

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE MEETING

Date: Tuesday 11 September 2018
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors D Burton (Chairman), Clark, Cox, Field, Garten, Mrs Grigg (Vice-Chairman), Munford, Parfitt-Reid and de Wiggondene-Sheppard

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

AGENDA

Page No.

- | | |
|--|---------|
| 1. Apologies for Absence | |
| 2. Notification of Substitute Members | |
| 3. Urgent Items | |
| 4. Notification of Visiting Members | |
| 5. Disclosures by Members and Officers | |
| 6. Disclosures of Lobbying | |
| 7. To consider whether any items should be taken in private because of the possible disclosure of exempt information | |
| 8. Minutes of the meeting held on 10 July 2018 | 1 - 9 |
| 9. Presentation of Petitions (if any) | |
| 10. Questions and answer session for members of the public | |
| 11. Committee Work Programme | 10 |
| 12. Nominations to Outside Bodies - SPS&T | 11 - 16 |
| 13. Reports of Outside Bodies | 17 - 25 |
| 14. First Quarter Budget Monitoring Report | 26 - 38 |
| 15. Key Performance Indicator Update Quarter 1 SPST | 39 - 45 |
| 16. Extension of the South 3 Resident Parking Zone | 46 - 49 |

Issued on Friday 31 August 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

17. Verbal Update - Draft Sports Facilities and Playing Pitch Strategies	
18. Sevenoaks District Draft Local Plan Consultation July 2018	50 - 57
19. Kent County Council Rights of Way Improvement Plan (ROWIP) Consultation	58 - 65
20. Reference from Council - Community Infrastructure Levy	66
21. Maidstone Community Infrastructure Levy Administration and Governance	67 - 81
22. Town Centre Article 4 Direction - Options	82 - 103

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting (i.e. Friday 7th September 2018). If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

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

Should you wish to refer any decisions contained in these minutes to the Policy and Resources Committee, please submit a Decision Referral Form, signed by three Councillors, to the Head of Policy and Communications by: 25 July 2018

MAIDSTONE BOROUGH COUNCIL

Strategic Planning, Sustainability and Transportation Committee

MINUTES OF THE MEETING HELD ON TUESDAY 10 JULY 2018

Present: Councillors D Burton, Clark, Field, Garten, Mrs Gooch, Mrs Grigg, Parfitt-Reid, Round, de Wiggondene-Sheppard and Wilby

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cox and Munford.

Apologies for lateness were received from Councillor de Wiggondene-Sheppard.

28. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were present:

- Councillor Wilby for Cox;
- Councillor Gooch for Munford;
- Councillor Round for de Wiggondene Sheppard

Councillor Round was present as a Substitute for Councillor de Wiggondene Sheppard until Councillor de Wiggondene Sheppard arrived, at which point Councillor Round became a Visiting Member.

29. URGENT ITEMS

The Chairman explained to the Committee that he had agreed to take item 22. Statement of Community Involvement Consultation Draft as an urgent item as it had been missed from the original agenda due to an administrative error. However this item could not wait until a later Committee date as it would have impacted on the Council's ability to deliver the consultation.

The Chairman also explained that he had accepted an urgent update to item 22. Statement of Community Involvement Consultation Draft as this update materially changed the draft consultation.

30. NOTIFICATION OF VISITING MEMBERS

The following Councillors were present as Visiting Members:

- Councillor Wilson, who indicated she wished to speak on item 18. Draft Sports Facilities and Playing Pitch Strategies and item 21. Maidstone Local Plan Review: Scoping and Local Plan Review.
- Councillor Harper, who indicated he wished to speak on item 18. Draft Sports Facilities and Playing Pitch Strategies and item 21. Maidstone Local Plan Review: Scoping and Local Plan Review.
- Councillor Round, who indicated he wished to speak on item 17. Solutions to Operation Stack, Public Information Exercise Update.

31. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

32. DISCLOSURES OF LOBBYING

All members except Councillors Gooch, Wilby and Round disclosed they had been lobbied on item 22. Statement of Community Involvement Consultation Draft.

33. EXEMPT ITEMS

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

34. MINUTES OF THE MEETING HELD ON 12 JUNE 2018

RESOLVED: That the minutes of the meeting held on 12 June 2018 are approved as a correct record and signed.

35. AMENDMENT TO THE ORDER OF BUSINESS

RESOLVED: That item 18. Draft Sports Facilities and Playing Pitch Strategies be considered before item 9. Presentation of Petitions.

36. DRAFT SPORTS FACILITIES AND PLAYING PITCH STRATEGIES

Mr Mark Egerton, Strategic Planning Manager, presented the Draft Sports Facilities and Playing Pitches Strategies to the Committee. It was noted that:

- These Strategies, once agreed would form an evidence base for the local plan review.
- The methodology followed to bring the evidence together to form these strategies had been developed by Sport England.
- The sporting infrastructure outlined as required by the Borough could be funded through Section 106 contributions, Community Infrastructure Levy, Capital Budgets, private organisations or grant funding.

- Sport England recognised that not all need could be met, and that although District Councils were responsible for Leisure Services this was a discretionary function and as such was a choice for each Council as to how much demand could be met.
- The strategies should be referred to the Heritage Culture and Leisure (HCL) Committee for comment as although these documents were evidence for the Local Plan Review, HCL Committee was responsible for Sport and Leisure in the Borough.
- Once this draft strategy had been approved by the Committee and comments made by HCL, a wider consultation was due to take place on the strategy.

Councillors Harper and Wilson spoke on this item as Visiting Members.

The Committee considered the strategies and made the following comments:

- There were a number of factual inaccuracies in the document which ward members would be able to assist the strategy authors to correct.
- It was not clear whether the Council's Health and Wellbeing team had been involved in the writing of these strategies.
- Concerns were raised about the cost of the list of potential infrastructure projects and upgrades, and it was suggested that some prioritisation should take place if the Borough Council was to commit to funding these projects.

In order to address the concerns raised about involvement by other Heads of Service, and ensuring Ward Members were engaged with to address any inaccuracies, Mr Egerton committed to ensuring all members and Heads of Service at the Council were made aware of the strategies.

RESOLVED:

1. That the report is referred to Heritage, Culture and Leisure Committee for consideration, prior to reconsultation with key stakeholders.
2. That the Draft Sports Facilities and Playing Pitch Strategies be referred to Policy and Resources Committee for its November meeting so that future capital budget allocations can be considered.

Voting: Unanimous

37. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

Councillor de Wiggondene Sheppard joined the Committee during this item and replaced Councillor Round who had been present as a Substitute Member.

38. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

39. COMMITTEE WORK PROGRAMME

The Chairman expressed his concern at the workload planned for September's meeting, and informed the Committee that he had asked Officers to find some reserve dates for the Committee to either adjourn or schedule extra meetings.

RESOLVED: That the Committee Work Programme is noted.

40. OUTSIDE BODIES - VERBAL UPDATES FROM MEMBERS

The Chairman informed the Committee that the next meeting of the Quality Bus Partnership was due on 11 July and he would update the Committee on this meeting at its September meeting.

RESOLVED: That the verbal updates from members are noted.

41. NOMINATIONS TO OUTSIDE BODIES - SPS&T

Mr Sam Bailey, the Democratic and Administration Services Manager, introduced the nominations to outside bodies that had been received for outside bodies nominated by the Committee.

The Chairman highlighted that there was some overlap between outside bodies specified in Chairman's duties within the Constitution and those that the Committee was required to nominate to. An example was given of the Quality Bus Partnership which appeared on both lists.

RESOLVED:

1. That Councillor Garten is nominated as the Council's representative on the Kent Downs AONB Joint Advisory Committee.
2. That Democracy Committee is requested to review the matter of overlap between Chairman's Duties and Appointments to Outside Bodies within the Constitution.

Voting: Unanimous

42. REVENUE OUTTURN 2017/18 – ALLOCATION OF UNDERSPEND

Mr William Cornall, Director of Regeneration and Place, updated the Committee on the Council's 2017/18 budget underspend. Mr Cornall explained that Service Committees were being consulted on as to whether

they had any one-off projects that would assist the Council in achieving its Strategic Objectives that could be submitted to Policy and Resources Committee to consider funding from the underspend.

The Committee debated the report and concluded that the most prudent decision would be to add the underspend to reserves to give greater financial certainty for the 2018-19 budget. However it was requested that a list of scoped and costed projects be produced, including a project covering e-learning for Planning Committee members, in case similar future funding opportunities became available.

RESOLVED:

That the underspend is added to revenue reserves to provide additional resources for the Council, to be called on as necessary in the future.

