

MAIDSTONE BOROUGH COUNCIL
RECORD OF DECISION OF THE CABINET

Decision Made: 16 May 2012

LOCAL DEVELOPMENT SCHEME 2012-15

Issue for Decision

To consider a review and update of Maidstone's Local Development Scheme as a result of changes to the preparation of local plans and their production programme.

Decision Made

1. That the inclusion of strategic development allocations for housing and employment in the Core Strategy within the strategic development locations identified on the key diagram of the Core Strategy Public Participation Consultation 2011 (as attached at Appendix B to the report of the Director of Change, Planning and the Environment) be approved.
2. That the amalgamation of the Central Maidstone AAP and the Development Delivery DPD, to be called the Development Delivery Local Plan, be approved.
3. That the Local Development Scheme 2012-2015 (as attached at Appendix A to the report of the Director of Change, Planning and the Environment) be adopted with immediate effect.

Reasons for Decision

The Local Development Scheme

The Council is required to produce a Local Development Scheme (LDS), which sets out the range of local plans it is proposing to prepare over a minimum three year period. There is no requirement to include a programme for the production of Supplementary Planning Documents (SPD) but, historically, the Council has identified the key SPDs needed to deliver the Core Strategy.

There is no longer a duty to submit an LDS to the Secretary of State for approval, but local authorities are charged with keeping their LDS up-to-date and to review its progress through annual monitoring reports.

The Council's current scheme was adopted in 2011 and the target date for public participation consultation on the Core Strategy was successfully met in autumn 2011. Since then a number of events have resulted in

delays to the Core Strategy timetable and led to the need to review the scheme. The delays to the programme predominantly relate to the publication of the national planning policy framework, the requirement to undertake more detailed transport modelling and further work that has been commissioned in response to the representations that were received.

However, this slippage has also presented the Council with an opportunity to go forward with a more robust Core Strategy that will be produced under new plan making regulations¹. Furthermore, the publication of the National Planning Policy Framework (NPPF) in March 2012 enables the Council to test the conformity of its Core Strategy with national planning policies.

Strategic Sites

A report summarising the Core Strategy public participation consultation representations, together with officers' recommended responses, will be presented to a subsequent meeting of Cabinet. Meanwhile, one of the key issues raised by respondents from the development industry calls for the allocation of strategic development sites in the Core Strategy.

The NPPF states that local plans should indicate broad locations for strategic development on a key diagram and land use designations on the policies map. The draft Core Strategy identifies strategic development locations on its key diagram but specific site allocations are currently planned for subsequent local plans (known as development plan documents and area action plans under the Act²).

The NPPF makes clear that there is a presumption in favour of sustainable development where development plan policies are out-of-date. The weight given to policies in adopted plans when determining planning applications depends on their degree of conformity with the NPPF and their date of adoption, but the weight that can be afforded to emerging local plan policies depends on their stage of preparation. The more advanced the preparation of the local plan, the greater the weight given. The transitional period for local authorities to update their plans is one year to March 2013.

Consideration has been given to the benefits and disadvantages of allocating strategic sites in the Core Strategy, and the impact on the Core Strategy programme.

Benefits

- It is good planning practice, rather than continuing to rely on the development management process and its inherent incremental nature.
- It gives certainty to all in that how much development and where is known. Strategic locations are vague and provide confusion.
- If a number of housing sites can be allocated and eventually adopted in the Core Strategy, this would improve the control that the authority has over the release of these sites.

¹ SI 2012 No. 767 Town and Country Planning (Local Planning) (England) Regulations 2012

² The Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008

- As the emerging Core Strategy gets nearer to formal adoption, the strategic sites can be given more weight in the decision making process.
- The process would give the Council an increased ability to dictate the order in which sites might come forward.
- The sites would underpin and give weight to the Council's 5-year housing land supply.
- The process would bring forward the most sustainable sites.
- The sites would have local criteria attached to them enabling the Council to shape development.
- It reduces the risk of "planning by appeal".

Disadvantage

- Introducing strategic sites in the Core Strategy will delay its adoption and the length of time in which a policy vacuum prevails.

