD ON TUESDAY 17 SEPTEMBER
2013**

Present: Councillor Collins (Chairman), and
Councillors McLoughlin, Moriarty, Ross, Springett,
Vizzard, Watson, de Wiggondene and Mrs Wilson

Also Present: Councillors Mrs Gooch, Mortimer,
English, B Mortimer, Daley, Brindle,
Stockell, Burton, Newton and Ash.

22. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEB-CAST.

RESOLVED: That all items on the agenda be webcast.

23. APOLOGIES.

It was noted that apologies for absence were received from Councillors Chittenden and Munford.

24. NOTIFICATION OF SUBSTITUTE MEMBERS.

Councillors Vizzard and Moriarty substituted for Councillors Chittenden and Munford respectively.

25. NOTIFICATION OF VISITING MEMBERS/WITNESSES.

The following Members were noted as Visiting Members:

- Councillor Mrs Gooch;
- Councillor D Mortimer;
- Councillor English;
- Councillor B Mortimer;
- Councillor Daley;
- Councillor Brindle;
- Councillor Burton;
- Councillor Newton; and
- Councillor Ash.

Councillor Garland and Councillor Paine were present as witnesses.

26. DISCLOSURES BY MEMBERS AND OFFICERS.

There were no disclosures.

27. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

28. URGENT ITEMS

RESOLVED: That the Five Year Housing Land Supply: Methodology and Judgements be taken as an urgent item in order to support the Committee in its deliberations.

29. FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

The Committee was instructed to meet following the extraordinary meeting of Council on 2 September 2013 to scrutinise the methodology and judgments needed to be made in calculating the five year housing land supply.

The Chairman invited witnesses from Boughton Monchelsea to give a presentation. The witnesses were: Councillor Sara Evans, Councillor Doug Evans and Mr Paul McCreery.

The presentation, attached in full at **Appendix A**, discussed paragraphs 47 and 48 of the National Planning Policy Framework (NPPF) in relation to windfall sites.

Mr McCreery asked the Committee to consider the following: if all windfall sites had to be identified what would be the purpose of paragraph 48 in the NPPF guidelines? Using an apple tree analogy, he told the Committee that sites would continue to fall or come forward as they had done in the past. He concluded that Boughton Monchelsea's evidence of past trends "that windfalls will likewise arise in the next 5-year period, at a rate again in excess of 300 each year (332 dpa or 1160 in total)" should be a recommendation of the Committee to Maidstone Borough Council for inclusion in its 5 year housing land supply.

The Chairman invited witnesses from Maidstone Borough Council to give a presentation. The witnesses were: Rob Jarman, Head of Planning and Development, Sue Whiteside, Spatial Policy, Team Leader, Councillor Garland, Leader of the Council and Councillor Paine, Cabinet Member for Planning, Transport and Development.

Maidstone Borough Council's presentation, attached in full at **Appendix B**, also referred to the NPPF Guidance in Paragraph 48. Mr Jarman told the Committee that the paragraph clearly stated that windfall sites 'may be taken into account'. The Officer observed that there had been reference to 'past trends' in terms of windfall sites but told the Committee that the emphasis of paragraph 48 was on determining 'future trends'. He described a 'step change' in the planning system and the requirement for a firm evidence base in planning decision making. Mr Jarman informed the Committee that he advocated a 'plan led system.'

Visiting Members and members of the public were given the opportunity to ask questions and make statements respectively at the Chairman's discretion.

Following this, questions from the Committee to the witnesses were taken. In response to Members questions to Mr Jarman on behalf of Maidstone Borough Council it was ascertained that:

- Following NPPF guidelines the Council had undertaken a SHLAA. The process cast a wide net across the borough and made the chance of unknown sites coming forward less likely;
- The SHLAA included partner and public sector organisations included the NHS, Kent Police and Kent County Council;
- The Council took an on objective and evidence based approach to planning to prevent it being left open to judicial review or appeals;
- The Council wanted to move away from the 'unexpected;'
- If windfall sites did come forward they would be included retrospectively (when planning permission had been granted);
- Windfall sites were included in Maidstone's local plan housing trajectory, in years 2015 to 2020; and
- For the same reasons that a windfall allowance was excluded in the methodology used for calculating the five year housing land supply, no discount was included for non-implementation of planning permissions (8.5%).

In response to Members questions, Mr McCreary, on behalf of Boughton Monchelsea Parish Council, informed the committee of the following:

- That by not including windfall sites in the five year housing land supply the Council were risking 'double counting;'
- Every year, since approximately 1976, there had been concern that a windfall supply would diminish; and
- There was an evidence base from 'past trends' to support the inclusion of windfall sites going forward. This information had been supplied by KCC.

A Member of the Committee moved a recommendation that the Committee should hold a second meeting to investigate the evidence base that it was felt was missing. This was the evidence of 'past trends' in windfall sites to support their inclusion in the five year housing land supply by Boughton Monchelsea Parish Council and evidence of 'future trends' as described by Maidstone Borough Council.

The Committee was unanimous in its decision that the Chairman and Vice-Chairman be given delegated authority to scope a second meeting and formulate a response to Full Council for its meeting the following day.

Reference was made to the Chairman and Vice-Chairman using the guidance of the Planning Authority Service (PAS) in relation to the five year housing land supply which had been circulated to the Committee in a

briefing note. Specific mention was given to the PAS guidance's 'next steps' which recommended the following:

"The methodology should: ensure that the NPPF requirements are followed; take into account appeal cases which refer to flaws in methodologies; and, if considered necessary, be tested by peers in other local authorities."

The Committee felt that other local authorities should be contacted to provide it with a comparable evidence base.

RESOLVED That:

- a) A second meeting be arranged to enable the Committee to consider further evidence in relation to evidence of 'past trends' in windfall sites to support their inclusion in the 5 year housing land supply as suggested by Boughton Monchelsea Parish Council and evidence of 'future trends' as described by Maidstone Borough Council; and
- b) Delegated authority be given to the Chairman and Vice-Chairman to scope a second meeting and formulate a response to Full Council for its meeting on 18th September 2013.

30. **Duration of Meeting**

6.30 p.m. to 9.40 p.m.

**BOUGHTON MONCHELSEA
PARISH COUNCIL
HOUSING LAND SUPPLY**

NOTE OF ADVICE

**Christopher Lockhart-Mummery QC
Landmark Chambers
16th September 2013**

1. I have recently advised twice on this issue. I am happy for this further Note to be read out to the meeting on 17th September 2013 on behalf of the Parish Council. I confess to finding it extraordinary that the MBC officers continue to give such obviously wrong advice on this important matter.

2. Two topics now arise. First, the procedural fairness of the procedure that MBC have adopted for this meeting. Second, the substance of the issue.

3. As to procedure, the brief facts appear to be as follows. On 6 September the Parish Council was invited to appear at the meeting. The Guide for External Speakers indicated that documents were to be supplied one week in advance.

This gave one or two working days, an unreasonably short period.

Mr McCreery supplied a bundle of documents of supporting information.

Only one page of this material was accepted. Not only this, but on 13 September a substantial report (68 pages in total) was supplied by the Head of Planning and Development, and is on the agenda.

4. This is plainly an unfair process and would be liable to challenge accordingly. It remains to be seen whether there is any prospect of this unfairness being cured by the proceedings of the meeting.

5. Turning to the substance, it is worth emphasising some important facts:

- a. MBC is the only District Council in Kent which both has an alleged 5-year shortfall and includes no windfall allowance.

b. There is the clearest evidence that over recent years windfalls have become available, at a rate in excess of 300 each year.

c. There is likewise the clearest evidence, based on past trends, that windfalls will likewise arise in the next 5-year period, at a rate again in excess of 300 each year (332 dpa or 1660 in total).

d. In contrast, only 74 dwellings each year from this source (less than a quarter) would suffice to give MBC a 5-year supply.

e. Based on the alleged 5-year shortfall, MBC apparently intend to release some 1650 dwellings on greenfield sites in advance of the Plan process.

6. Turning to the topic of windfalls as an element of supply, it seems necessary to repeat really simple prepositions.

The principal element of supply will always be what can variously be described as identified, known, or (in the term used by KCC) extant.

These are broadly, sites with planning permission and allocated sites. These are, in the language of paragraph 47 of NPPF “deliverable” sites.

But this, without question, will by no means be the full supply over any period, including the 5-year period.

6. (cont.) However thorough and rigorous the process of estimating the deliverable sites, there will always be sites coming forward which are not presently capable of assessment as deliverable. They are the “unexpected” sites that constitute the windfall allowance under paragraph 48 of NPPF.

This is simply an allowance for past trends to continue, when there is clear evidence of

- (1) past trends and
- (2) evidence of continuing supply.

There is the clearest evidence in Maidstone that both these tests are met.

7. MBC officers, I am afraid to say, continue seriously to misrepresent the position. I have already written two Opinions on the topic, and will not repeat them. In essence, the original advice being given to MBC was that a windfall allowance could be made in the latter years of the plan period, but not for 5-year purposes – but this was based on the cancelled advice of PPS3. Now it is said (paragraph 1.4.18 of the current Report) that there has been no fundamental change in policy after the cancellation of PPS3 and the introduction of NPPF. What clearer change of policy could there be from old advice that windfalls may not be included, to the present advice that they may be included?

7. (cont.) The clear mistake is seen in the Chief Executive's recent Note:

“Officers’ advice is to include a windfall provision for the latter years of the plan period...MBC have not made provision for windfalls that are wholly unknown about....As prospective windfalls are not identifiable they go against the grain of policy”.

7. (cont.) This is clearly utterly wrong on both counts (latter years, and excluding windfalls on the basis that they are not know about and not identifiable, when this is the express basis for including them).