Voting: Unanimous

43. NEIGHBOURHOOD PLANNING PROTOCOL NOTE

Mr Egerton presented a report outlining the Council's Neighbourhood Planning Protocol. Mr Egerton explained to the Committee that Neighbourhood Planning Protocol had been agreed by the Committee in April 2016, however since this occasion a number of changes in legislation had occurred. The revised protocol attached to the report had been updated to reflect these changes.

RESOLVED: That the revised protocol for neighbourhood planning attached at Appendix 1 is approved.

Voting: Unanimous

44. THE BIG CONVERSATION ON RURAL TRANSPORT IN KENT CONSULTATION

Mr Stuart Watson, Planning Officer Strategic Planning, gave a presentation outlining the Council's proposed response to the Kent County Council (KCC) consultation on Rural Transport in Kent.

It was noted that the consultation had not outlined a preferred approach and as such concerns were raised about the viability, cost effectiveness and long term sustainability of the services proposed. The example was given of community mini bus services, some of which were struggling to survive.

The Committee highlighted that the accessibility of bus stops, as well as the accessibility of smaller buses should be referred to in the consultation response. Concerns were raised that although smaller buses are often Disability Discrimination Act compliant, they can still be more difficult to board than a regular bus.

The Committee requested that the points raised above be reflected in the consultation response.

RESOLVED:

That, subject to the amendments requested by the Committee, the responses set out in paragraphs 1.12 to 1.17 be agreed as a basis for the Council's response to Kent County Council.

Voting: Unanimous

45. **SOLUTIONS TO OPERATION STACK, PUBLIC INFORMATION EXERCISE UPDATE**

Mr Watson conveyed the information that had been provided by Highways England regarding its proposed solutions to Operation Stack. The Committee noted the Council's proposed response and concluded that there was not enough detail within the public information exercise for the Council to give a view on any of the solutions proposed.

Councillor Round spoke as a Visiting Member on this item.

Under the specific questions on the consultation, the Committee requested the following amendment be made to the response to question 9:

We are unable to answer some of these questions as there isn't enough information at this stage. However, we have grave concerns about an off-road parking solution, especially if it is located in Kent.

It was requested that responses for questions 7 and 8 be left blank as there was not enough information on the proposed solutions for the Committee to form a judgement.

RESOLVED:

That, subject to the amendments made by the Committee, the responses set out in paragraphs 1.8-1.14 of this report be agreed as a basis for the Council's response to the Highways England public information exercise – Solutions to Operation Stack: managing freight traffic in Kent.

Voting: Unanimous

46. **DEVELOPMENT MANAGEMENT PLANNING PRE-APPLICATION FEES**

Mr Cornall presented the changes to Planning Pre-application fees to the Committee. It was noted that:

- The cost of providing the planning service was exceeding the income from fees.
- The Council was prohibited from making a profit from this service but should aim to at least break even.

- After a benchmarking exercise against other authorities it was clear that the fees charged for pre-application advice was generally lower in Maidstone than for other authorities.
- Therefore the report proposed to increase the fees charged for pre-application advice.

In response to a question from the Committee, Mr Cornall confirmed that the fee income would be monitored by the Committee in its regular budget monitoring reports and the overall impact on the Planning Service of amending these fees would be monitored closely.

RESOLVED:

That the proposed revised fee structure and fees for the MBC pre-application service as detailed in table 2 (para 1.10) are implemented with effect from 1 October 2018.

Voting: For - 8 Against - 1 Abstentions - 0

47. USE OF HIGHWAYS ACT 1980 SECTION 42 POWERS IN THE BOROUGH

Mr Egerton gave a presentation to the Committee outlining the options open to the Council in exercising powers contained in section 42 of the Highways Act 1980. Mr Egerton explained that:

- Maidstone Borough Council (MBC) had the power to take over maintenance of urban roads from Kent County Council (KCC) if it was minded to do so.
- If MBC chose to exercise this power, it would take on the responsibility for the maintenance and associated liabilities for all urban roads in the borough, not just those roads that it wished to maintain.
- However the process of identifying the urban roads, surveying their condition and maintaining these roads was likely to be a costly exercise.
- MBC could invoice KCC only for the works necessary to maintain the highway. MBC would be unlikely to recover all its costs.
- If it chose to exercise this power, MBC would assume the liabilities and risks associated with maintaining urban highways.

The Committee considered the options available and noted that exercising these powers would be costly and could expose the Council to undue risks in terms of liabilities and the potential for disputes with KCC.

RESOLVED:

That the Council does not pursue taking on Highway Authority responsibility for maintaining specific roads in the Borough under the powers conferred in Section 42 of the Highways Act 1980 (as amended).

Voting: Unanimous

48. MAIDSTONE LOCAL PLAN REVIEW: SCOPING AND LOCAL PLAN REVIEW

Mrs Sarah Lee, Principal Planning Officer (Strategic Planning), presented a report which set out the factors which influenced the Council's review of its Local Plan. The approach presented incorporated the inclusion of air quality measures which had originally been required by the Inspector in the form of an Air Quality Development Plan Document (DPD). However instead of producing an Air Quality DPD it was recommended to include this work within the Local Plan review instead. The reason the approach had changed was because it would make more sense for air quality matters to be considered alongside the new evidence and approach considered by the Local Plan Review, rather than having a DPD that had been prepared in advance and was of more limited scope.

Councillors Wilson and Harper spoke on this item as visiting members.

Following a question from a Member of the Committee Mrs Lee confirmed that the air quality measures within the current local plan were sufficient until the Local Plan Review had been completed. It was noted that the approach of considering air quality alongside the local plan review would delay introducing new air quality measures by six months.

In response to a question from the Committee it was confirmed that the wording in paragraph 1.7 vii of the Officer's report related to Section 106 funding for transport improvements identified in the Maidstone Integrated Transport Plan which had been secured alongside planning permission approvals and was not an admittance of Maidstone Borough Council accepting Kent County Council's approach of using Section 106 monies to fund feasibility work for a possible Leeds-Langley relief road.

RESOLVED:

1. That Council is recommended to adopt the Local Development Scheme (2018-22) in Appendix 1, to come into force on the date of adoption.
2. That the factors influencing the scope of the report are noted.
3. That the proposed Air Quality Development Plan document is agreed to be incorporated into the Local Plan review and a separate Air Quality Development Plan Document is not progressed.

Voting: Unanimous

49. STATEMENT OF COMMUNITY INVOLVEMENT CONSULTATION DRAFT

Mr Watson introduced a report regarding the Statement of Community Involvement Consultation Draft. It was noted that this report had been considered at the previous meeting of the Committee but had been deferred to this meeting in order to take into account comments by the Committee.

The Committee requested specific reference to the fact that if statutory consultees objected to planning applications then they were required to be considered by Planning Committee rather than being determined through delegated powers by Officers.

Following a debate, the Committee concluded that it was important that Ward Councillors were kept informed when pre application advice had been requested for developments of ten houses or more in their wards.

RESOLVED: That subject to the following amendments to table 4:

- 1) The Planning Department will inform Ward Councillors of any requests for Pre-application consultations in their wards for applications of 10 units or more.
- 2) Ward Councillors, political group spokespersons, parish councils and any other statutory consultee including a neighbourhood forum with an adopted or post examination neighbourhood plan are able to call planning applications in to Planning Committee Review.

the statement of Community Involvement is approved for Public Consultation.

Voting: For - 7 Against - 0 Abstentions - 1

Note: Councillor de Wiggondene-Sheppard left the meeting at 10.28 pm during consideration of this item and was not present for the vote.

50. LONG MEETING

During the consideration of item 22. Statement of Community Involvement Consultation Draft, the Committee –

RESOLVED: To continue the meeting until 11.00 pm if necessary.