There are clear advantages in allocating strategic sites in the Core Strategy, not least giving control to the Council and clarity to the public and developers. The prime disadvantage is the impact on the Core Strategy programme, which will delay Publication consultation by a further 6 months (December 2012 instead of June 2012) because of the need to undertake an additional consultation stage on strategic site allocations.

On balance, it is considered that the advantages of this approach outweigh the disadvantages. The revised timetable will lead to the submission of the Core Strategy to the Secretary of State in March 2013, which is the end of the transitional period for local plans, at which point considerable weight will be afforded to the local plan as a material consideration in the determination of planning applications. There are similar benefits of control and clarity for the allocation of a strategic employment site in the Core Strategy.

A call for sites was issued on 11 May 2012, inviting landowners, developers and their agents to submit available sites that lie within the two strategic housing development locations and one of the strategic employment locations illustrated on the key diagram attached at Appendix B to the report of the Director of Change, Planning and the Environment:

- North west of the urban area (in the vicinity of Allington for approximately 975 dwellings)
- South east of the urban area (in the vicinity of Park Wood and Otham for approximately 1,000 dwellings)
- Junction 8 of the M20 motorway (for approximately 11 ha net).

The strategic development location at junction 7 of the M20 motorway relates to a specific use in association with the approved clinic. Confining the call for sites to the identified strategic development locations is consistent with legal advice received.

All sites within the strategic development locations will be appraised and will be subject to SA/SEA. Consultation on the preferred strategic allocations will be undertaken in August/September before the next round of consultation on the entire Core Strategy in December. The balance of

non-strategic housing and employment allocations will be made in a subsequent local plan. The timetable for the Core Strategy is set out below and special Cabinet meetings will be arranged to keep the programme on track.

Stage	Date
Call for sites	11 May to 15 June 2012
Cabinet approval of strategic site allocations	25 July 2012
"Preparation" consultation on strategic site allocations (Regulation 18)	17 August to 1 October 2012
Cabinet approval of Core Strategy	21 November 2012
"Publication" consultation on Core Strategy (Regulation 19)	14 December 2012 to 1 February 2013
Cabinet and Council approval of "Submission" of Core Strategy (Regulation 22)	March 2013
Independent Examination (estimate) (Regulation 24)	July 2013
Adoption (estimate) (Regulation 26)	December 2013

Development Delivery Local Plan

Updating the LDS to reflect changes to the Core Strategy and its programme offers the Council an opportunity to review the appropriateness of its scheme as a whole, particularly in the context of the NPPF and new plan making regulations.

The current scheme includes two further documents that will follow the adoption of the Core Strategy: Development Delivery DPD and Central Maidstone AAP. The NPPF gives a clear steer for local authorities to move towards a single local plan for their area. Merging these two documents into a single plan, called the Development Delivery Local Plan, will not only meet the thrust of the NPPF but will also have a positive impact on the Council's staffing and budgetary resources. Regeneration of the town centre, which is a priority for the Council, can be given prominence in this local plan by including policies and land use proposals for the town centre at the beginning of the document. Work on the Development Delivery Local Plan will commence next spring, although public consultation cannot be undertaken until the Core Strategy is adopted.

There are no proposals to amend the list of key Supplementary Planning Documents (SPD) identified in the current LDS, which are still required to offer detail on Core Strategy policies. These include the Parking Standards SPD, the Landscape Character Guidelines SPD and the Affordable Housing SPD. The SPDs will be prepared following submission of the Core Strategy, so their adoption dates will very shortly follow the adoption of the Core Strategy.

Alternatives considered and why rejected

The Council could continue with the current LDS programme, but this is inadvisable given the advice contained in the NPPF and the stage of preparation of the Core Strategy. This approach is likely to result in the early submission of planning applications for large development sites with a high risk of appeals, at a time when planning resources should be focused on plan making.

The revised LDS programme gives the Council better management of the development and release of strategic sites, and also provides clarity and transparency of the Council's objectives to the public.