7. (cont.) But the advice is repeated in the legal advice provided to MBC by Megan Thomas. For example paragraph 10:

“The core of NPPF policy is for councils to identify sites which will deliver housing and in that sense including a windfall allowance is against the grain of policy”.

Not so – it is precisely what policy advises.

8. There is a fear that including a windfall allowance will lead to double-counting. Again not so. By definition, a windfall cannot be an identifiable deliverable site.

9. Having said all this, it seems that the advice being given to MBC has now radically changed.

Megan Thomas states (paragraph 10) that officers were

“well aware that a windfall allowance can be included if there is compelling evidence to do so”.

There plainly is such evidence, it is all one way, see above.

10. It may well be that, following this complete change of position, the suggested reason for now including a windfall allowance is that paragraph 48 advised that such an allowance “may” be made if there is compelling evidence, ie there is a discretion.

But it would be utterly perverse not to include an allowance in present circumstances.

10. (cont.) It might be different if windfalls had run, and were predicted to run, at marginal rates, and/or the evidence for them was flimsy. But here is firm evidence of substantial supply. Where some 74 dwellings each year would make the 5-year supply a surplus, and there is evidence of supply over 4 times that, it would in my view be legally unreasonable to exclude this element of supply.

What is a Windfall?



TABLE PMC1 (first part)

5 Year Housing Land Supply

	Requirement	MBC	5 yr Supply	BMPC
1.	Policy Requirement	11,080	11,080	11,080
2.	Completions	-4,880	-4,880	-4,880
3.	Residual Requirement	6,200	6,200	6,200
4.	Annual Target	477	477	477
5.	5% Buffer	24	24	24
6.	Annual Target (Including 5% buffer)	501	501	501
7.	Five year Target (Including 5% buffer)	2,505	2,505	2,505

Table PMC1 (second part)

5 Year Housing Land Supply

	Supply	MBC	5 yr supply	BMPC
8a.	Site Supply (Includes 931 dwellings from Strategic Sites)	2,135	2,135	2,135
8b.	Windfall Supply	0	370	1660
8c.	Total Supply	2,135	2,505	3,795
9.	Shortfall/Surplus	-370	0	+1290
10.	Percentage Housing Land Supply	85.23%	100%	151.5%
11.	Number of years housing land supply:	4.26	5.00	7.57

Table PMC2

Analysis of Completions and Windfalls

Year	All Completions	Windfall Completions	Percentage
1/4/2006 to 31/3/2007	714	370	52%
1/4/2007 to 31/3/2008	992	294	30%
1/4/2008 to 31/3/2009	441	251	57%
1/4/2009 to 31/3/2010	581	400	69%
1/4/2010 to 31/3/2011	649	344	51%
Total 1/4/2006 to 31/3/2011	3377	1659	49%
Annual Average 2006/11	675	332	49%

NOTES

- A. NPPF, paragraph 48, allows a windfall allowance to be included in the five year supply if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
- B. Table PMC2 is based on data supplied by KCC. Years 2006 to 2011 are the last 5 years for which windfall completion data is available.
- C. Over the years 2006 to 2011 windfall completions averaged 332 dwellings per annum and were just about half (49%) of all completions.
- D. Based on the last five years figures KCC projected future annual windfall average is 332 dwellings per annum (or 1660 dwellings over 5 years). Based on the above figures, PMC Planning agrees with the KCC projection.

E. Table PMC1 shows that based on MBC figures there is a shortfall in the 5 year supply of 370 dwellings, with no windfalls included. That means that windfall completions would only need to average 74 dwellings per annum (370 dwellings over five years) for Maidstone to achieve a 5 year supply of housing land and no shortfall.

F. The most recent completed Strategic Housing Land Availability Assessment (SHLAA) for Maidstone is dated May 2009. Paragraph 6.1.12 (page 41) identifies a windfall capacity of 628 dwellings for 2013-2018 (125 dwellings per annum).

G. The 2010-2011 Annual Monitoring Report (AMR) at Table 3.2, page 20, predicts windfalls at a rate of 145 dwellings per annum for the years 2022/23 to 2025/26 (725 dwellings for a five year period).

H. For the last two years 1/4/11 to 31/3/13 Maidstone Borough achieved annual completions averaging 751 dwellings (873 dwellings plus 630 dwellings). This is above the average level of completions for the previous five years. If nil windfalls are available how could Maidstone have continued to achieve such high levels of completions?

Five Year Housing Land Supply Methodology

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Rob Jarman
Head of Planning
17 September 2013

Why maintain a 5-year supply

- Councils have a duty to maintain a 5-year supply of housing land (NPPF paras 47 & 48)
- Otherwise, the NPPF presumption in favour of sustainable development prevails (NPPF paras 14 & 49), whereby
- Permission will be granted unless significant/demonstrable adverse impacts outweigh benefits

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What is taken into account

- 5-year supply calculation updated annually at 1st April each year
- Takes account of completions (built units), unimplemented planning permissions, and local plan allocations
- May include windfall sites allowance if compelling evidence shows sites will continue to provide a reliable source of supply

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Basis of calculation

- Based on former South East Plan target of 11,080 dwellings 2006/26 – target tested through examination
- ⁴¹• 5-year calculation published in council's Annual Monitoring Reports
- Table in 2011/12 AMR used to demonstrate methodology

5-year housing target

- Completions between April 2006 and March 2012 are deducted from the 20-year target
- This balance is divided by remaining number of years to give an annual target + 5% buffer per NPPF
- The annual target is then multiplied by 5 years = 2,561 dwellings

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5-year housing supply

- All outstanding planning permissions at 1 April 2012 down to sites of 1 dwelling (1,433 units)
- 43 • Local plan allocations expected to contribute at 1 April 2012 (468 units)
- Previously developed sites identified through the SHLAA 2009 (82 units)
- Total of 1,983 units on deliverable sites

Calculation (based on 2011/12 AMR)

Five Year Housing Land Supply at 1 April 2012	No. dwellings
Interim housing target 2006/07 to 2025/26	11,080
Residual target after deducting 4,250 dwellings that were completed* between 2006/07 and 2011/12	6,830
Annual target over remainder of plan period (residual target divided by 14 years remaining to 2026)	488
Annual target including 5% buffer (to allow for choice/competition – NPPF)	512
5 year housing land supply target (annual target x 5 years)	2,439
5 year housing land supply target (annual target x 5 years) including 5% buffer	2,561
5 year housing land supply* 2012/13 to 2016/17 (permissions and allocations)	1,983
5 year supply of housing land as a percentage of the target at 1 April 2012	77%
Number of years of housing land supply at 1 April	3.9
* Includes all net dwellings down to one unit	

NPPF paragraph 48

“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens”. (My emphasis)

What is a windfall site?

“Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available”.

Source: NPPF Annex 2 Glossary

Informed judgements

- Councils may, at their discretion, include an allowance for windfall sites in 5-year calculations
- 47 • NPPF does not say should – must have compelling evidence to support this approach
- No fundamental change in national policy in this regard (PPS3/NPPF)

Why exclude windfall sites

- All sites down to one unit are monitored
- All sites recorded are net of losses
- Phasing for sites of 5+ units are confirmed with agents & developers
- 48 • Permissions likely to be developed beyond 5 years are excluded from supply
- 2009 SHLAA PDL sites are included

Compelling evidence (1)

- Detailed assessment of supply of sites undertaken
- Windfall allowance cannot be a pure mathematical projection of past completions, or there is a risk of double counting
- Projection using outstanding planning permissions more robust

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Compelling evidence (2)

- For same reasons that a windfall allowance is excluded, no discount is included for non-implementation of planning permissions (8.5%)
- 50 • Moratorium on release of greenfield sites led to reliance on PDL sites as a major contributor to 5-year supply, many identified through UCS/SHLAA

Compelling evidence (3)

- In Maidstone completion rates have been high but PDL sites are not materialising at same rates as before
- So no compelling evidence that windfall sites will continue to provide a reliable source of supply
- Windfall rates are used in latter years of 20-year housing trajectories where supply less predictable

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Future 5-year supply

- At 1 April 2012 the council had 3.9 years deliverable housing land supply (including 300 dwellings from strategic sites)
- Using the same method, at 1 April 2013 the council has 4.2 years (including 931 dwellings from strategic sites)
- Sites granted permission since 1 April 2013 will be included when the calculation is rolled forward to 1 April 2014 – together with another year's target

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Conclusions

- A robust methodology is used to calculate a 5-year deliverable supply of housing land
- No compelling evidence windfall sites will continue to materialise at previous rates
- A 5-year supply cannot be demonstrated at 1 April 2012 or at 1 April 2013
- Regular and rigorous monitoring of 5-year housing land supply will continue

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MAIDSTONE BOROUGH COUNCIL

**Extraordinary Planning, Transport and Development Overview
& Scrutiny Committee**

**MINUTES OF THE MEETING HELD ON THURSDAY 26 SEPTEMBER
2013**

Present: Councillor Collins (Chairman), and
Councillors Burton, Lusty, McLoughlin, Moriarty,
B Mortimer, Springett, Vizzard and Mrs Wilson.

29. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEB-CAST.

RESOLVED: That all items be web-cast.

30. APOLOGIES.

It was noted that apologies had been received from Councillors Chittenden, Munford, Ross, Mrs Watson and De Wiggondene.

31. NOTIFICATION OF SUBSTITUTE MEMBERS.

Councillors Vizzard, Moriarty, Lusty, B Mortimer and Burton substituted for Councillors Chittenden, Munford, Ross, Mrs Watson and De Wiggondene respectively.

32. NOTIFICATION OF VISITING MEMBERS/WITNESSES.

There were no Visiting Members

33. DISCLOSURES BY MEMBERS AND OFFICERS.

There were no disclosures, however all Members asked that it be noted that they had been lobbied. In addition Councillor Burton requested that it be noted that he was a Member of Langley Parish Council.

34. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

35. URGENT ITEM: FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

The Chairman outlined the objective of the meeting as set out in the agenda papers and clarified the evidence the Committee had requested from the witnesses invited.

Councillor Ian Ellis and Keith Nicholson from Boughton Monchelsea Parish Council were invited to give evidence. It was clarified that Mr Nicholson was representing Boughton Parish Council as their Planning Advisor and had substantial experience in Local Government and later as a Consultant.

Mr Nicholson explained that a windfall allowance could be included in the Council's five year housing land supply. The Government required evidence of a consistent supply and an expectation of a reliable source in the future. He told the Committee that Maidstone Borough Council did not dispute this as they had included a windfall supply in their 20 year housing trajectory.

The Committee was directed to Boughton Monchelsea's report in the agenda papers (pages 17-23) and the methodologies put forward by PMC Planning and Tunbridge Wells Borough Council.

It was explained that the methodology to be put forward as evidence was a combination of PMC Planning's methodology which was based on a 'sectoral approach' and Tunbridge Wells's methodology which was to take a trend and moderate that figure by applying a 60% discount.

The Committee was referred to the figure of 1660 in table PMC1 from PMC Planning on page 44 of the agenda. This windfall allowance was based on past trends for the period 2001-2006 in Maidstone. A 60% discount was applied to the figure of 1660, leaving 660 housing units which the Committee was told was only marginally above Maidstone's windfall yield for the previous year, of 630 housing units. The Committee was informed that 660 housing units would meet the Council's housing short fall of 370 and provide an oversupply for its five year housing land supply calculation.

Mr Nicholson concluded that there was no justification in lifting the embargo on strategic sites. By adopting the officer's approach and ignoring a windfall allocation the Council would be accelerating its use of a scarce resource.

Members highlighted the need to include a figure for non-completed planning applications in a methodology, if a windfall allocation was to be included. They questioned the impact that this would have on the five year housing land supply calculation if, for example, a 5% discount was applied and whether this would in fact leave the Council in a worse position overall.

The Committee focused on some of the terminology that had been used when describing windfall such as 'impossible to predict'. Some Members felt that this suggested a lack of certainty and that it was certainty that they were looking for in their scrutiny of methodology.

The Chairman invited James Stevens, a Strategic Planner from the Home Builders Federation (HBF), to provide the Committee with another perspective on windfall allocation. Mr Stevens explained that the HBF was a trade organisation that represented a wide range of organisations. As a

Strategic Planner he had been involved with approximately thirty Local Plans across the country and eighteen under the new Government legislation.

He provided the Committee with his opinion on the inclusion of windfall, making the following points for its consideration:

- The Council had undertaken a robust SHLAA, the results of which would feed into its five year housing land supply;
- Paragraph 48 of the NPPF guidelines did state that a windfall allowance could be included where there was 'compelling evidence' to do so;
- When the Local Plan came forward for examination by the Planning Inspectorate it would be looking at the deliverability of development, adding that the NPPF placed greater emphasis on this, especially in the first five years following its adoption;
- He explained that the risk with including a windfall allocation was that it could materialise but it may not;
- The risk was further emphasised by running the possibility of losing at appeal if unable to convince the inspector that a windfall allocation was deliverable.

Mr Stevens told the Committee that by not basing the housing land supply on certainty they were selling their residents short. A windfall allowance provided less certainty as to where sites would be.

Members raised questions about Greenfield sites and the danger of not including a windfall allocation in to protect these sites.

Mr Stevens responded by explaining that the five year housing land supply had to demonstrate a deliverable, rolling five year housing land supply. If a site was sustainable it would have to come forward and it was better to be in a position of certainty overall.

36. ADJOURNMENT OF MEETING

The meeting was adjourned from 2.30 p.m. to 2.40 p.m. to allow the Committee, witnesses and the public a comfort break.

37. URGENT ITEM: FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

Rob Jarman, Head of Planning and Development and Emma Boshell Planning Officer, Spatial Planning were invited to provide evidence of Maidstone Borough Council's methodology and judgements in relation to future trends which had resulted in its decision not to include windfall sites in its five year housing land supply. Their presentation is attached at Appendix A.

Mr Jarman confirmed that Maidstone Borough Council had included a windfall allowance in its 20 year housing trajectory

The Officers presented two tables at the conclusion of their presentation, Scenario 1 and Scenario 2 (Appendix B). Scenario 1 was Maidstone Borough Council's current methodology in calculation of its five year housing land supply and Scenario 2 showed the option for an inclusion of a pure windfall allowance and non-implementation rate in its methodology. The result of including a pure windfall allowance and a non-implementation rate as part of that methodology was shown; the Council's Housing Land Supply would be reduced from 4.2 years to 4.1 years.

It was confirmed to the Committee that every windfall site that came forward was included in the Council's land supply, every permission down to a single dwelling, once planning permission had been granted.

Careful monitoring was undertaken throughout the year. On 1st April each year the number of windfall sites that had come forward and resulted in a planning permission would be calculated along with a deduction for the number of 'non-completed' applications.

The need for accuracy was stressed to the Committee and was illustrated by Maidstone Borough Council's approach to including a windfall site, once planning permission had been granted.

38. ADJOURNMENT OF MEETING

The meeting was adjourned from 4.10 p.m. to 4.25 p.m. to allow the Committee, witnesses and the public a comfort break.

39. URGENT ITEM: FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

Members deliberated on the evidence they had heard put forward in relation to Maidstone Borough Council's methodology and judgements in the calculation of its five year housing land supply and whether or not a windfall allowance should be included.

The Committee felt that a mid year review, ahead of 1st April 2014, of the Council's current permitted planning applications, windfall sites and non-completions would help provide an accurate indication of where the Council was with regards to its five year housing land supply currently.

It also felt that a recommendation should be made to see what could be done to protect any site from inappropriate development whilst the Council did not have a five year housing land supply.

The Committee's Vice-Chairman raised an issue from the previous meeting regarding a request for information that had been made by an absent member of the Committee that was not taken forward as a recommendation.

The information requested was advice from Maidstone Borough Council's counsel that was privileged and therefore not available in the public domain. The Vice-Chairman confirmed that she and the Committee's Chairman had made a request to the Monitoring Officer to view the document and could confirm that the document was not relevant to the meeting's business. It was clarified that any Member of the Council could make a request to the Monitoring Officer to view the document in question.

RESOLVED: That it would make the following recommendations to Council:

1. It endorse the methodology and judgments made thus far for calculating the five year housing land supply;
2. The Planning, Transport and Development Overview and Scrutiny Committee be updated at a midyear point on permitted planning applications, windfall sites and non-completions to assess where we are with regards to the five year housing land supply; and
3. Officers be instructed to investigate urgently what can be done to protect any site from inappropriate development whilst we do not have a five year housing land supply.

40. DURATION OF MEETING.

1 p.m. to 5.30 p.m.

20 year housing trajectory

as of 1 April 2013



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Diagram illustrates 4 points:

- 1) 20 year housing trajectory
- 2) 5 year housing land supply within trajectory provides certainty for that **rolling** period
- 3) An allowance for windfalls is included in the last five years
- 4) Housing target 2011-2031

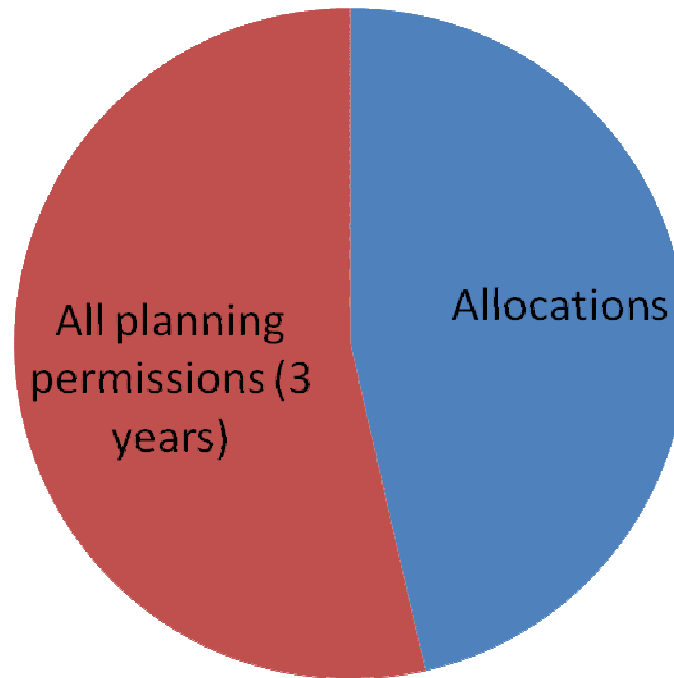


Five year housing land supply calculations

	Requirement	dwellings
1	Total 20 year housing requirement	11,080
2	Dwellings already built	-4,880
3	Requirement 2013 to 2026	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013 to 2018 (501x5 years)	2,505
	Supply	
8	5-year housing land supply 2013 to 18	2,135
	5-year housing land supply position at 1 April 2013	
9	Shortfall in housing land supply	-370
10	Percentage housing land supply (2,135 as a % of 2,505)	85.2%
11	Number of years housing land supply (2,135÷501)	4.2 years