51. DURATION OF MEETING

6.31 pm to 10.28 pm

Report Title	Committee	Month	Lead	Report Author
Maidstone Integrated Transport Package and associated Local Growth Fund Monies update	SPS&T	Oct-18	William Cornall	Abi Lewis
Parking Services Annual Report	SPS&T	Oct-18	Jeff Kitson	Alex Wells
Maidstone Town Centre Opportunity Areas Report	SPS&T	Oct-18	Rob Jarman	Sarah Anderton/Tay Arnold
Local Enforcement Plan	SPS&T	Oct-18	Rob Jarman	James Bailey
Designation of Greensand Ridge an AONB	SPS&T	Oct-18	Rob Jarman	Deanne Cunningham
Spatial Options - Considerations	SPS&T	Oct-18	Rob Jarman	Mark Egerton
Statement of Community Involvement Adoption	SPS&T	Oct-18	Rob Jarman	Sue Whiteside/Mark Egerton
Management Plan for Kent Downs AONB	SPS&T	Nov-18	Rob Jarman	Stuart Watson/Deanne Cunningham
Park And Ride and Alternative Transport Options	SPS&T	Nov-18	Rob Jarman	Tay Arnold/Mark Egerton
Q2 Budget Monitoring 2018/19	SPS&T	Nov-18	Ellie Dunnet	Paul Holland
Q2 Performance Report 2018/19	SPS&T	Nov-18	Angela Woodhouse	Anna Collier
Maidstone Housing Design Guide	SPS&T	Nov-18	William Cornall	
Integrated Transport Strategy Delivery	SPS&T	Nov-18	Rob Jarman	Tay Arnold
Authority Monitoring Report Publication	SPS&T	Dec-18	Rob Jarman	Stuart Watson
Local Plan Review Evidence Base and Need	SPS&T	Dec-18	Rob Jarman	Sarah Lee / Mark Egerton
Strategic Plan 2019/20 - 2023/24 - Final	SPS&T	Jan-19	Angela Woodhouse	Angela Woodhouse
Fees & Charges 2019/20	SPS&T	Jan-19	Mark Green	Ellie Dunnet
Medium Term Financial Strategy - Budget Proposals 2019/20	SPS&T	Jan-19	Mark Green	Ellie Dunnet
Sports Facilities and Playing Pitch Strategies Approval	SPS&T	Jan-19	Rob Jarman	Sue Whiteside/Mark Egerton
Local Plan Review Spatial Approach	SPS&T	Jan-19	Rob Jarman	Sarah Lee / Mark Egerton
Q3 Budget Monitoring 2018/19	SPS&T	Feb-19	Ellie Dunnet	Paul Holland
Q3 Performance Report 2018/19	SPS&T	Feb-19	Angela Woodhouse	Anna Collier
Neighbourhood Plans Regulatory Consultation Reports	SPS&T	TBC	Rob Jarman	TBC

**STRATEGIC PLANNING,
SUSTAINABILITY AND
TRANSPORTATION COMMITTEE**

**11 September
2018**

Nominations to Outside Bodies – SPS&T

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service/Lead Director	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Caroline Matthews, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

The Committee is requested to consider the nominations received for the vacancies to Outside Bodies.

This report makes the following recommendations to this Committee:

1. That the nominations for outside body memberships as set out in paragraph 1.2 be considered and appointed to where appropriate.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	11 September 2018

Nominations to Outside Bodies - HCL

1. INTRODUCTION AND BACKGROUND

- 1.1 At its meeting on 28 February 2018 the Council recommended that some of the Council's Outside Bodies be appointed by an appropriate Committee.
- 1.2 The outside bodies vacancies attributable to the Strategic Planning, Sustainability and Transportation Committee have recently been advertised to Members and the nominations received are set out below:-

Maidstone Cycling Forum – No nominations received
Maidstone Quality Bus Partnership – Two nominations received
Medway Valley Line Steering Group – No nominations received
SE Railway Stakeholder Forum – One nomination received

2. AVAILABLE OPTIONS

- 2.1 The Committee could do nothing. This is not recommended as it could damage the relationships that the Council foster with these organisations.
- 2.2 The Committee could appoint to the various Outside Bodies as appropriate.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 Option 2.2 is recommended as there is a need to ensure that these vacancies are filled as soon as possible.

4. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 4.1 Should any of the vacancies be filled then the relevant outside bodies would be contacted and appraised of the Member/person having been appointed.
- 4.2 In the event that some of the vacancies are not filled then these will be re-advertised at a later stage and brought back to the Committee for consideration should a nomination be received.

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendation will by itself materially affect the	Democratic Services Officer

	achievement of the corporate priorities	
Risk Management	There are no significant risks	Democratic Services Officer
Financial	There are no significant financial implications arising from this report	Democratic Services Officer
Staffing	There are no staffing implications arising from this report	Democratic Services Officer
Legal	There are no legal implications unless the Constitutions of these charities change	Democratic Services Officer
Privacy and Data Protection	There are none	Democratic Services Officer
Equalities	There are none	Democratic Services Officer
Crime and Disorder	There are none	Democratic Services Officer
Procurement	There are none	Democratic Services Officer

6. REPORT APPENDICES

- Appendix 1 – Nomination for Quality Bus Partnership (1)
- Appendix 2 – Nomination for Quality Bus Partnership (2)
- Appendix 3 – Nomination for SE Railway Stakeholder Forum

7. BACKGROUND PAPERS

NOMINATION FORM TO OUTSIDE BODYDate 20th August 2118

NAME:	Clive English
ADDRESS:	c/o 4 th Floor Maidstone House
TELEPHONE NO:	07922616858
NAME OF ORGANISATION APPLYING FOR:	Quality Bus Partnership
ROLE APPLYING FOR:	MBC Representative
REASON FOR APPLYING:	I have attended several meetings as a substitute in the past and feel this is a useful body for working with the industry
WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:	I have been to several meetings already and have a reasonable insight into public transport as a councillor and a user. I feel that I could continue to offer an informed input from various perspectives

NOMINATION FORM TO OUTSIDE BODY

Date: 30 August 2018

NAME:	David Burton
ADDRESS:	Lochview Oast, Langley Park, Sutton Rd, Langley, Kent, ME17 3NQ
TELEPHONE NO:	07590 229910
NAME OF ORGANISATION APPLYING FOR:	Quality Bus Partnership (QBP)
ROLE APPLYING FOR:	Member Representation
REASON FOR APPLYING:	To give clarity of appointment of Chair of SPS&TC as per constitution.
WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:	Knowledge of spatial planning and transport matters. Chair of SPS&TC.

NOMINATION FORM TO OUTSIDE BODYDate 20th August 2018

NAME:	Clive English
ADDRESS:	c/o 4 th floor Maidstone House
TELEPHONE NO:	07922616858
NAME OF ORGANISATION APPLYING FOR:	SE Rail Stakeholders Forum
ROLE APPLYING FOR:	One of 3 Representatives
REASON FOR APPLYING:	It is a useful body for exchanging information on rail services in the Southeast
WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:	I have attended a number of the meetings in the past and have found it useful in providing information for the Council and SPST Committee. It is also a useful way to feed views through to the operator and Network Rail, and I have been able to contribute to this process.

Strategic Planning, Sustainability and Transportation Committee
--

11/09/18

External Board/Outside Body

External Board/Outside Body	Kent Community Railway Partnership Steering Group
Councillor(s) represented on the Outside Body/External Board	Clive English
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	Quarterly board meetings, additional events and promotional activities

Purpose of the External Board/Outside Body:
--

<p>The body acts as the co-ordinating body for the community rail partnerships in Kent of which there are currently 2. The Medway Valley Line and Swale Line.</p>

Update:

<p>It is currently possible that additional partnerships could be established from Tunbridge Wells into East Sussex or in the East Kent Area. The Committee has spent most of the year focussed on the re-tendering exercise and other overarching issues such as the timetable revisions.</p>
--

<p>There has also been promotional work in conjunction with South Eastern i.e. events at Kings Cross/St Pancras to promote Rail related tourism, journeys, using the partnerships lines.</p>
--

Strategic Planning, Sustainability and Transportation Committee

11/09/18

External Board/Outside Body

External Board/Outside Body	Kent Downs AONB Joint Advisory Committee
Councillor(s) represented on the Outside Body/External Board	Patrik Garten
Report Author	Patrik Garten & Nick Johannsen (AONB Unit)
Date of External Board/Outside Body Meeting Attended	Joint Advisory Committee Meeting - 7 th June 2018 50 th Anniversary of the Kent Downs AONB - 20 th July 2018 The ASH Project opening - 14 th September 2018

Purpose of the External Board/Outside Body:

Joint Advisory Committee (JAC)

The Kent Downs relies on many stakeholders who have a role in managing the landscape, supporting local business and communities and enabling quiet recreation. The Joint Advisory Committee plays a pivotal role in helping realise the strategic vision for the Kent Downs AONB and oversee the Management Plan.

It's purpose is to provide advice to its members with statutory responsibilities for the effective management of the Kent Downs AONB. An Executive of representatives from the JAC, with some outside advisors, advises the work of the Kent Downs AONB Unit.

The Kent Downs AONB Unit is employed by Kent County Council and works on behalf of the JAC to carry out the preparation and review of the Management Plan, to advocate its policies and work in partnership to deliver a range of actions described in the Action Plan.