Background Papers

None

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: 25 May 2012
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MAIDSTONE BOROUGH COUNCIL
RECORD OF DECISION OF THE CABINET

Decision Made: 16 May 2012

PROVISIONAL REVENUE AND CAPITAL OUTTURN 2011 12

Issue for Decision

To consider the report of the Head of Finance and Customer Services summarising the provisional revenue and capital outturn figures for 2011/12 and provides some initial consideration of the impact of these figures on future financial planning.

Decision Made

1. That the provisional outturn figures for revenue and capital for 2011/12 be noted.
2. That the provisional funding of capital expenditure in 2011/12 as set out in paragraph 1.6.3 of the report of the Head of Finance and Customer Services and the resulting carry forward of revenue resources, set aside to finance the capital programme in future years, of £2.304m as set out in paragraph 1.6.5 of the report of the Head of Finance and Customer Services, be agreed.
3. That the carry forward of grant funding as detailed in paragraph 1.5.8 of the report of the Head of Finance and Customer Services be noted.
4. That the revenue carry forward requests as detailed in Appendix B of the report of the Head of Finance and Customer Services from 2011/12 into 2012/13 be approved.
5. That the impact on the balance sheet of the provisional outturn 2011/12 be noted.
6. Agree to consider proposals for the use of the resulting net under spend at its meeting in July 2012.

Reasons for Decision

The purpose of the report of the Head of Finance and Customer Service is to facilitate good financial management. It gave Cabinet provisional figures for revenue and capital outturn to allow early consideration of any issues resulting from them, not only in the current financial year but in terms of any impact on the Medium Term Financial Strategy for 2013 onwards.

In 2011 the Council implemented a series of changes to the medium term financial strategy and a four year plan to deliver savings that would meet the Government reductions in funding whilst delivering the outcomes required by the strategic plan. The Council has successfully delivered these changes for 2011/12 and this provisional report sets out the positive effect on the financial resources under the control of the Council.

If the provisional outturn detailed in the report of the Head of Finance and Customer Service is further amended then final expenditure figures for revenue and capital will be reported to the June 2012 Cabinet meeting. At the same time financial planning and strategy reports for 2013/14 will be considered.

Impact on Future Financial Planning

The Council has ended 2011/12 with a net positive variance on the revenue account of £1.113m. This shows a high level of preparation for the future financial pressures the Council is expecting to face. A small number of service areas have significant adverse variances that will require additional monitoring in 2012/13. In summary the £1.113m surplus is a result of the following proposals set out in detail below:

	£000
Variance on net service spending (as per Appendix A of the report of the Head of Finance and Customer Services)	4,653
Less:	
Revenue set aside to finance capital expenditure	-2,304
Grants required to be carried forward	-550
Carry Forward request set out in Appendix B of the report of the Head of Finance and Customer Services	-687
Variance against budget requirement	1,113

The Capital Programme remains significantly on target and is fully funded.

By the end of 2012/13 general balances are expected to be £2.096m above the working minimum set by Cabinet in February 2012. In addition resources of £0.514m exist for invest-to-save proposals and £0.798m remains of the VAT reimbursement arising from the "Fleming" claims made by the Council.

The rate of collection of Council Tax and Non-Domestic Rates is at an acceptable level and an adequate provision exists to cover bad debt.

Considered together, these factors enable the Council to begin 2012/13 on a financially sound basis with the ability to consider options for the most appropriate use of the increased level of balances.

Revenue

Attached at Appendix A to the report of the Head of Finance and Customer Services is a summary of the provisional revenue outturn for 2011/12 compared to the revised estimate approved by Cabinet and Council in February 2012. Also shown is the amended revised estimate, taking into account any changes in capital financing costs necessitated by changes in

actual capital expenditure. This is provided to ensure a more accurate comparison with the outturn position, as it eliminates fluctuations in capital spend. Appendix A to the report of the Head of Finance and Customer Services shows a net unadjusted under spend of £4.653m.

Appendix A to the report of the Head of Finance and Customer Services also summarises the variance by portfolio and the major reasons for the variances are detailed in the following paragraphs.