2013 total housing land supply

Proportion of guaranteed allocations and permissions



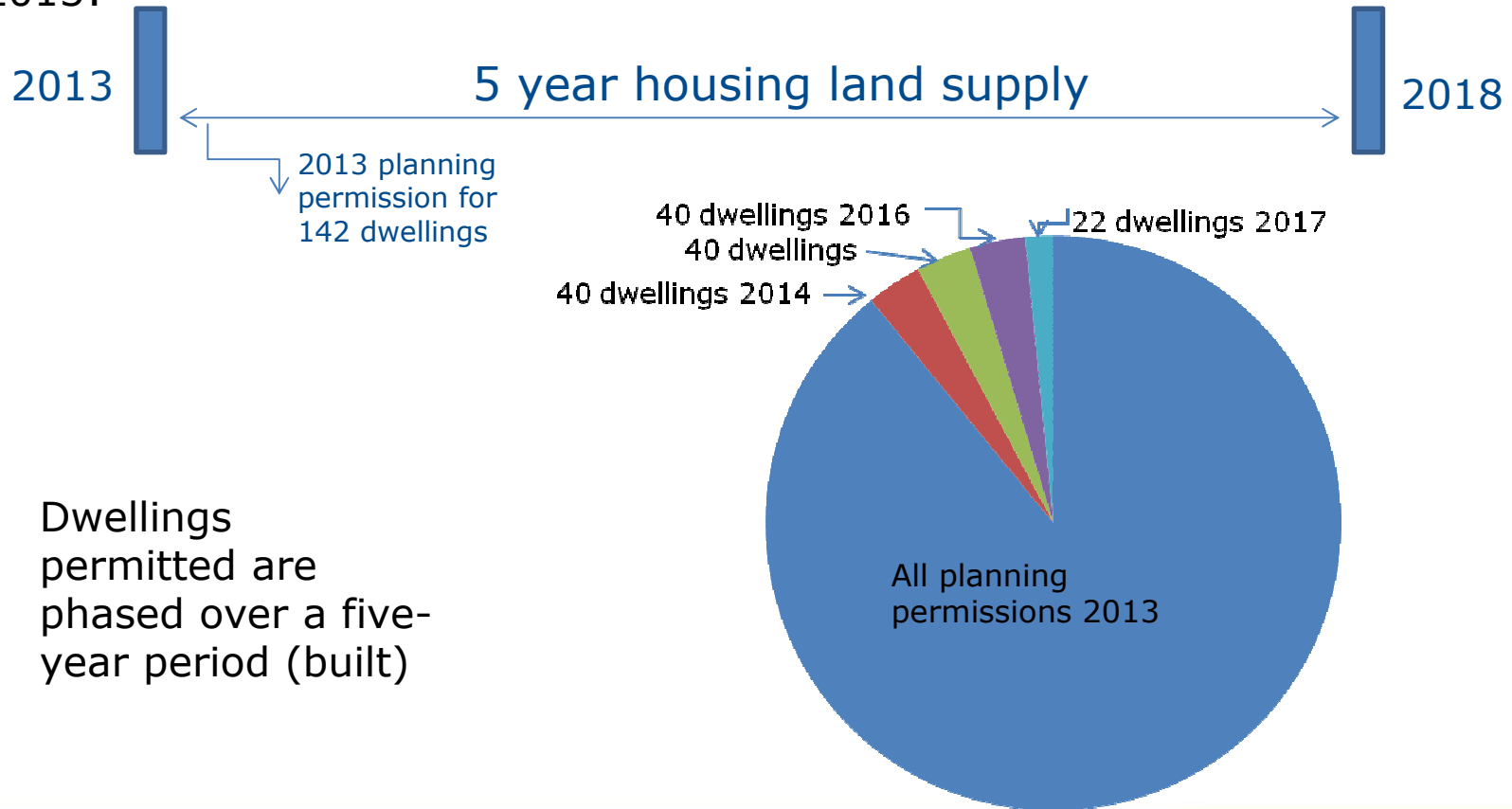
Requirement = 2,505
Supply = 2,135
Deficit = 370

As of 1 April 2013

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We already include windfalls

Here's a current example using the Maidstone TV studios, as of 1 April 2013:



Dwellings permitted are phased over a five-year period (built)

But what about 'pure' windfalls?

→ Why not include a windfall allowance now?

- 5 year supply uses permissions (down to 1 dwelling) and allocations (down to 5 dwellings) - this is the most compelling figure and provides certainty within the 20 year trajectory
- Windfall and non-implementation rates are risky and cannot be objectively assessed
- Windfall permissions won't be lost because we include them in the rolling 5 year supply
- The bigger the windfall allowance in the last 5 years of the trajectory (2026-2031) = less need to allocate land
- We include review points within the Local Plan and through annual monitoring

3

5 year housing land supply calculations (1 April 2013)

SCENARIO 1 – current methodology

	Requirement	Number of dwellings
1	Total 20 year housing requirement	11,080
2	Dwellings already built	-4,880
3	Requirement April 2013 to April 2026	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013 to 2018 (501x5 years)	2,505
Supply		
8	5-year housing land supply 2013 to 2018	2,135
5-year housing land supply position at 1 April 2013		
9	Shortfall in housing land supply	-370
10	Percentage housing land supply (2,135 as a % of 2,505)	85.2%
11	Number of years housing land supply (2,135÷501)	4.2 years

1.1 The methodology for this calculation involves measuring the council's supply of housing land against the requirement.

1.2 The requirement is 2,505 for 2013-2018. Points 1-7 above demonstrate the methodology.

1.3 The supply is 2,135 for 2013-2018, calculated from three sources:

- Planning permissions that are yet to be implemented (1,144);
- Strategic site allocations approved for development management purposes on 13 March 2013 (931); and
- Saved greenfield allocations from the Maidstone Borough Wide Local Plan 2000 (60).

1.4 The shortfall between the requirement and supply figures is 370 units, which equates to 85.2% or 4.2 years housing land supply.

1.5 This scenario excludes a windfall allowance and non-implementation rate for the following reasons:

- All planning permissions are monitored annually (1+ dwellings);
- All allocations are monitored annually (5+ dwellings);
- As such, there is a high degree of accuracy and certainty;
- Windfall sites are included in the 5 year supply as they are picked up as planning permissions; and
- The inclusion of a windfall allowance and non-implementation rate present risk and can potentially impact the deliverability of the 5-year supply.

SCENARIO 2 – inclusion of a pure windfall allowance and non-implementation rate

	Requirement	Number of dwellings
1	Total 20 year housing requirement	11,080
2	Dwellings already built	-4,880
3	Requirement April 2013 to April 2026	6,200
4	Annual target (6,200÷13 years to end of plan period)	477
5	Add 5% buffer per NPPF requirement (477x5%)	24
6	Annual target including 5% buffer	501
7	5 year dwelling target 2013 to 2018 (501x5 years)	2,505
Supply		
8a	Planning permissions and allocations	2,135
8b	Pure windfall allowance	301
8c	Non-implementation rate	-361
8d	5-year housing land supply 2013 to 2018	2,075
5-year housing land supply position at 1 April 2013		
9	Shortfall in housing land supply	-430
10	Percentage housing land supply (2,075 as a % of 2,505)	82.8%
11	Number of years housing land supply (2,075÷501)	4.1 years

2.1 The methodology for this calculation remains the same as scenario 1, except for the inclusion of a pure windfall allowance and non-implementation rate. These have been calculated based on historic trends (see Figure 1) and therefore is not an accurate prediction of the future.

2.2 For the pure windfall allowance, completion data for the last 5 years is filtered to remove greenfield sites, previously identified sites, Urban Capacity Study 2002 and 2006 sites, SHLAA 2009 sites and allocations from the MBWLP 2000.

2.3 For the non-implementation rate, a list of expired planning permissions for the last 5 years is generated, which demonstrates the units that have not been built.

2.4 The annual averages of both sets of data are then multiplied by 5 years for inclusion in the 5 year housing land supply calculations.

Year	Number of completed units on pure windfall sites that year	Number of expired units that year
2008/09	6	65
2009/10	3	57
2010/11	15	83
2011/12	126	134
2012/13	151	22
Total	301	361
Annual average	60.2	72.2

Figure 1

MAIDSTONE BOROUGH COUNCIL

PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW AND SCRUTINY COMMITTEE

15 OCTOBER 2013

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Darren Bridgett

1. COMMUNITY INFRASTRUCTURE LEVY

1.1 Key issue for decision

1.1.1 There are two issues for consideration/decision.

1.1.2 Issue 1. To note the progress made in determining the basis for the council to charge a Community Infrastructure Levy (CIL), including the justification for charging by development type and by development location.

1.1.3 Issue 2. To consider the guidelines upon which the council determines the infrastructure to be included on the list of relevant infrastructure.

1.2 Recommendations of the Head of Planning and Development

1.2.1 There are two recommendations.

1.2.2 Recommendation 1

That the Planning, Transport and Development Overview and Scrutiny Committee (PTD OSC) notes the progress made in determining the basis for the council to charge a CIL, including the justification for charging by development type and by development location.

1.2.3 Recommendation 2

That the PTD OSC recommends that the Cabinet Member for Planning, Transport and Development approves the guidelines for determining which infrastructure is included on the list of relevant infrastructure, as set out in this report.

1.3 Reasons for recommendation

1.3.1 Recommendation 1

On 16 May 2012 Cabinet confirmed its commitment to develop and charge a CIL. The council has since commissioned consultants Peter Brett Associates (PBA), to undertake viability testing of the local plan and to identify how the CIL could be applied in the borough. This testing forms the basis for the preliminary draft charging schedule (PDCS), which is currently being developed. The progress developing the PDCS is outlined in this report.