Funding partners & Members

Defra, Ashford Borough Council, Canterbury City Council, Dover District Council, Gravesham Borough Council, London Borough of Bromley, Medway Council, Maidstone Borough Council, Sevenoaks District Council, Folkestone & Hythe District Council, Swale Borough Council, Tonbridge & Malling Borough Council, Country Land and Business Association, Environment Agency, Kent Association of Local Councils, Action with Communities in Rural Kent, National Farmers Union, English Heritage

Update:

This update provides to the Committee a brief background to the work of the AONB JAC to set the context for future reports.

A key current priority for the Kent Downs Joint Advisory Committee (in which Maidstone are key partners) is the statutory review of the Area of Outstanding Natural Beauty (AONB) Management Plan. The legal requirement to prepare and review a plan for the AONB is placed on all of the Local Authorities (by the Countryside and Rights of Way Act 2000) and the AONB Unit takes forward the bulk of the work for the 12 Local Authorities with responsibility in the Kent Downs AONB.

At the moment the Unit is taking forward evidence gathering for the statutory review which includes strategic assessments required and a review of the Landscape Character Assessment (LCA) of the Kent Downs. A revised Management Plan is not only a statutory requirement it also provides all Councils with helpful up to date information which will assist in plan and decision making, enhance the local economy and to take forward positive activity to improve the health and wellbeing of the communities of Maidstone.

At a national level there is currently a review of Designated Landscapes and the JAC notes that Maidstone Borough Council is interested in considering new or extended designations. In support of this the ANOB Unit has provided initial information to Officers about the review and will continue to provide professional advice as the nature and timetable of the review becomes clearer. The JAC are seeking to influence the review for the benefit of Kent and the Kent Downs AONB and when the review programme is clearer the JAC will engage Maidstone Borough Council closely when developing our response.

At the same time Government is reviewing the Agri-environment payments (which nationally is a £3.5bn budget). The ANOB Unit have fed into the national consultation on how this funding should be allocated after the UK leaves the EU, again to benefit Kent and the Kent Downs AONB.

A current strategic priority in the Kent Downs is to develop a response to the impact of Ash Dieback on our much valued landscapes. The Kent Downs AONB Unit has just submitted a bid to the Heritage Lottery Fund for (iro £900K) to work with public bodies, landowners and land managers to develop a landscape recovery plan in Maidstone and other parts of Kent (not confined to the AONB).

As a part of the JAC's local response to Ash Dieback, the ANOB Unit have secured Arts and Heritage Lottery funding to run the Ash Project (<https://www.theashproject.org.uk>) which generates a cultural response to Ash Dieback in Kent. The project has developed and run a series of events and activities, including arts activities. A key part of the project is the commissioning of a major new landscape art work from the internationally renowned practice, Ackroyd and Harvey. We are delighted to say that this will be opened in September and is located at White Horse Wood, which will provide a new important cultural destination in Maidstone Borough Council area. The sculpture will be in place for 2 years.

The ANOB Unit provides planning support to the Council. In the past this work has included working in support of the Council at Public Inquiries. They have recently provided support and advice to Officers on three planning applications and are about to respond to the statement of community involvement as requested by the Council.

The AONB Unit hosts and supports a number of projects which operate in Maidstone Borough Council and supports the Council's strategic objectives, these include:

- The **Mid Kent Downs Countryside Partnership** which operates in the Maidstone area supporting community landscape projects for instance in Bredhurst, Boxley, Horish Wood, Harrietsham and developing funding bids for the Hollingbourne Vale (pending the HLF review);
- The **Kent Orchards for Everyone Project** supports orchards groups and invests in the conservation and enhancement of traditional orchards in Stockbury, Weaving, Hucking, Hunton, Yalding and Lenham;
- The **North Downs Way National Trail Partnership** manages the Trail in the Maidstone area and has secured funding from the UK Discover England Fund to promote tourism development and delivery along and around the trail – this will support local business and continue to enhance the experience of the Trail for local people.

Finally, this year is the 50th Anniversary Year of the Kent Downs AONB and the 40th Anniversary. The AONB Unit have used this opportunity to secure funding from the Heritage Lottery Fund to run a series of events and activities across the Kent Downs – these have engaged many people who have enjoyed a visit to the AONB at the same time they have contributed to the statutory review of the AONB Management Plan.

Strategic Planning, Sustainability and Transportation Committee

11/09/18

External Board/Outside Body

External Board/Outside Body	Maidstone Cycling Forum
Councillor(s) represented on the Outside Body/External Board	Clive English James Willis
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	Variable depending on workload

Purpose of the External Board/Outside Body:

To co-ordinate and represent the views of the cycling community and to improve the provision of cycling facilities in the Borough.

Update:

The main thrust since the Forum was established has been to comment on various Planning Policy and Transport issues and the Forum has commented widely on issues like the Local Plan, integrated Transport Strategy and changes to the Bridge Gyratory. The Forum has also aimed to promote cycling and has held with the support of other bodies 2 Annual Cycle-fest events amongst other promotional activities.

Strategic Planning, Sustainability and Transportation Committee

11/09/18

External Board/Outside Body

External Board/Outside Body	Maidstone Quality Bus Partnership
Councillor(s) represented on the Outside Body/External Board	D C Burton
Report Author	D C Burton
Date of External Board/Outside Body Meeting Attended	11/07/18

Purpose of the External Board/Outside Body:

Liaison forum for KCC, MBC and bus operators.

Update:

Full Minutes are yet to be published.

Some key points: -

- Update on impact on bus routes affected by Tonbridge Road sink hole. Temporary changes have been generally well implemented.
- Park + Ride – noted implementation of new arrangements. Anti-social behaviour at site reported. Gates now left open overnight. No. 4 bus now has additional stop to overlap Park & Ride bus.
- KCC Big Conversation – consultation re bus services taking place.
- Discussion about how to promote new/enhanced key radical routes, serving new developments and Maidstone services. S106 available?

Strategic Planning, Sustainability and Transportation Committee

11/09/18

External Board/Outside Body

External Board/Outside Body	Medway Valley Line Steering Group
Councillor(s) represented on the Outside Body/External Board	Clive English James Willis
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	Quarterly plus an annual stakeholder meeting. Various promotional events ie school visits, safety in action.

Purpose of the External Board/Outside Body:

This is the local rail partnership and its work therefore overlaps to some extent with the Kent Community Rail Partnership. Its main role is to bring together local Borough, and Parish Councils and other stakeholders along the line. It discusses detailed issues from new ticket machines and re-timetabling services to reusing signal boxes and promoting the railway for tourism purposes. To this end much of the activity is promotional by running events such as walks and historical recreations such as the WW1 train, or aimed at public involvement i.e. community adoption of stations.

Update:

The work this year has been a mix of long standing events such as participation in the Safety in Action event run by MBC for Schools and other school visits and newer activities such as the St Pancras/Kings Cross rail tourism promotion. This year has also seen considerable discussion and representations made on the re-tendering and re-timetabling exercise. There has also been a renewed drive to try to secure the re-use of redundant rail buildings.

Strategic Planning, Sustainability and Transportation Committee

11/09/18

External Board/Outside Body

External Board/Outside Body	PATROLAJC
Councillor(s) represented on the Outside Body/External Board	Clive English
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	Six monthly meetings July and January Annual Awards event.

Purpose of the External Board/Outside Body:

To provide Administrative and Financial support to running the Decriminalised Parking System outside London (and bus lanes), particularly the appeals system.

Update:

The meetings are largely about administration, and are mostly concerned with governance and finance which are essential to maintain this service, but do not particularly impact on Maidstone specifically. There are opportunities though to discuss best practice and to discuss issues that have caused concern in the sector, i.e. unusual or significant appeal decisions.

Strategic Planning, Sustainability and Transportation Committee

11/09/18

External Board/Outside Body

External Board/Outside Body	Southeastern Railways Stakeholders Forum
Councillor(s) represented on the Outside Body/External Board	Clive English David Pickett James Willis
Report Author	Clive English
Date of External Board/Outside Body Meeting Attended	Quarterly

Purpose of the External Board/Outside Body:

To consult the representatives of the travelling public on significant rail related service issues and to disseminate information to those with an interest or stake in the operation of the railway system.

Update:

The main issues for this year have of course been around re-tendering and re-timetabling. There has inevitably been much discussion of station improvements and of course the relationship between Southeastern's services and other projects such as Thameslink. The body is a useful 2 way conduit for the exchange of information on the rail industry within Kent and more broadly.

Agenda Item 14

Strategic Planning, Sustainability and Transportation Committee

**11 September
2018**

1st Quarter Budget Monitoring 2018/19

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service/Lead Director	Mark Green, Director of Finance & Business Improvement
Lead Officer and Report Author	Ellie Dunnet, Head of Finance
Classification	Public
Wards affected	All

Executive Summary

This report sets out the financial position for this Committee at the end of Quarter 1 2018/19 against the revenue and capital budgets.