The Leader's portfolio shows an under spend of £0.877m. This is the result of the issues detailed below:

- a) Contingency budgets exist for extra cost pressures and new legislation, totalling £0.16m and concessionary fares of £0.2m. The concessionary fares contingency is a budget strategy saving in 2012/13. These resources were not required in 2011/12.
- b) The Leader's portfolio holds the budget strategy savings that have been achieved in advance of requirement. These are budget strategy savings for 2012/13 and total £0.35m.
- c) A carry forward relating to Housing & Planning Delivery Grant of £0.137m is detailed below.

The Community & Leisure Services portfolio is reporting a minor over spend of £0.061m. The major individual variances are as follows:-

- a) Homelessness temporary accommodation has overspent by £0.17m due to a significant increase in demand. A small growth item has been included in the budget for 2012/13. This service will be carefully monitored in 2012/13 and may require further action in year.
- b) A number of minor carry forward requests totalling £0.09m are detailed below.

The Corporate Services portfolio is reporting a significant under spend of £2.684m. This includes the under spend of £2.304m relating to future revenue funding of the Capital Programme. This matter is dealt with in more detail in the Capital section below but is the result of the revenue resources set aside over recent years to finance future years of the Capital Programme. This resource must be carried forward for this purpose to ensure the Capital Programme remains fully funded. The balance of the under spend on this portfolio is £0.38m, the major variances include the following issues:

- a) Rent allowances are reporting an under spend of £0.051m which is mainly due to variations in the level of claimants transactions along with the resulting grant from the DWP being more than predicted.
- b) Interest and investment income is reporting an excess of income over budget of £0.063m due to the Council achieving a better than estimated average rate of interest.

- c) Park Wood Equilibrium Unit rents were under recovered, as previously reported to Cabinet, by £0.1m due to under occupancy.
- d) Council Tax administration and Council Tax benefit costs were both under spent. The under spend on both activities totalled £0.154m. Benefit activity in this service area has varied in a similar way to Rent Allowances detailed above. The collection service has benefited from effective use of court procedures and the resulting higher levels of legal costs awarded.
- e) This portfolio holds the budgets for the majority of central service support sections and in total an under spend in excess of £0.201m is reported. As these service areas are subject to future budget strategy savings a number of vacancies have been held long term even though, at this stage, revisions to the structure are not approved. Examples include the IT Section, Finance Section, Overview & Scrutiny and Corporate Support Section. All of these sections have not used permanent recruitment to fill vacancies as this would not be in the best interests of the Council.

The Economic Development and Transport portfolio has an under spend of £0.598m which includes two major carry forward requests dealt with below. One for Development Management Enforcement totalling £0.181m and one for £0.225m from Business Development relating to the balance of the Growth Point Revenue Grant. These service areas have under spent by sums greater than the carry forward requests. In addition the portfolio contains the following major variances:

- a) Park and Ride is reporting an over spend of £0.081m. The situation regarding this service has previously been reported to Cabinet. The service manager along with the Cabinet Member, are actively pursuing a long term solution at this time.
- b) Development Management, including appeals but not enforcement, is reporting a total under spend of £0.125m due to vacancy levels and reduced use of professional services budgets. The services underwent a recent Peer Review, the results of this review are being considered for action and it is expected that the Cabinet Member will consider this resource, activity levels and the effect on service delivery early in this financial year.
- c) The Land Charges trading account has made a surplus of £0.095m. This variance is partly due to a government grant that was received to support changes to the service. As this is a trading account and the surplus may be required in future years, this sum will be ring-fenced within balances as is the usual practice of the Council.

The Environment portfolio is reporting a net under spend of £0.705m. Of this sum £0.381m is detailed elsewhere in this report as carry forward requests or ongoing grants. In addition, the outturn figures for the on-street parking agency agreement with KCC have returned a surplus in excess of the agency agreement. The agreement allows for a maximum surplus that is index linked and currently stands at £0.074m. The surplus achieved is £0.192m. The Parking Services Manager has requested the

carry forward of £0.117m of this surplus and this is detailed below. The use of the excess surplus is subject to confirmation from KCC and this permission is also being sought by officers at this time. A number of lesser positive variances, combined, produce the remaining under spend.