- 1.3.2 Recommendation 2
Regulation 123 of The Community Infrastructure Levy Regulations 2010 requires that a 'list of relevant infrastructure', commonly referred to as the 'regulation 123 list', is drawn up to identify which infrastructure CIL will be used to fund. If the list is not drawn up, it is assumed that CIL pays for all infrastructure, which would mean that section 106 (s106) obligations no longer had a role to play. It is proposed that a standardised, although not concrete, approach is used to identify which infrastructure is 'relevant', to promote consistency, transparency and a basis for future additions to the list.
- 1.3.3 Background and introduction
- 1.3.4 Recommendation 1: noting CIL progress to date
In May 2012 Cabinet confirmed its commitment to develop and charge a CIL. To support the approach adopted by this decision, the council commissioned PBA to undertake viability testing of the local plan. The work would assess the cumulative plan viability and specific site viability (including generic sites representing possible future developments), which would in turn provide the basis for specific CIL charges. The commissioning process was undertaken in co-operation with Swale Borough Council.
- 1.3.5 The basis for testing was, at the time, the emerging Core Strategy – now the Maidstone Borough Local Plan. The Core Strategy was consulted on in 2011 and included spatial and core policies, which outlined the types of development expected to come forward during the plan period. The 2011 document helped to determine which non-residential developments were likely to come forward. PBA used this information, and their experience, to develop a number of generic non-residential development scenarios.
- 1.3.6 At the time of commissioning (summer 2012), the council was preparing a strategic site allocations consultation document with the ultimate intention that following a successful consultation, the sites in this document would be amalgamated with the Core Strategy consulted on nine months earlier. The strategic site allocations provided the basis for more specific site viability testing. The Strategic Housing Land Availability Assessment

(SHLAA) 2009 provided an understanding of the availability of sites elsewhere in the borough – this understanding formed the basis for a number of generic site viability assessments, particularly in rural areas where no allocations had been proposed.

1.3.7 Understanding the balance of costs

Where development types and development locations have been assessed for their potential viability, a number of factors have been considered. These are the costs that local policy might place on a development. The proposed costs that the council is seeking to implement through its plan are:

- Affordable housing
 - CIL contributions
 - S106 contributions
- and
- Sustainable construction standards

For the purposes of testing, sustainable construction standards were set as per proposed policy CS6 (approved for further consultation at 13 March 2013 Cabinet). The reason for this was to strike a reasonable balance between sustainability considerations and other costs – the purpose of viability testing is not to test every eventuality, but a reasonable selection of scenarios. This means that there is a balance to be struck between the remaining three elements. If, for example, the affordable housing cost increases, then there will be less funding available for CIL and s106 contributions and vice versa.

1.3.8 Marginal viability

For a development to be considered viable on a given site, there needs to be a reasonable prospect that the landowner can make money above the existing use value of the site, otherwise he/she is unlikely to sell it to a developer. The value above the existing value, to make the prospect of sale more attractive, is referred to as the uplift. For the purposes of the viability testing, this uplift is 40% on top of the existing use value. If, after the potential development value is calculated, and the development costs are subtracted, there is enough value left to meet the existing use value, but not enough to meet the uplift on top of that value, the site is considered marginal in viability terms.

1.3.9 Local Plan viability testing – evidence document

The Local Plan viability testing was published on the council website in August 2013, following a members presentation in July 2013. The viability testing differentiates by development type and by development location. It is important to note that development types for the purposes of CIL/viability testing do not necessarily

reflect development types identified in the Use Class Order (as amended in 2013).

1.3.10 Residential CIL

Following how testing scenarios were derived for residential development, a broad categorisation became apparent. Policy recommendations, following this categorisation, were split as follows:

- Maidstone urban area (previously developed land)
- Maidstone urban and urban periphery (greenfield), and garden land
- Rural and rural settlements

1.3.11 Draft CIL rates proposed by PBA for residential development, by location, were:

- Maidstone urban area - £35 per m²
- Maidstone urban and urban periphery, and garden land - £84 per m²
- Rural and rural settlements - £105 per m²

Note: the draft CIL rates that PBA proposed were based on having adopted equivalent affordable housing rates of:

- 20%
- 25%
- 40%

At Cabinet on 13 March 2013, policy CS10 (affordable housing) was approved for further consultation, with varied affordable housing targets of:

- 15%
- 30%
- 40%

The PBA proposed CIL rates also assume a split between CIL and s106 obligations of 70%/30%.

1.3.12 The council has sought to pursue different affordable housing targets for each location (from those suggested by PBA), and may seek to pursue a varied split between CIL and s106 funding, dependent on the information that comes forward through the infrastructure delivery plan (IDP). It is therefore still a part of the process for the council to decide how these variances, that is to say what is the most appropriate funding method for identified infrastructure needs, might affect the CIL rates that it proposes for consultation.

1.3.13 Non-residential CIL

Retail, although ostensibly one category, shows varying levels of viability. Where front running authorities have sought to charge different CIL rates, based on the type of retail assessed, they have found varying levels of success. The latest government consultation on CIL (ending May 2013) proposed that retail uses may be considered different to one another based on their size and impact on the local community. However, this has not yet been adopted by government.

Retail viability assessments (potential £ per m ²)	
Local/convenience	£189 per m ²
Supermarket	£260 per m ²
Retail warehousing	£276 per m ²
Superstore	£434 per m ²

1.3.14 All other non-residential development types tested showed only marginal viability, or in most cases, negative viability. Further information is available in the published evidence document Local Plan Viability Testing.

1.3.15 Translating evidence into policy

The next stage of CIL development at Maidstone is the preparation of, and consultation on, the preliminary draft charging schedule (PDCS). For the council to adopt CIL, it needs to prepare on this basis:

- Preliminary draft charging schedule – consultation
- Draft charging schedule (DCS) – consultation
- Submission to the Secretary of State
- Examination
- Adoption

1.3.16 The CIL preparation timetable is intended to follow the local plan preparation timetable. The timetables are aligned to allow the council to iterate between the requirements of the IDP and the rates at which CIL is set.

Local plan	CIL
Regulation 18	PDCS
Regulation 19	DCS
Submission to Secretary of State	Submission to Secretary of State
Examination	Examination
Adoption	Adoption

1.3.17 Officers are currently testing the implications of the proposed different CIL levels and how the delivery of infrastructure can be

programmed with the potential income flow that these levels might produce.

1.3.18 Recommendation 2: agreeing the guidelines for determining the list of relevant infrastructure

The list of relevant infrastructure provides a clear basis for the council and potential developers to know how infrastructure will be funded. The implication of knowing how infrastructure will be funded is that thought will also need to be given to how the infrastructure will be delivered. The council will in some cases, become its own delivery agent, that is, it may need to commission projects for the delivery of infrastructure, rather than relying on the developer to deliver. In other cases, such as highways, the delivery agent will remain Kent County Council and it will be for Maidstone Borough Council and Kent County Council to agree governance protocols for funding.

1.3.19 It is important to understand that as the plan period progresses, the need for infrastructure may change. When these changes occur, there should be guidelines for how any new infrastructure is funded – assuming a continuance of the CIL and s106 options. The advantages and disadvantages of CIL funding have been briefly considered earlier in this report, but the decision to include an infrastructure type or infrastructure project on the list of relevant infrastructure should also be guided by other factors, which are recommended below.

1.3.20 If it is strategic infrastructure

Where strategic infrastructure needs to be delivered, particularly on a borough wide basis, the pooling of contributions through CIL is likely to be the most feasible approach to do this. The need to prove a link to development, as per s106 obligations, will not be a restricting factor.

1.3.21 If the cost of the infrastructure is significant

Pooling restrictions may mean that five s106 obligations cannot sufficiently finance an identified infrastructure project. This is likely to be the case with strategic infrastructure.

1.3.22 If the number of development sites that should contribute to specific infrastructure exceeds the s106 pooling limit

There may be more than five development sites that should contribute to an infrastructure project. It is also not necessarily the case either that one site, as allocated, would be submitted to the council in one planning application, potentially increasing the number of s106 obligations further still.

1.3.23 If infrastructure contributions are determined by set standards

Where infrastructure is determined by standards, for example open spaces, that need to be adopted in policy (if the delivery method were usually s106 obligations), it may be more advantageous to collect CIL contributions and have the council deliver the infrastructure itself. This would bypass the need to strictly consult on and examine standards through the planning system (as per procedures set by planning regulations). This could offer flexibility in the long term for amending standards if considered necessary.

1.3.24 If the delivery of infrastructure is necessary before development proceeds

In some cases the delivery of infrastructure to enable a development or developments to proceed, might be necessary at an early stage, even prior to development proceeding. If the council has sufficient knowledge of this requirement, through detailed infrastructure planning in the IDP, it may be able to assist in the delivery of the infrastructure project, overcoming any funding/viability issues if they are likely to arise.

1.3.25 If applications are being submitted that require infrastructure based mitigation before the adoption of CIL

The list of relevant infrastructure will come into force when the CIL is adopted. For applications that are submitted prior to the adoption of CIL, the council will still need to seek infrastructure improvements using s106 obligations. Where it is the case that an infrastructure project needs to be, or can only be, delivered over a longer time period, potentially with high costs involved, the council has the option to split the infrastructure project into component parts. The council could, for example, continue to take s106 monies towards one phase of the project and then at an appropriate time, when that first phase has been delivered or commissioned, assuming that CIL has now come into force, place the second phase of the project onto the list. This would ensure that developers are not being required to pay twice for the same piece of infrastructure. As part of the ongoing administration of CIL, accounting procedures would need to be put into place to ensure transparency in situations such as this.

1.3.26 These factors are suggested as guidelines as to how the list of relevant infrastructure is determined. While in most cases, the council could reasonably apply these considerations to an infrastructure type or infrastructure project and determine if it is a suitable inclusion, there may be unforeseen circumstances that mean it is still more preferable to seek delivery through s106 obligations. The council should recognise this and in such circumstances seek clarification of the reasoning. The council should, in any case, retain the ability to apply flexibility in its administration of the CIL.