For this Committee, there is an underspend against the revenue budget of £18,000, but this is expected to change to an overspend of £35,000 by the end of this financial year.

The existing underspend is comprised of an overspend within Parking and Transportation of £8,000 and an underspend of £26,000 on Planning Services.

There has been no capital expenditure to date this year for the projects which sit within this Committee's remit. This represents slippage of £0.489m.

This report makes the following recommendations to this Committee:

1. That the revenue position at the end of the first quarter and the actions being taken or proposed to improve the position, where significant variances have been identified, be noted.
2. That the capital position at the end of the first quarter is noted.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	11 September 2018

1st Quarter Budget Monitoring 2018/19

1. INTRODUCTION AND BACKGROUND

- 1.1 The Medium Term Financial Strategy for 2018/19 onwards was agreed by full Council on 7 March 2018. This report advises and updates the Committee on how each service has performed in regards to revenue and capital expenditure against the approved budgets within its remit.
 - 1.2 The Director of Finance & Business Improvement is the Responsible Financial Officer, and has overall responsibility for budgetary control and financial management. However in practice, day to day budgetary control is delegated to service managers, with assistance and advice from their director and the finance section.
 - 1.3 Attached at **Appendix 1** is a report detailing the position for the revenue and capital budgets at the end of the June 2018. This is a new format from that used in previous years, designed to bring together all the relevant information in a single report that can also be used as a stand-alone document. It includes all the information that Members have previously seen in budget monitoring reports.
-

2. AVAILABLE OPTIONS

- 2.1 There are no matters for decision in this report. The Committee is asked to note the contents but may choose to take further action depending on the matters reported here.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 In considering the current position on the revenue budget and the capital programme at the end of June 2018 the committee can choose to note this information or it could choose to take further action.
 - 3.2 The committee is requested to note the content of the report and agree on any necessary action to be taken in relation to the budget position.
-

4. RISK

- 4.1 This report is presented for information only and has no risk management implications.
- 4.2 The Council has produced a balanced budget for both capital and revenue expenditure and income for 2018/19. This budget is set against a backdrop of limited resources and a difficult economic climate. Regular and comprehensive monitoring of the type included in this report ensures early warning of significant issues that may place the Council at financial risk. This gives this committee the best opportunity to take actions to mitigate

such risks.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 No consultation has been undertaken in relation to this report.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The first quarter budget monitoring reports are being considered by the relevant Service Committees throughout September, including a full report to Policy & Resources Committee on 19 September 2018.

6.2 Details of the discussions which take place at service committees regarding budget management will be reported to Policy and Resources Committee where appropriate.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	This report monitors actual activity against the revenue budget and other financial matters set by Council for the financial year. The budget is set in accordance with the Council's Medium Term Financial Strategy which is linked to the strategic plan and corporate priorities.	Director of Finance & Business Improvement
Risk Management	This has been addressed in section 4 of the report.	Director of Finance & Business Improvement
Financial	Financial implications are the focus of this report through high level budget monitoring. The process of budget monitoring ensures that services can react quickly to potential resource problems. The process ensures that the Council is not faced by corporate financial problems that may prejudice the delivery of strategic priorities.	Director of Finance & Business Improvement

Staffing	The budget for staffing represents a significant proportion of the direct spend of the council and is carefully monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.	Director of Finance & Business Improvement
Legal	The Council has a statutory obligation to maintain a balanced budget and this monitoring process enables the committee to remain aware of issues and the process to be taken to maintain a balanced budget for the year.	Mid Kent Legal
Privacy and Data Protection	No specific issues arise.	Director of Finance & Business Improvement
Equalities	The budget ensures the focus of resources into areas of need as identified in the Council's strategic priorities. This monitoring report ensures that the budget is delivering services to meet those needs.	Director of Finance & Business Improvement
Crime and Disorder	No specific issues arise.	Director of Finance & Business Improvement
Procurement	No specific issues arise.	Director of Finance & Business Improvement

8. REPORT APPENDICES

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

- Appendix 1: First Quarter 2018/19 Revenue and Capital Monitoring – Strategic Planning, Sustainability and Transportation

9. BACKGROUND PAPERS

None

First Quarter Budget Monitoring 2018/19

Strategic Planning, Sustainability and
Transportation Committee
11 September 2018
Lead Officer: Mark Green
Report Author: Ellie Dunnet / Paul Holland

Contents

Executive Summary.....	2
Revenue Spending.....	3
Significant Variances.....	6
Capital Spending.....	7



Executive Summary

This report is intended to provide Members with an overview of performance against revenue and capital budgets and outturn during the first quarter of 2018/19 for the services within this Committee's remit.

Robust budget monitoring is a key part of effective internal financial control, and therefore is one of the elements underpinning good corporate governance.

The aim of reporting financial information to service committees at quarterly intervals is to ensure that underlying trends can be identified at an early stage, and that action is taken to combat adverse developments or seize opportunities.

It is advisable for these reports to be considered in conjunction with quarterly performance monitoring reports, as this may provide the context for variances identified with the budget and general progress towards delivery of the Council's strategic priorities.

Headline messages for this quarter are as follows:

- For this Committee, there is an underspend against the revenue budget of £18,000, but this is expected to change to an overspend of £35,000 by the end of this financial year.
- The position for the Council as a whole at the end of the first quarter is an underspend against the revenue budgets of £831,000. At this stage we expect to remain within budget for the year.
- There has been no capital expenditure to date this year for the projects which sit within this Committee's remit. This represents slippage of £0.489m.
- Overall capital expenditure totaling £1.671m has been incurred during the first quarter, against a budget of £28.754m.

Revenue Budget

1st Quarter 2018/19

Revenue Spending

At the end of the first quarter, there is an overall positive variance of £18,000 against the revenue budget for this Committee. This comprises an adverse variance of £8,000 on parking and transportation services, and a favourable variance of £26,000 on planning and development. Based on current information, we are forecasting an overall adverse variance of £35,000 by the end of the year, arising from unachieved income from parking and transportation services. It is anticipated the current variance on planning services will reduce to zero by the end of the year. However, there has been a fall in the number of planning applications received during the first quarter and for larger applications this trend is likely to continue because there is a recently adopted Local Plan in place, and whilst at this stage we are forecasting a break even position for the Development Control Applications the possibility of a shortfall in income does exist if large 'windfall' applications are not received. It should also be noted that a number of appeals have now been withdrawn and so the likelihood of additional spend in this area has now reduced. Members will recall that funds had been previously set-aside for possible appeals costs.

As illustrated by the chart below, all committees have kept expenditure within the agreed budget, or have achieved/exceeded their agreed income target this quarter.

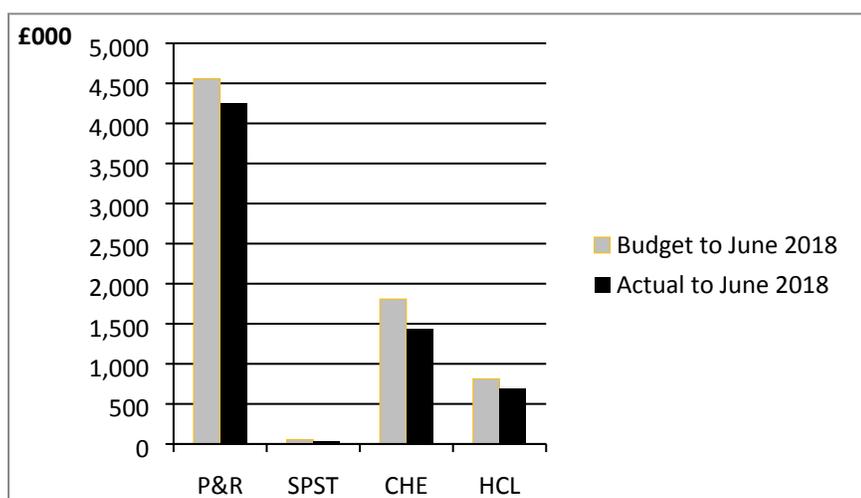


Chart 1 Performance against budget analysed by service committee

The table on the following page details the budget and expenditure position for this Committee's services during the first quarter. These figures represent the net budget for each cost centre. The actual position includes expenditure for goods and services which we have received but not yet paid for.

The columns of the table show the following detail:

- The cost centre description;
- The value of the total budget for the year;
- The amount of the budget expected to be spent by the end of June 2018;
- The actual spend to that date;
- The variance between expected and actual spend;
- The forecast spend to year end; and

g) The expected significant variances at 31 March 2019.