The Council makes best use of funding available from other agencies through grants and contributions. Often these grants are given for a specific activity. In some cases this activity is carried out over a number of years or may be received in one financial year and used in a future financial year. In such cases the budget to be utilised must be carried forward to maintain the link between the grant and the expenditure for which it is used. Grants of this type, within the 2011/12 budget, that have not been utilised in year total £0.551m and are detailed below. In all cases these grants are for committed schemes that had been identified and agreed as part of the 2011/12 budget.

Service	Balance of Grant £	Description
Waste & Recycling	97,850	Balance of WRAP grant for weekly food waste introduction
Planning	136,664	Balance of Housing & Planning Delivery Grant
Economic Development	224,640	Balance of Growth Point Revenue Grant
Olympics	10,000	Grant from KCC
Park Wood	19,310	External funding for Park Wood environmental improvements
Sports	4,000	KCC disability sports funding
Air Quality	48,000	DEFRA grant
Food Hygiene	6,560	Rating scheme grant from Food Standards Agency
Environmental Enforcement	2,950	KFRS and Clean Kent grant for school litter initiative
Museum	2,000	Funding for Iron Age collection
	550,974	

Attached at Appendix B to the report of the Head of Finance and Customer Services is a schedule of provisional carry forward requests, into 2012/13, totalling £0.678m. In previous years, requests relating to contractual commitments have been considered before other requests. On this occasion no requests have been received that relate to contractual commitments and all requests detailed are for schemes to which the Council is not yet committed. It was recommended that Cabinet consider the requests in Appendix B to the report of the Head of Finance and Customer Services and give approval as required

As Cabinet agreed all of the carry forwards proposed, the net under spend to be transferred to general balances is £1.113m. The result is set out under balances below.

It is appropriate, as part of the development of the medium term financial strategy for 2013/14 onwards, that Cabinet consider options for the use of this resource in furthering the required outcomes of the strategic plan. It

was recommended that Cabinet receive a report, from Corporate Leadership Team, to its July 2012 meeting on options to utilise this under spend.

Capital

Attached at Appendix C to the report of the Head of Finance and Customer Services is a summary of capital spend against the revised estimate. Further slippage of £0.163m has been identified since the programme was agreed by Council in February 2012. This figure is the net effect of slippage to and from 2012/13 as funding for Mote Park Regeneration in 2012/13 will need to be used in 2011/12.

The over spend on the Software Upgrade programme is funded from specific grant. The Revenues and Benefits Partnership software is funded from the set up costs budget agreed by Cabinet when the partnership was initially approved. The schemes asterisked in Appendix C to the report of the Head of Finance and Customer Services are funded from s106 developer contributions.

Cabinet were reminded of the arrangements surrounding the schemes for the Hazlitt Theatre and the Museum East Wing. In both cases an arrangement exists to repay resources into balances over a set period following completion of the work.

The expenditure outlined in Appendix C to the report of the Head of Finance and Customer Services can be funded mainly from capital resources. Proposed funding is summarised in the following table:

Resources	£000
Capital Receipts	2,500
Capital Grants (incl. s106)	2,592
Revenue	2,489
TOTAL	7,581

This funding proposal is developed on the basis of using the most flexible resources last. This means that grants and capital receipts have been utilised in preference to revenue support. The consequence of this decision is detailed below and recommended the carry forward of revenue resources set aside to finance capital expenditure. It was recommended that Cabinet consider and approve this provisional financing of the capital programme.

In line with this policy, of using capital resources first, some of the resources identified from revenue budgets to finance capital expenditure will not be required until 2012/13 or later years. This creates a revenue variance of £2.304m which is essential to the financing of the future capital programme. This variance is reported under the Cabinet Member for Corporate Services' Portfolio above. It was recommended that this money is carried forward for this use in 2012/13, in order for the capital

programme to remain affordable.

Balance Sheet

The provisional outturn figures have an impact on various elements of the Balance Sheet and these are summarised as follows.