- 1.3.27 Future tasks – prioritising the list of relevant infrastructure
A significant implication of the CIL and the list of relevant infrastructure is that the council itself will collect the funds and make the decisions on distributing these funds. At Cabinet on 13 March 2013, the decision was made to prioritise infrastructure contributions, based on information in the IDP, as it stood at that time.
- 1.3.28 The final development (housing and employment) targets for the borough are still to be determined and agreed. The infrastructure requirements arising from any other proposed land allocations (beyond those agreed at Cabinet on 13 March 2013) will need to be factored in to the preparation of the list of relevant infrastructure and ultimately the council may need to review/reaffirm its decision relating to the prioritisation of infrastructure.
- 1.3.29 Capital programme
With the identification and agreement of development targets to be included in the Maidstone Borough Local Plan, the council will be able to estimate with a degree of accuracy the potential income that could be generated by the CIL. S106 income is more difficult to predict, because by its nature, an element of it will be based on developer negotiations. This would take account of potential variances in the CIL rate, affordable housing contributions and the amount of CIL passed to relevant parish councils and neighbourhood forums.
- 1.3.30 The receipts information will need to be phased (to understand timing) and read with the IDP requirements. This will allow the council to have a clearer understanding of when funds are likely to come in, where they are likely to come from and which decisions it is likely to need to make regarding the allocation of different sources of funding.
- 1.4 Alternative action and why not recommended
- 1.4.1 Cabinet has already confirmed its commitment to introduce a CIL for Maidstone. Much of this report addresses the process following that decision. The alternative action in this case relates to the issue of how the list of relevant infrastructure is populated.
- 1.4.2 Feasibly, the council could choose not to set guidelines for populating the list of relevant infrastructure. The council could choose a limited amount of infrastructure types or infrastructure projects to include on the list. The benefit of such an approach is simplicity, however, whereas CIL may be more simple, the

infrastructure requirements will still exist and would therefore need to be delivered through s106 obligations.

1.4.3 Continuing to use s106 obligations as the primary infrastructure delivery method could still be achievable, however, the national introduction of CIL has brought with it codified restrictions on s106 usage. These have been addressed in the main body of the report, but the essence is that s106 obligations:

- From 6 April 2014, can be pooled for a maximum of five agreements towards any one infrastructure type or infrastructure project, counting back to 6 April 2010
- Must be shown to reasonably relate to the development in question

1.4.4 The ability of the council to consistently collect CIL on all relevant developments means that it is not subject to there being a reasonable infrastructure requirement associated with a development. The existence of a link is significantly less likely with minor development proposals (because they are unlikely to cause a noticeable impact on local amenities) and even if it were so with each small development proposal, the administration cost of implementing so many legal obligations could outweigh the income generated by them.

1.5 Impact on corporate objectives

1.5.1 The adoption of CIL impacts on two of the corporate objectives.

1.5.2 **For Maidstone to have a growing economy** – the introduction of CIL, to support the local plan and IDP, will allow the council to predict with more certainty where infrastructure is required and when that infrastructure can be delivered. The increased confidence that this would foster would mean that the borough is a more attractive place to locate for residents and businesses.

1.5.3 **For Maidstone to be a decent place to live** – the local plan and IDP, which the introduction of CIL supports, are in essence tools to allow Maidstone Borough to continue to be a decent place to live.

1.6 Risk management

1.6.1 The risk in determining the list of relevant infrastructure is not getting the correct balance between CIL and s106. The council might propose too few infrastructure types or infrastructure projects, which could place an unachievable delivery requirement on the use of s106 obligations, given their inherent restrictions. Alternately, the council might place too many infrastructure types or infrastructure projects on the list, which means that there might

not be enough funding to support the list ever reasonably being delivered. Having too many types or projects listed may also mean that the council sets itself too demanding a task in terms of administration of CIL and the commissioning and delivery of infrastructure, before it has had the chance to gain the necessary experience of working with this system.

1.6.2 In both cases, the council would need to monitor the ongoing performance of infrastructure delivery, across CIL and s106 obligations. If infrastructure delivery is not proceeding as forecast, it may be that the list of relevant infrastructure needs to be changed. The council would need to make an informed decision and then consult on this. The type of consultation has not yet been specified in detail by government, however, it is anticipated that 30 days of consultation and a report to Cabinet would be the appropriate approach. In order to identify if such a situation were occurring, the council would need to monitor on a set basis, perhaps as part of its planning annual monitoring report, or as part of its financial monitoring, its own performance in this regard. It would then be for the officers to make recommendations to address any underperformance.

1.7 Other implications

1.7.1

1.	Financial	X
2.	Staffing	X
3.	Legal	X
4.	Equality impact needs assessment	
5.	Environmental/sustainable development	X
6.	Community safety	
7.	Human Rights Act	
8.	Procurement	X
9.	Asset management	X

1.7.2 **Financial** – the introduction and collection of the CIL, as well as infrastructure payments, will require new financial procedures to be implemented within the council.

- 1.7.3 **Staffing** – the ongoing administration of the CIL is likely to require dedicated staff support.
- 1.7.4 **Legal** – the council will need to implement internal and external governance arrangements in relation to the implementation of the CIL. The ongoing use of s106 obligations will also require legal input.
- 1.7.5 **Environmental/sustainable development** – the CIL will support the delivery of the Maidstone Borough Local Plan, aims and objectives. The plan is written to deliver environmental/sustainable development as a key aspect.
- 1.7.6 **Procurement** – the procurement arm of the council will need to guide the commissioning and delivery of relevant infrastructure.
- 1.7.7 **Asset management** – there are likely to be implications for the council’s own asset management as part of the delivery of infrastructure. The council may wish to implement procedures where assets are managed externally, however, this would need to be determined depending on which infrastructure types and infrastructure projects are delivered.
- 1.8 Relevant documents
- 1.9 None.
- 1.9.1 Appendices
- 1.9.2 Appendix 1 – Community Infrastructure Levy – background information.
- 1.9.3 Background documents
- 1.9.4 Local Plan Viability Testing, Maidstone Borough Council, 2013.
- 1.9.5 The Community Infrastructure Levy Regulations, 2010.
- 1.9.6 The Community Infrastructure Levy (Amendment) Regulations, 2013.
- 1.9.7 Report of the Director of Change, Planning and the Environment – Maidstone Borough Local Plan, to Cabinet, 13 March 2013.
- 1.9.8 Record of decision of the Cabinet – Maidstone Borough Local Plan, 13 March 2013.

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, this is a key decision because: It potentially affects all wards and parishes.

Wards/parishes affected: All wards and parishes.

Appendix 1 – Community Infrastructure Levy – background information

A1.1. Community Infrastructure Levy background

Community Infrastructure Levy (CIL) was introduced by the government as a means of infrastructure funding that would work alongside the existing system of section 106 (s106) obligations. CIL is intended to be the primary mechanism for funding new infrastructure, however, it is not intended to fully replace s106 obligations. A number of restrictions on the continued use of s106 obligations have been implemented as part of the introduction of CIL.

A1.2. CIL takes the form of a set charge (per m²) which is levied on all residential development, and on all non-residential development above 100m², some exemptions apply such as affordable housing and charities. Differentiations in the charge can be determined by development type or by development location. To justify a CIL the council must undertake viability testing of the development (types and locations) that it expects to come forward during the plan period. This will indicate whether development can sustain a CIL charge, or whether a nil rate (£0 per m²) should be set.

A1.3. Payment of CIL is non-negotiable, unlike s106 obligations.

A1.4. CIL/s106 split

The government intends that s106 obligations will still be used for site specific infrastructure, for example, an access road to a given development. This means that the council, in testing what money is available to fund infrastructure, needs to make a judgement on what is an acceptable balance between funds that will be delivered through CIL and funds that will be delivered through s106 agreements. If the council considers that it will still seek to deliver a proportion of infrastructure improvements through the use of s106 obligations then it should consider whether setting a high CIL rate will leave enough s106 monies to fund those improvements.

A1.5. S106 pooling limit

At 6 April 2014 (proposed, but not yet agreed, to be pushed back to 6 April 2015) a pooling limit of five will be applied to s106 obligations for the funding of a specific type of infrastructure or infrastructure project. The date at which the counting for this pooling limit began was 6 April 2010. If the council were to adopt CIL sooner, this limit would apply at the adoption date, the counting date would remain the same.

A1.6. List of relevant infrastructure (regulation 123 list)

A list of relevant infrastructure should be drawn up by the council. This list, also referred to as the regulation 123 list, is the list of infrastructure that the council intends to charge CIL for. Any

infrastructure that is on the list cannot be funded by section 106 obligations. The list of relevant infrastructure is distilled from the infrastructure delivery plan (IDP) – which details the infrastructure that the council, service providers and stakeholders deem necessary to support development proposed by the local plan.

A1.7. The range of available funding

Funding for infrastructure included in the IDP can come from a number of sources, including development funding. Other sources of funding that will be indicated in the IDP will include, but not be limited to; existing capital schemes/programmes (for example with waste water), block funding (for example in the local transport plan), other councils (for example where infrastructure needs cross the borough boundary) and other funding mechanisms, such as the Local Pinch Point fund or other such equivalents.

A1.8. If the council declines to draw up a list, it is assumed that all infrastructure will be funded by CIL, and none by s106.

A1.9. The council is not obliged, by including an infrastructure project or type on the list, to commit to funding it.

A1.10. Advantages/disadvantages

Among the primary benefits of CIL, is the fact that developers will have more certainty regarding what the likely cost of infrastructure contributions will be for any given development. In turn there is more transparency regarding the spending of CIL as it is specified solely to be spent on infrastructure. Another benefit is that CIL can be pooled for infrastructure projects that are not necessarily linked to a specific development, s106 obligations must relate specifically to the development that is being proposed.

A1.11. An alternate view is that some developers may wish to see infrastructure contributions spent specifically to enable the development which they are proposing. In essence, they will see the benefit of their own infrastructure contribution.

A1.12. Duty to pass CIL to local councils

If a neighbourhood plan has been adopted, the council is obliged by changes to the regulations, which came into force in 2013, to pass 25% of CIL receipts from development in the given area to the local council (parish councils in the case of Maidstone). If it is a non-parished area with a recognised neighbourhood forum and an adopted neighbourhood plan, the Borough Council will administer 25% of the CIL receipts from development in the given area on the behalf of the relevant forum.