The table shows that of a net annual income budget of -£1.000m it was expected that £52,000 would be spent up until the end of June. At this point in time the budget is reporting an underspend of £18,000, and the current forecast indicates that the year-end position for this committee will decrease to an over spend of £35,000. The table separates the overall figures into the two main functions of this committee, Planning Services and Parking and Transportation, in order to show the budget and outturn for each function.

Revenue Budget Summary Q1 2018/19

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Cost Centre(T)	Budget for Year £000	Budget to 30 June 2018 £000	Actual £000	Variance £000	Forecast 31 March 2019 £000	Forecast Variance 31 March 2019 £000
Building Regulations Chargeable	-320	-80	-88	8	-320	0
Building Control	-1	-0	-0	0	-1	0
Street Naming & Numbering	-49	-12	-22	10	-49	0
Development Control Advice	-115	-28	-58	31	-175	60
Development Control Applications	-1,470	-352	-325	-27	-1,470	0
Development Control Appeals	122	28	18	10	122	0
Development Control Enforcement	66	11	12	-1	66	0
Planning Policy	235	30	32	-3	235	0
Neighbourhood Planning	75	75	75	-0	75	0
Conservation	-11	-3	-0	-3	-11	0
Land Charges	-299	-71	-59	-12	-299	0
Development Management Section	899	227	262	-35	959	-60
Spatial Policy Planning Section	332	83	85	-2	332	0
Head of Planning and Development	127	49	49	-0	127	0
Development Management Enforcement Section	279	57	43	15	279	0
Building Surveying Section	368	94	83	11	368	0
Mid Kent Planning Support Service	422	106	95	11	422	0
Heritage Landscape and Design Section	176	44	43	2	176	0
Planning Business Management	137	34	23	12	137	0
Mid Kent Local Land Charges Section	46	8	7	1	46	0
Sub-Total - Planning Services	1,018	301	275	26	1,018	0
Environment Improvements	16	4	5	-1	16	0
Name Plates & Notices	18	4	2	3	18	0
On Street Parking	-364	-96	-59	-37	-332	-33
Residents Parking	-263	-62	-60	-2	-263	0
Pay & Display Car Parks	-1,750	-254	-323	68	-1,909	159
Non Paying Car Parks	11	8	8	1	11	0
Off Street Parking - Enforcement	-75	-19	-8	-11	-75	0
Mote Park Pay & Display	-174	-48	-53	5	-174	0
Sandling Road Car Park	-2	-0	-6	6	-2	0
Park & Ride	203	113	161	-48	364	-161
Socially Desirable Buses	48	1	2	-1	48	0
Other Transport Services	-10	-2	-9	6	-10	0
Parking Services Section	324	103	99	4	324	0
Sub-Total - Parking Services	-2,018	-250	-242	-8	-1,983	-35
Total	-1,000	52	33	18	-965	-35

Table 1 Revenue Budget Position, Q1 2018/19 – Strategic Planning, Sustainability and Transportation Committee

Significant Variances

Within these headline figures, there are a number of adverse and favourable variances for individual service areas. This report draws attention to the most significant variances, i.e. those exceeding £30,000 or expected to do so by the end of the year. The table below provides further detail regarding these variances, and the actions being taken to address them.

It is important that the potential implications of variances are considered at this stage, so that contingency plans can be put in place and if necessary, this can be used to inform future financial planning.

	Positive Variance Q1	Adverse Variance Q1	Year End Forecast Variance
Planning Services	£000		
Development Control Advice – Income is showing a positive variance mainly due to the introduction of Planning Performance Agreements.	31		60
Development Management Section – There has been a high level of expenditure on temporary staff costs, although the vacant posts they are covering are now being filled.		-35	-60

Table 2 Significant Variances – Planning Services (Strategic Planning, Sustainability and Transportation Committee)

	Positive Variance Q1	Adverse Variance Q1	Year End Forecast Variance
Parking & Transportation	£000		
On Street Parking – Penalty Charge Notice income budgets have been realigned with the new contract, but there has been an issue with the reporting data after a new system was introduced in June, which partly explains the variance. However parking meters income and dispensation payments are performing slightly better than budget.		-36	-32
Pay & Display Car Parks – Pay & Display income is currently £13,000 below expectation and this is forecast to be £78,000 by the end of the year. However this has been offset by increased season ticket sales and the introduction of the Parking Reserve budget when the increased tariff was implemented.	68		159
Park & Ride – The first month of pay to park has been disappointing with income 50% lower than the equivalent period last year. Expenditure is currently £35,000 over budget, and whilst this is expected to improve slightly if income levels stay the same then they will end the year £143,000 under the budgeted figure.		-48	-161

Table 3 Significant Variances – Parking & Transportation (Strategic Planning, Sustainability and Transportation Committee)

Capital Budget

1st Quarter 2018/19

Capital Spending

The five year capital programme for 2018/19 onwards was approved by Council on 7 March 2018. Funding for the programme remains consistent with previous decisions of Council in that the majority of capital resources come from New Homes Bonus along with a small grants budget.

Progress made towards delivery of planned projects for 2018/19 is set out in the table below. The budget figure includes resources which have been brought forward from 2017/18, and these have been added to the agreed budget for the current year.

To date, there has been no expenditure incurred against a budget of £0.489m. At this stage, it is anticipated that there will be slippage of £0.190m, although this position will be reviewed at the end of the year when the Committee will be asked to approve/note the carry forward of resources into the next financial year.

Capital Budget Summary Q1 2018/19

Capital Programme Heading	Adjusted Estimate 2018/19 £000	Actual to June 2017 £000	Budget Remaining £000	Q2 Profile £000	Q3 Profile £000	Q4 Profile £000	Projected Total Expenditure £000
Strategic Planning, Sustainability and Transportation							
Bridges Gyratory Scheme	449		449	50	50	50	150
Riverside Towpath	40		40			40	40
Total	489	0	489	50	50	90	190

Table 4 Capital Expenditure, Q1 2018/19

**Strategic Planning,
Sustainability & Transportation
Committee**

11 September 2018

Key Performance Indicator Update Quarter 1 2018/19

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications, and Governance
Lead Officer and Report Author	Anna Collier, Policy and Information Manager and Ashley Sabo, Performance and Business Information Officer
Classification	Public
Wards affected	All

Executive Summary

The Strategic Planning, Sustainability & Transportation Committee are asked to review the progress of Key Performance Indicators that relate to the delivery of the Strategic Plan 2015-2020. The Committee is also asked to consider the comments and actions against performance to ensure they are robust.

This report makes the following recommendations to Strategic Planning, Sustainability & Transportation Committee:

1. That the summary of performance for Quarter 1 of 2018/19 for Key Performance Indicators (KPIs) be noted.

Timetable

Meeting	Date
Strategic Planning, Sustainability & Transportation Committee	11 September 2018

Key Performance Indicator Update Quarter 1 18/19

1. INTRODUCTION AND BACKGROUND

- 1.1 Having a comprehensive set of actions and performance indicators ensures that the Council delivers against the priorities and actions set in the Strategic Plan.
- 1.2 Performance indicators are judged in two ways. Firstly on whether performance has improved, sustained or declined, compared to the same period in the previous year. This is known as direction. Where there is no previous data, no assessment of direction can be made.
- 1.3 The second way is to look at whether an indicator has achieved the target set and is known as PI status. If an indicator has achieved or exceeded the annual target they are rated green. If the target has been missed but is within 10% of the target it will be rated amber, and if the target has been missed by more than 10% it will be rated red.
- 1.4 Some indicators will show an asterisk (*) after the figure. These are provisional values that are awaiting confirmation. Data for some of the indicators were not available at the time of reporting. In these cases a date has been provided for when the information is expected.
- 1.5 Contextual indicators are not targeted but are given a direction. Indicators that are not due for reporting or where there is delay in data collection are not rated against targets or given a direction.

2. Quarter 1 Performance Summary

- 2.1 There are 27 key performance indicators (KPIs) which were developed with Heads of Service and unit managers, and agreed by the four Service Committees for 2017/18. 4 are reported to the Committee for this quarter.
- 2.2 Overall, 100% (4) of targeted KPIs reported this quarter achieved their target compared to 50% (2) in quarter 4 of 2017/18 and 50% (2) in the same quarter last year.