Asset Sales

The revised estimate assumed asset sales for 2011/12 of £0.713m. The provisional outturn figures show cash backed Capital Receipts, net of costs of £1.115m. This is £0.402m greater than estimated, due to additional receipts from Golding Homes Right-to-Buy sales and the disposal of land at Church Street. Not all available receipts have been utilised in the financing of the capital programme, these receipts will be required to finance future years' expenditure.

Collection Fund

The outturn collection rates for Council Tax and Non-Domestic Rates were close to target at the end of the financial year. This is a considerable achievement given the economic circumstances and the fact that the service was in its first year as a shared service in 2011/12. At this time it is predicted that there will be a small surplus on the collection fund at the year end. This surplus will be formally shared between preceptors during 2013/14. For this Council it is expected to be less than £0.02m. The collection rates, compared to target, are as follows:

Collection Rates	Target %	Actual %
NNDR	97.0	97.4
Council Tax	98.7	98.3

Investments

The Treasury Management Strategy 2012/13 agreed by Council in February 2012 anticipated year end investments of approximately £17m. The actual investment at 31 March 2012 totalled £13.6m. The provisional assessment of the reduction shows the following over estimates of likely resources:-

Reason	£000
Collection Fund	1,000
Council Tax Benefit Grant	1,200
Other Income	1,200
	3,400

The overall changes to the level of investments will have no impact on the Strategy itself and only a short term impact on the revenue account during the course of 2012/13 of no more than £0.002m. Daily monitoring of cash-flow has confirmed that the Prudential Indicators that Council set for 2011/12 have been complied with.

Fixed Assets

The capital investment achieved in 2011/12 resulted in investment in the Council's property portfolio of £3.435m out of a total spend of £7.581m. The balance of the spend is in areas such as support for social housing, renovation grants, etc which do not contribute to the Authority's asset base and have been written off, through the revenue account, as revenue expenditure funded from capital under statute.

Useable capital receipts

As a result of the level of capital investment and the level of capital receipts received in 2011/12, the level of useable capital receipts at 31st March 2012 is £0.057m. It was noted that the disposals of Hayle Place and 13 Tonbridge Road in April 2012 have subsequently added a further £2.8m to useable capital receipts.

Balances

Balances are set out in Appendix D to the report of the Head of Finance and Customer Services. The overall level of balances at 31st March 2012 will be £10.146m, compared to £9.933m at 31st March 2011. However, after allowing for the commitment to carry forwards and the planned use in 2012/13, the provisional level of uncommitted balances is £4.396m. The estimate for 2012/13 as approved at Council in February 2012 reported an expected balance of £3.241m.

There is therefore an increase in balances of £1.155m over the revised estimate. This means balances will be above the minimum level of working balances by £2.096m along with other resources, provisionally allocated but not committed, of £1.312m.

Alternatives considered and why rejected

The reporting of revenue outturn could wait until Cabinet in June 2012 when final figures are available in the Statement of Accounts prior to external audit. Providing provisional outturn to Cabinet at this time facilitates good financial management and aids consideration of issues within the current financial year and helps inform future budget strategy.

Background Papers

Budget Monitoring report 2011/12
Cabinet quarterly monitoring report 2011/12
Agresso General Ledger system reports

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: **25 May 2012**

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 16 May 2012

COMMUNITY INFRASTRUCTURE LEVY

Issue for Decision

To consider the report of the Head of Finance and Customer Services informing Cabinet about the opportunity available to the Council to act upon its status under the Planning Act 2008.

Decision Made

That Cabinet confirms their commitment to develop and charge a Community Infrastructure Levy.

Reasons for Decision

The Community Infrastructure Levy (CIL) was introduced by the Planning Act 2008 and came into force on 6th April 2010 through the Community Infrastructure Levy Regulations 2010, which were amended in 2011.

CIL allows local authorities to raise funds from developers that are undertaking building projects in their area. The funds can be used for a wide range of infrastructure such as roads, schools, flood protection and green space but only if it is needed as a result of development.