- A1.13. Where no neighbourhood plan has been adopted, the council must pass on 15% of CIL receipts, subject to a cap equivalent to £100 per existing dwelling in the area.
- A1.14 If there is no recognised parish council or neighbourhood forum, the proceeds of the CIL would not be passed on, however, the council could still administer funds on behalf of local residents if it considered this the most appropriate way in which to proceed.

Agenda Item 9

Maidstone Borough Council

Planning, Transport and Development Overview and Scrutiny Committee

Tuesday 15 October 2013

Future Work Programme

Report of: Orla Sweeney, Overview & Scrutiny Officer

1. Introduction

- 1.1 To consider the Committee's future work programme.
- 1.2 To consider the information update given by the Chairman.

2. Recommendation

- 2.1 That the Committee considers the draft future work programme, attached at **Appendix A**, to ensure that it is appropriate and covers all issues Members currently wish to consider within the Committee's remit. Any items on the draft future work programme, highlighted in bold, are provisional items for the Committee to approve.
- 2.2 That the Committee considers the sections of the List of forthcoming decisions relevant to the Committee at **Appendix B** and discuss whether these are items require further investigation or monitoring by the Committee.
- 2.3 That the Committee considers its continuous professional development needs and recommends possible training or development sessions it would like to undertake.

3 Future Work Programme

- 3.1 Throughout the course of the municipal year the Committee is asked to put forward work programme suggestions. These suggestions are planned into its annual work programme. Members are asked to consider the work programme at each meeting to ensure that it remains appropriate and covers all issues Members currently wish to consider within the Committee's remit.
- 3.2 The Committee is reminded that the Constitution states under Overview and Scrutiny Procedure Rules number 9: Agenda items that 'Any Member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the proper officer that he wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.'

4 List of Forthcoming Decisions

- 4.1 The List of Forthcoming Decisions (**Appendix B**) is a live document containing all key and non-key decisions.
- 4.2 Due to the nature of the List of Forthcoming Decisions, and to ensure the information provided to the Committee is up to date, a verbal update will be given at the meeting by the Chairman. The Committee can view the live document online at:
<http://meetings.maidstone.gov.uk/mgListPlans.aspx?RPId=443&RD=0>

5. Impact on Corporate Objectives

- 5.1 The Committee will consider reports that deliver against the following Council priority:
- 'Corporate and Customer Excellence'.
- 5.2 The Strategic Plan sets the Council's key objectives for the medium term and has a range of objectives which support the delivery of the Council's priorities.

Planning, Transport and Development Overview and Scrutiny Committee Work Programme 2013-14

Meeting Date	Agenda Items	Details and desired outcome
18 June 2013	<ul style="list-style-type: none"> • Appointment of Chairman and Vice-Chairman • Leader & Cabinet Member Priorities for 2013/14 Municipal Year • Maidstone Landscape Character Assessment • Work Programming Workshop 2013-14 	<ul style="list-style-type: none"> • Appoint Chairman and Vice-Chairman for 2013-14 • Ascertain work plan for the year and strategic direction for the Council & Select and develop review topics focusing on achievable outcomes.
23 July 2013	CANCELLED	CANCELLED
20 August 2013	<ul style="list-style-type: none"> • Development Management Policies for Local Plan • Public Consultation Approach for the Maidstone Local Plan 	<ul style="list-style-type: none"> • To consider the reports and information presented and make recommendations as appropriate.
TRAINING 28 August 2013	<ul style="list-style-type: none"> • PowerPoint presentation to explain the methodologies behind the SHMA/SLAA/SEDLAA and how the Sustainability Appraisal fits into the process 	<ul style="list-style-type: none"> • Background and preparation for the September and October meetings
17 September 2013	SPECIAL MEETING to act on the instruction of the extraordinary Council meeting on 2 September 2013 to the Planning, Transport and Development Overview and Scrutiny Committee	<ul style="list-style-type: none"> • The Committee to update Council on 18 September
	EXTRAORDINARY MEETING. A second, follow up meeting to hear further evidence from Boughton Monchelsea Parish Council and Maidstone to enable the committee to make a recommendation in response to Council's instruction.	<ul style="list-style-type: none"> • To respond to Council's instruction.
15 October 2013	<ul style="list-style-type: none"> • Infrastructure Delivery Plan 	<ul style="list-style-type: none"> • To consider the reports and information presented and make recommendations as appropriate.
19 November 2013	<ul style="list-style-type: none"> • Green and Blue Infrastructure Strategy; and • Mid-Year Five Year Housing Land Supply 	<ul style="list-style-type: none"> • To consider the reports and information presented and make recommendations as appropriate.
17 December 2013	<ul style="list-style-type: none"> • To be confirmed 	

21 January 2014		
18 February 2014		
18 March 2014	<ul style="list-style-type: none">• Key issues on the Local Plan arising from representations made during the public consultation.	
15 April 2014	<ul style="list-style-type: none">• Evaluations of Cabinet Member Priorities for 2013/14 Municipal Year	



LIST OF FORTHCOMING DECISIONS

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Democratic Services Team
E: democraticservices@maidstone.gov.uk

Publication Date: **4 October 2013**

List of Forthcoming Decisions

INTRODUCTION

This document sets out the decisions to be taken by the Executive and various Committees of Maidstone Borough Council on a rolling basis. This document will be published as updated with new decisions required to be made.

KEY DECISIONS

A key decision is an executive decision which is likely to:

- Result in the Maidstone Borough Council incurring expenditure or making savings which is equal to the value of £250,000 or more; or
- Have significant effect on communities living or working in an area comprising one or more wards in Maidstone.

At Maidstone Borough Council, decisions which we regard as “Key Decisions” because they are likely to have a “significant” effect either in financial terms or on the community include:

- (1) Decisions about expenditure or savings which equal or are more than £250,000.
- (2) Budget reports.
- (3) Policy framework reports.
- (4) Adoption of new policies plans, strategies or changes to established policies, plans or strategies.
- (5) Approval of portfolio plans.
- (6) Decisions that involve significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether Borough-wide or in a particular locality.
- (7) Changes in fees and charges.
- (8) Proposals relating to changes in staff structure affecting more than one section.

Each entry identifies, for that “key decision” –

- the decision maker
- the date on which the decision is due to be taken
- the subject matter of the decision and a brief summary
- the reason it is a key decision
- to whom representations (about the decision) can be made

List of Forthcoming Decisions

- whether the decision will be taken in public or private
- what reports/papers are, or will be, available for public inspection

EXECUTIVE DECISIONS

The Cabinet collectively makes its decisions at a meeting and individual portfolio holders make decisions independently. In addition, Officers can make key decisions and an entry for each of these will be included in this list.

DECISIONS WHICH THE CABINET INTENDS TO MAKE IN PRIVATE

The Cabinet hereby gives notice that it intends to meet in private after its public meeting to consider reports and/or appendices which contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). The private meeting of the Cabinet is open only to Members of the Cabinet, other Councillors and Council officers.

Reports and/or appendices to decisions which the Cabinet will take at its private meeting are indicated in the list below, with the reasons for the decision being made in private. Any person is able to make representations to the Cabinet if he/she believes the decision should instead be made in the public Cabinet meeting. If you want to make such representations, please email janetbarnes@maidstone.gov.uk. You will then be sent a response in reply to your representations. Both your representations and the Executive's response will be published on the Council's website at least 5 working days before the Cabinet meeting.

ACCESS TO CABINET REPORTS

Reports to be considered at the Cabinet's public meeting will be available on the Council's website (www.maidstone.gov.uk) a minimum of 5 working days before the meeting.

HOW CAN I CONTRIBUTE TO THE DECISION-MAKING PROCESS?

The Council actively encourages people to express their views on decisions it plans to make. This can be done by writing directly to the appropriate Officer or Cabinet Member (details of whom are shown in the list below).

Alternatively, the Cabinet are contactable via our website (www.maidstone.gov.uk) where you can submit a question to the Leader of the Council. There is also the opportunity to invite the Leader of the Council to speak at a function you may be organising.

List of Forthcoming Decisions

WHO ARE THE CABINET?



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Leader of the Council
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Tel: 07903 113571



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Councillor Stephen Paine
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Councillor Malcolm Greer
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Councillor John A Wilson
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List of Forthcoming Decisions

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary:	Key Decision and reason (if applicable):	Contact Officer:	Public or Private (if Private the reason why)	Documents to be submitted (other relevant documents may be submitted)
Licensing Committee Due Date: Monday 7 Oct 2013	Hackney Carriage Licence - Unmet Demand Survey To consider the outcomes of the Unmet Demand Survey into the numbers of Hackney Carriage Licenses		John Littlemore, Head of Housing & Community Services johnlittlemore@maidstone.gov.uk	Public	Hackney Carriage Licence - Unmet Demand Survey
Licensing Committee Due Date: Monday 7 Oct 2013	New Scrap Metal Dealers Act 2013 New Scrap Metal Dealers Act 2013		John Littlemore, Head of Housing & Community Services johnlittlemore@maidstone.gov.uk	Public	New Scrap Metal Dealers Act 2013
Licensing Committee Due Date: Monday 7 Oct 2013	Local Code of Good Conduct in relation to Licensing Matters Licensing Code of Conduct		John Littlemore, Head of Housing & Community Services johnlittlemore@maidstone.gov.uk	Public	Local Code of Good Conduct in relation to Licensing Matters
Licensing Committee Due Date: Monday 7 Oct 2013	Licensing Partnership Licensing Partnership update		John Littlemore, Head of Housing & Community Services johnlittlemore@maidstone.gov.uk	Public	Licensing Partnership