RAG Rating	Green	Amber	Red	N/A	Total
KPIs	4	0	0	0	4
Direction	Up	No Change	Down	N/A	Total
Last Year	3	0	1	0	4
Last Quarter	4	0	0	0	4

3. Performance by Priority

Priority 2: Securing a successful economy for Maidstone Borough

- 3.1 Performance in major applications was 97.22% for quarter 1 and is 9.22% above the target of 88%. This is a significant achievement in overall performance and reflects the hard work that the team have put in.
 - 3.2 The performance in minor applications has seen a significant increase since the last financial year. At the end of the 17/18 financial year, performance stood at 75.97%. Whilst this was largely due to work to eliminate the backlog of applications, the current performance for quarter 1 of 98.23% reflects the hard work that the team have put in to turn the performance around. This is largely due to the success of the Planning Service Implementation Project (PSIP) which the whole team have been a part of and contributed to.
 - 3.3 Performance for other applications was 97.42% for quarter 1. This exceeds the target of 90%. Again, this reflects the hard work put in by the team to deliver the success of the PSIP Project.
 - 3.4 Affordable completions are usually slow for the first two quarters of the year and historically pick up for the final two quarters. However the quarter's target of 45 has been exceeded with 78 affordable completions being delivered for the first quarter of the year. Of these, 39 have been for shared ownership and 39 have been for affordable rent. We remain on track to achieve the year-end target.
-

4. RISK

- 4.1 This report is presented for information only, committees, managers and heads of service can use performance data to identify service performance and this data can contribute to risk management.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Key Performance Indicator Update is reported quarterly to the Service Committees; Communities Housing and Environment Committee, Strategic Planning, Sustainability and Transportation Committee, and Heritage Culture and Leisure Committee. Each Committee receives a report on the relevant priority action areas. The report is also presented to Policy & Resources Committee, reporting only on the priority areas of: A clean and safe environment, regenerating the Town Centre, and a home for everyone.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Council could choose not to monitor the Strategic Plan and/or make alternative performance management arrangements, such as frequency of reporting. This is not recommended as it could lead to action not being

taken against performance during the year, and the Council failing to deliver its priorities.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The key performance indicators and strategic actions are part of the Council's overarching Strategic Plan 2015-20 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas, for example waste and recycling.	Head of Policy, Communications & Governance
Risk Management	The production of robust performance reports ensures that the view of the Council's approach to the management of risk and use of resources is not undermined and allows early action to be taken in order to mitigate the risk of not achieving targets and outcomes.	Head of Policy, Communications & Governance
Financial	Performance indicators and targets are closely linked to the allocation of resources and determining good value for money. The financial implications of any proposed changes are also identified and taken into account in the Council's Medium Term Financial Plan and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.	Finance Manager (Client)
Staffing	Having a clear set of targets enables staff outcomes/objectives to be set and effective action plans to be put in place	Head of Policy, Communications & Governance
Legal	There is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. One of the purposes of the Key Performance Indicators is to facilitate the improvement of the economy, efficiency and effectiveness of Council Services. Regular reports on the Council's performance assist in demonstrating best value and compliance with the statutory duty.	Principal Solicitor Contentious and Corporate Governance

Privacy and Data Protection	We will hold data in line with the Data Quality Policy, which sets out the requirement for ensuring data quality. There is a program for undertaking data quality audits of performance indicators.	Keith Trowell, Interim Team Leader (Corporate Governance)
Equalities	The Performance Indicators reported on in this quarterly update measure the ongoing performance of the strategies in place. If there has been a change to the way in which a service delivers a strategy, i.e. a policy change, an Equalities Impact Assessment is undertaken to ensure that there is no detrimental impact on individuals with a protected characteristic.	Equalities & Corporate Policy Officer
Crime and Disorder	None Identified	Policy & Information Manager
Procurement	Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.	Head of Policy, Communications & Governance, & Section 151 Officer

8. REPORT APPENDICES

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

- Appendix 1: Key Performance Indicator Update Quarter 1 18/19

9. BACKGROUND PAPERS

None

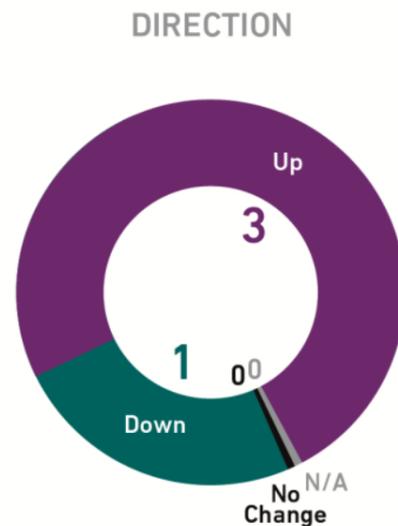
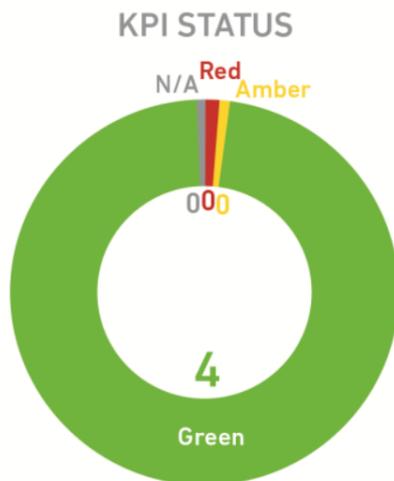
Performance Summary

This is the quarter 1 performance update on Maidstone Borough Council’s Strategic Plan 2015-20. It sets out how we are performing against Key Performance Indicators that directly contribute to the achievement of our priorities. Performance indicators are judged in two ways; firstly, whether an indicator has achieved the target set, known as PI status. Secondly, we assess whether performance has improved, been sustained or declined, compared to the same period in the previous year, known as direction.

Key to performance ratings

RAG Rating	
	Target not achieved
	Target slightly missed (within 10%)
	Target met
	Data Only

Direction	
	Performance has improved
	Performance has been sustained
	Performance has declined
N/A	No previous data to compare



RAG Rating	Green	Amber	Red	N/A	Total
KPIs	4	0	0	0	4
Direction	Up	No Change	Down	N/A	Total
Last Year	3	0	1	0	4
Last Quarter	4	0	0	0	4

Priority 2: Securing a successful economy for Maidstone Borough

A home for everyone

Performance Indicator	Value	Target	Status	Last Year	Last Quarter
Processing of planning applications: Major applications (NI 157a)	97.22%	88%			
Processing of planning applications: Minor applications (NI 157b)	98.23%	80%			
Processing of planning applications: Other applications (NI 157c)	97.42%	90%			
Number of affordable homes delivered (gross)	78	45			

Agenda Item 16

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE

11 September 2018

Extension of the South 3 Resident Parking Zone

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service/Lead Director	William Cornall Director of Regeneration & Place
Lead Officer and Report Author	Jeff Kitson Parking Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report provides the Committee with an overview of the Resident Parking Scheme and outlines proposals to include six properties into the South 3 zone located in College Road, Maidstone.

This report makes the following recommendations to this Committee:

That the South 3 Resident Parking Zone is extended to include property numbers 2 to 12 College Road.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee.	11 September 2018

Extension of the South 3 Resident Parking Zone

1. INTRODUCTION AND BACKGROUND

- 1.1 The residents parking scheme was introduced many years ago to ease parking pressures and improve levels of parking availability for local residents as availability was reduced as a direct result of commuter and shopper parking.
- 1.2 Residents within the South 3 zone are able to apply for up to two resident vehicle permits and one visitor permit per property.
- 1.3 The scheme continues to be successful in managing driver behaviour and over time consideration has been given to small changes to the zone boundaries to accommodate changing demands.
- 1.4 Requests to make changes to zone boundaries are normally referred to Parking Services from local ward members and the impact of any change is considered against levels of parking demand and the parking bays available within the designated parking zone.
- 1.5 During August 2018, Councillor English made representations to Parking Services to extend the South 3 zone to include a further six properties within College Road, Maidstone as Ward Member for High Street Ward.
- 1.6 The current boundary of the residents parking zone in College Road excludes property numbers 2 to 12 as historically there has been a limited demand for parking from residents of the Alms House properties at this location.
- 1.7 The demographic of residents living within these properties has changed over time and vehicle ownership levels have increased for some residents.
- 1.8 Although it is not recommended to extend the concession to all residents of the Alms Houses at this location, the inclusion of numbers 2 to 12 (with properties facing College Road) into the South 3 zone will have only a limited negative impact on the overall scheme and parking availability within the local vicinity.