The CIL is calculated as a fixed charge per square metre of development and is the product of three considerations:

- The expected level of development;
- The financial need that the expected level of development creates, in relation to the provision of infrastructure; and
- An assessment of the viability of the charge once calculated.

CIL charging authorities in England are the bodies that prepare development plans for their area as these are informed by the assessment of infrastructure needs. For this area the CIL charging authority would be Maidstone Borough Council.

The majority of development in an area has some impact upon the infrastructure needed and, in fairness, the development should support that cost. The Government's opinion is that there must be a balance between that need and certainty for the developer. Funds could be raised through developer contribution without setting a CIL but the Government

sees CIL as a statement of need in advance, which aids the developer's decision making and speeds up the process of development.

Developer contributions are also known as section 106 contributions. They are raised through agreement with a developer to provide for infrastructure and will not be completely replaced by CIL. If, and only if, an authority chooses to set a charging schedule for CIL, the regulations will create a limitation on developer contribution in two ways. The contributions will only be for matters not covered by the CIL charge and such contributions will only have limited local pooling abilities, meaning that the Council could no longer use developer contributions to provide infrastructure that is not local to the area of the development.

In order to ensure that an effective balance is struck, the charging schedule will be subject to independent public inspection. As part of that inspection the Council will need to evidence the viability of development in the area once such development is subject to CIL.

The viability assessment could be completed in a number of differing ways but the DCLG has funded the development of a viability model through some Kent district councils. It would be prudent to await the completion of that development work and to consider the possible adoption of the viability model developed. At this time it is expected that the model would be available for consideration by July 2012.

In the meantime the Council is considering the employment of a CIL development officer. This post would be a fixed term position on a shared basis with Swale Borough Council. It would enable the Council to prepare the data for the viability model and to assess the results. This appointment would be at no extra cost to the authority as it can be funded from existing resources.

Although the Council will be the charging authority it may need to pass money to other bodies. In some cases it is acceptable to support infrastructure delivery outside of the borough where such infrastructure will benefit the development within the borough. The scheme also makes collaboration between charging authorities possible including the pooling of funds.

Setting the charge must be completed as prescribed in legislation and follows a series of steps. To commence with, this authority is a charging authority as set out above enabling it to set a charge for the purposes set out above. This status is conferred upon it by the Planning Act 2008. If Cabinet confirms a commitment to the development of a CIL, a summary of the process then followed is:

- Identify infrastructure need
- Identify funding available from other sources
- Identify funding gap
- Test viability of development in area
- Produce a charging schedule that matches funding need and viability
- Consult with developers, infrastructure providers and the public

- Assess consultation responses and revise as necessary
- Set up independent inspection
- Revise as necessary following the inspection
- Adopt charges, publish the schedule and commence charging

These tasks are complex and must be completed accurately as the charging schedule cannot be amended once published without returning to consultation and inspection.

The Government has not specified a recommended lifetime for charging schedules and there is no requirement for charging authorities to review their charging schedules. To ensure that a charging schedule remains realistic it is appropriate to review the schedule periodically. The Planning Act 2008 allows charging authorities to revise a part of their charging schedule. However, any revisions, in whole or in part, must follow the same process as that applied to the preparation, examination, approval and publication of the initial schedule.

Production of an accurate and up-to-date development plan to indicate infrastructure need is ongoing and the identification of available resources is also ongoing. This work requires completion whether the Council produces a charging schedule or not.

An indicative timetable for the work suggests that successful completion would take between 15 and 18 months, dependent upon the level of engagement with stakeholders at each stage.

Alternatives considered and why rejected

The Council could choose not to set and charge CIL. This would reduce the possible options to finance necessary infrastructure work and would influence the robustness of the medium term financial strategy.

Background Papers

Planning Act 2008

Localism Act 2011

Community Infrastructure Levy Regulations 2010 (2010 No. 948)

Community Infrastructure Levy (Amendment) Regulations 2011 (2011 No. 987)

The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 (2011 No. 2918)

"Community Infrastructure Levy Guidance, Charge setting and charging schedule procedures" (2010). Published by Secretary of State as guidance under section 221 of the Planning Act 2008. Available from:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1518612.pdf>

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