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
Licensing Committee Due Date: Monday 7 Oct 2013	Hackney Carriage Unmet Demand Survet - Letter A2Z Licensing Response to matters raised by A2Z Licensing in respect of the Unmet Demand Survey		Lorraine Neale lorraineneale@maidsstone.gov.uk	Public	Hackney Carriage Unmet Demand Survet - Letter A2Z Licensing
 Licensing Committee Due Date: Monday 7 Oct 2013	DBS Check changes Changes to the DBS checks in relation to Hackney/Carriage/Private Hire Drivers		Lorraine Neale lorraineneale@maidsstone.gov.uk	Public	DBS Check changes
Licensing Act 2003 Committee Due Date: Monday 7 Oct 2013	Delegation of Functions To recommend to Council a minor amendment to the delegations to the Committee		John Littlemore, Head of Housing & Community Services johnlittlemore@maidsstone.gov.uk	public	Delegation of Functions
Licensing Act 2003 Committee Due Date: Monday 7 Oct 2013	Licensing Partnership Licensing Partnership update		John Littlemore, Head of Housing & Community Services johnlittlemore@maidsstone.gov.uk	Public	Licensing Partnership

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Licensing Act 2003 Committee</p> <p>Due Date: Monday 7 Oct 2013</p>	<p>Local code of good conduct for councillors and officers dealing with licensing matters</p> <p>Local code of good conduct for councillors and officers dealing with licensing matters</p>		<p>Lorraine Neale lorraine.neale@maidstone.gov.uk</p>	<p>public</p>	<p>Local code of good conduct for councillors and officers dealing with licensing matters</p>
<p>Cabinet</p> <p>Due Date: Wednesday 9 Oct 2013</p>	<p>Budget Strategy 2014 15 Onwards Capital</p> <p>To determine the strategy for developing the future Capital Programme, for 2014/15 onwards, as part of the consideration of the Medium Term Financial Strategy (MTFS).</p>	<p>KEY Reason: Budget Reports</p>	<p>Paul Riley, Head of Finance & Customer Services paul.riley@maidstone.gov.uk</p>	<p>Public</p>	<p>Budget Strategy 2014 15 Onwards Capital</p>

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet Member for Corporate Services</p> <p>Due Date: Before Friday 11 Oct 2013</p> <p style="text-align: center; font-size: 2em;">91</p>	<p>MKIP - Joint Environmental Health and Planning System Contract</p> <p>To seek approval for Maidstone to enter into a 5 year contract with the successful tenderer of the Joint Environmental Health and Planning System procurement on behalf of Maidstone, Swale and Tunbridge Wells Borough Councils</p>	<p>KEY Reason: Expenditure > £250,000</p>	<p>Ryan O'Connell ryanoconnell@maidstone.gov.uk</p>	<p>Public</p>	<p>MKIP - Joint Environmental Health and Planning System Contract</p>
<p>Cabinet Member for Corporate Services</p> <p>Due Date: Friday 25 Oct 2013</p>	<p>Discretionary Housing Payment</p> <p>Future policy for the award of discretionary housing payments.</p>		<p>Stephen McGinnes stephenmcginnes@maidstone.gov.uk</p>	<p>Public</p>	<p>Discretionary Housing Payment</p>

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet</p> <p>Due Date: Tuesday 22 Oct 2013</p> <p style="text-align: center; font-size: 2em;">92</p>	<p>Maidstone Borough Local Plan Public Consultation Draft</p> <p>Cabinet approval to undertake public consultation on the draft Maidstone Borough Local Plan (under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012)</p>	<p>KEY Reason: Affects more than 1 ward</p>	<p>Rob Jarman, Head of Development Management Robjarman@maidstone.gov.uk</p>	<p>Public</p>	<p>Maidstone Borough Local Plan Public Consultation Draft</p>
<p>Cabinet</p> <p>Due Date: Tuesday 22 Oct 2013</p>	<p>Integrated Transport Strategy 2011-31</p> <p>To consider the Integrated Transport Strategy 2011-31 for public consultation</p>	<p>KEY Reason: Affects more than 1 ward</p>	<p>Rob Jarman, Head of Development Management Robjarman@maidstone.gov.uk</p>	<p>Public</p>	<p>Integrated Transport Strategy 2011-31</p>

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet Member for Planning, Transport and Development</p> <p>Due Date: Friday 25 Oct 2013</p> <p>06</p>	<p>Harrietsham Neighbourhood Plan</p> <p>To consider Harrietsham Parish Council's draft neighbourhood plan and determine its suitability to go forward for public consultation</p>	<p>KEY Reason: Policies, Plans, Strategies</p>	<p>Rob Jarman, Head of Development Management Robjarman@maidstone.gov.uk</p>	<p>Public</p>	
<p>Cabinet Member for Economic and Commercial Development</p> <p>Due Date: Before Friday 25 Oct 2013</p>	<p>Maidstone Enterprise Hub</p> <p>To allocate up to £700,000 from Capital Programme to establish an Enterprise Hub in Maidstone Town Centre.</p>	<p>KEY Reason: Expenditure > £250,000</p>	<p>John Foster, Economic Development Manager johnfoster@maidstone.gov.uk</p>	<p>Public</p>	<p>Maidstone Enterprise Hub</p>


Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet Member for Corporate Services</p> <p>Due Date: Friday 25 Oct 2013</p>	<p>Lease of Giddyhorn Lane Tennis Courts</p> <p>Lease renewal to Maidstone Lawn Tennis Club of the tennis courts at Giddyhorn Lane Playing Fields</p>		<p>Lucy Stroud lucystroud@maidstone.gov.uk</p>	<p>Private because of commercially sensitive information.</p>	<p>Lease of Giddyhorn Lane Tennis Courts</p>
<p>Cabinet Member for Planning, Transport and Development</p> <p>Due Date: Friday 1 Nov 2013</p>	<p>Community Infrastructure Levy</p> <p>Progress report on the Community Infrastructure Levy, including principles for populating the regulation 123 list.</p>		<p>Rob Jarman, Head of Development Management Robjarman@maidstone.gov.uk</p>	<p>Public</p>	<p>Community Infrastructure Levy</p>
<p>Cabinet Member for Community and Leisure Services</p> <p>Due Date: Thursday 7 Nov 2013</p>	<p>Health Inequalities Action Plan</p> <p>Action plan detailing work on reducing health inequalities in Maidstone</p>	<p>KEY Reason: Affects more than 1 ward</p>	<p>John Littlemore, Head of Housing & Community Services johnlittlemore@maidstone.gov.uk</p>	<p>Public</p>	<p>Health Inequalities Action Plan</p>

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet</p> <p>Due Date: Wednesday 13 Nov 2013</p> <p style="text-align: right;">95</p>	<p>Regeneration and Economic Development Plan Consultation</p> <p>To consider the draft Regeneration and Economic Development Plan for the Borough and agree its release for public consultation.</p>	<p>KEY</p> <p>Reason: Affects more than 1 ward</p>	<p>John Foster, Economic Development Manager</p> <p>johnfoster@maidstone.gov.uk</p>	<p>Public</p>	<p>Regeneration and Economic Development Plan Consultation</p>
<p>Cabinet</p> <p>Due Date: Wednesday 13 Nov 2013</p>	<p>MAIDSTONE BOROUGH LOCAL PLAN PUBLIC CONSULTATION DRAFT – GROUP 2 POLICIES</p> <p>Group 2 of the Development Management Policies</p>	<p>KEY</p> <p>Reason: Policies, Plans, Strategies</p>	<p>Rob Jarman, Head of Development Management</p> <p>Robjarman@maidstone.gov.uk</p>	<p>Public</p>	<p>MAIDSTONE BOROUGH LOCAL PLAN PUBLIC CONSULTATION DRAFT – GROUP 2 POLICIES</p>

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet</p> <p>Due Date: Wednesday 13 Nov 2013</p>	<p>Bringing empty homes back into use as affordable housing</p> <p>To consider purchasing property to help deliver the Empty Homes Programme with the Homes and Communities Agency.</p>	<p>KEY Reason: Expenditure > £250,000</p>	<p>Andrew Connors, Housing Enabling Officer andrewconnors@maidstone.gov.uk</p>	<p>It is in the public interest that this report be taken in private because it discloses information regarding negotiations that have taken place and are continuing with the property owner, including the value of the property. Keeping this information private at this time will enable the council to conclude negotiations and secure the best purchase price possible</p>	<p>Empty Homes back into use report</p>
<p> Cabinet</p> <p>Due Date: Wednesday 18 Dec 2013</p>	<p>Infrastructure Delivery Plan (IDP)</p> <p>The purpose of the IDP is to identify the infrastructure required to meet the spatial objectives and growth anticipated in the Local Plan and thus demonstrate that the Plan is both realistic and deliverable.</p>	<p>KEY Reason: Affects more than 1 ward</p>	<p>Rob Jarman, Head of Development Management Robjarman@maidstone.gov.uk</p>	<p>Public</p>	<p>Infrastructure Delivery Plan (IDP)</p>

Forthcoming Decisions
September 2013 - May 2014

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary	Key Decision and reason (if applicable)	Contact Officer:	Public or Private <i>if Private the reason why</i>	Documents to be submitted <i>(other relevant documents may be submitted)</i>
<p>Cabinet</p> <p>Due Date: Wednesday 18 Dec 2013</p> <p style="text-align: center;">97</p>	<p>Green and Blue Infrastructure Strategy</p> <p>Approval of Green and Blue Infrastructure Strategy for public consultation (to be undertaken at the same time as the Maidstone Borough Local Plan).</p>	<p>KEY Reason: Policies, Plans, Strategies</p>	<p>Rob Jarman, Head of Development Management Robjarman@maidstone.gov.uk</p>	<p>Public</p>	<p>Green and Blue Infrastructure Strategy</p>