- 1.9 It is therefore proposed that the South 3 resident parking zone is extended and amendments made to the zone boundary and associated GIS and application processes to include property numbers 2 to 12 College Road.
-

2. AVAILABLE OPTIONS

- 2.1 The South 3 zone boundary may remain unchanged and this will result in these properties being excluded from the current resident parking scheme. Residents will need to continue to make alternative arrangements for parking.
- 2.2 To extend the resident parking scheme South 3 zone to include 2 to 12 College Road (where properties are facing College Road) will allow residents in these properties concessionary parking in nearby roads.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is recommended that proposals to extend the scheme to include 2 to 12 College Road (where their properties are facing College Road) are agreed as this will require minimal administration costs and allow these residents concessionary parking in nearby roads without significant negative impact on parking availability.
-

4. RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks are considered to be minimal in terms of local parking demand within the South 3 zone and these are within the Council's risk appetite and will be managed as per the Policy.
-

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 If agreed, Parking Services will make arrangements for the zone boundary to be amended and for the Councils GIS and application systems to be amended to reflect the change.
-

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – by supporting concessionary parking where possible	Jeff Kitson Parking Services Manager
Risk Management	Risks have been considered as	Jeff Kitson

	part of this proposal and these are considered to be minimal in terms of local parking demand within the South 3 zone.	Parking Services Manager
Financial	It is anticipated that changes as proposed will be accommodated from the existing Parking Services budget	
Staffing	It is anticipated that the services will be delivered within existing staffing levels.	Jeff Kitson Parking Services Manager
Legal	Financial provisions in relation to Civil Parking Enforcement are defined within Section 55 of the Road Traffic Regulation Act 1984.	
Privacy and Data Protection	The developments identified within this report will increase levels of data held by third party suppliers. The Council will ensure that partners fully comply with the requirements of GDPR	
Equalities	An equalities impact assessment will consider any impact on groups with protected characteristics.	
Crime and Disorder	The proposal identified within this report will have no negative impact on Crime and Disorder.	Jeff Kitson Parking Services Manager
Procurement	There are no procurement considerations.	Jeff Kitson Parking Services Manager

7. REPORT APPENDICES

7.1 None

8. BACKGROUND PAPERS

8.1 None

Agenda Item 18

STRATEGIC, PLANNING, SUSTAINABILITY & TRANSPORTATION COMMITTEE

**11 September
2018**

Sevenoaks District Draft Local Plan Consultation July 2018

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Anna Houghton, Planning Officer (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

Sevenoaks District Council is consulting on an early version of the Sevenoaks District Draft Local Plan (Regulation 18). This report outlines the matters for inclusion in the Council's consultation response. The key points raised in the consultation relate to the housing approach, options for accommodating housing need within neighbouring authorities, affordable housing targets, gypsy and traveller need and employment need.

This report makes the following recommendations to this Committee:

1. That the response to the Sevenoaks District Draft Local Plan Consultation July 2018 set out in Appendix 1 is approved.

Timetable

Meeting	Date
Strategic Planning, Sustainability & Transportation Committee	11 September 2018

1. INTRODUCTION AND BACKGROUND

- 1.1 Sevenoaks District Council is consulting on the Sevenoaks District Draft Local Plan (Regulation 18). This is the second early stage Regulation 18 consultation and follows the Sevenoaks District Local Plan: Issues and Options Consultation in July 2017 (a formal response was submitted on behalf of Maidstone Borough Council). The Regulation 19 version of the Local Plan will be published later this year.
- 1.2 The Sevenoaks District Draft Local Plan (Local Plan) puts forward a strategy that goes part way to meeting the required needs for the Sevenoaks District over the plan period of 2015 to 2035. There is a need for 13,960 dwellings (based on the standardised methodology), 11.6ha of employment land and 32,000m² of retail floorspace.
- 1.3 Currently the Local Plan indicates that Sevenoaks District Council (SDC) is unable to meet its 13,960 objectively assessed need (OAN) in full. The Local Plan proposes a strategy of focusing development within existing settlements; re-using previously developed land (including Green Belt land); and using greenfield land within the Green Belt. The Local Plan indicates that discussions with neighbouring authorities are required to understand if they can accommodate any of the unmet need.
- 1.4 Under the new NPPF (paragraphs 136 and 137) Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, and demonstrate that full consideration has been given to the use of suitable brownfield sites and underutilised land, as well as optimising the density of development in line with Chapter 11 of the NPPF.
- 1.5 To further help towards meeting its housing need, SDC has identified Green Belt exceptional circumstance sites. There is no national definition for exceptional circumstances and so these have been defined within the Local Plan as sites that, in addition to housing, provide social and community infrastructure which meets an evidenced need. The assessment of the exceptional circumstance sites is ongoing and therefore it is not known how many sites will pass the tests. The total number of dwellings which can contribute to the OAN from these sites is therefore unknown. However, if all of the exceptional circumstance sites passed the tests and came forward, a total of 6,800 dwellings would be provided. The Council's response reiterates points that were made to the Issues and Options Consultation last year, in which it suggested a second stage Green Belt review was undertaken to address the unmet housing need.

Proposed response

- 1.6 In summary, the response raises the following key points.
- 1.7 The housing strategy proposed within the Local Plan can provide a total of 13,382 dwellings over the plan period. Therefore, SDC will fail to meet its OAN target. As the current strategy for housing delivery does not meet the OAN, it would be justified to look again at brownfield sites and look to optimise the density of development in line with paragraph 137 of the NPPF, as well as further land in the Green Belt.

- 1.8 There is a Statement of Common Ground between the two councils. The Statement of Common ground noted that Sevenoaks District Council was unable to confirm if its OAN would be met within the District at the time. Since it was produced in November 2016, the Sevenoaks Local Plan has progressed and there is a clearer position on whether the OAN can be met within the District. To accommodate the full OAN need, Sevenoaks District Council have expressed a need to discuss with neighbouring authorities the prospect of them accommodating some of that need. MBC would expect discussions to take place with neighbouring authorities in the first instance as they share the strongest functional links.
 - 1.9 Policy 9 – Provision of affordable housing proposes a financial requirement for affordable housing from small sites. It would not be appropriate to require contributions in this way if it would mean sites were unviable and as a result could affect the delivery of the OAN. Any such approach would need to be supported with up to date viability evidence.
 - 1.10 MBC supports the strategy proposed within the Local Plan for meeting the additional gypsy and traveller need over the plan period. The need will be met within the borough through additional permanent pitches on or adjacent to existing sites.
 - 1.11 There is a need for 11.6ha of employment land over the plan period and the Local Plan demonstrates that this need can be met. The Local Plan states an Article 4 direction on all office accommodation on allocates sites will be served to prevent the loss of further office floorspace to residential. However, considering SDC has not met its OAN a critical and focussed approach must be taken to ensure the Article 4 direction does not inhibit a positive contribution towards OAN through permitted development changes from office to residential use.
 - 1.12 The proposed response can be found in full at Appendix 1.
-

2. AVAILABLE OPTIONS

- 2.1 Option 1 – The Committee decides not to submit a response to the Consultation
- 2.2 Option 2 – The Committee agrees the consultation response

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option is Option 2 as this will allow Sevenoaks District Council to consider the Council's viewpoint.
-

4. RISK

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

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Subject to agreement by Committee, the consultation response will be submitted on 12 September 2018. The consultation closes on 10th September, but agreement has been sought from Sevenoaks District Council that Maidstone Borough Council's response can be submitted after the closing date. The consultation comments received will be considered and a final draft of the Local Plan will be published later this year.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.	Rob Jarman, Head of Planning and Development
Risk Management	Already covered in the risk section	Rob Jarman, Head of Planning and Development
Financial	There are no direct financial implications arising from the recommendations within the report.	Ellie Dunnet, Head of Finance
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman, Head of Planning and Development
Legal	There are no specific legal implications arising from the report.	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	There are no implications arising from the report	Cheryl Parks, Mid Kent Legal Services (Planning)
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Corporate Policy Officer

Crime and Disorder	N/A	Rob Jarman, Head of Planning and Development
Procurement	N/A	Rob Jarman, Head of Planning and Development & Section 151 Officer

7. REPORT APPENDICES

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

- Appendix 1: Maidstone Borough Council response to Sevenoaks District Draft Local Plan Consultation July 2018

8. BACKGROUND PAPERS

The Sevenoaks District Draft local Plan Consultation July 2018 can be found here <http://planningconsult.sevenoaks.gov.uk/consult.ti/dlp2018/consultationHome>

Planning Policy
Sevenoaks District Council
Argyle Road
Sevenoaks
TN13 1HG

Maidstone Borough Council

Maidstone House,
King Street,
Maidstone, Kent ME15 6JQ

 maidstone.gov.uk
 [maidstonebc](https://twitter.com/maidstonebc)
 [maidstoneboroughcouncil](https://www.facebook.com/maidstoneboroughcouncil)

Date 12th September 2018

Dear Planning Policy,

Re: Sevenoaks District Draft Local Plan Consultation 2018

Thank you for consulting Maidstone Borough Council on the Sevenoaks District Draft Local Plan Consultation July 2018. The response has been agreed (TBC) by the council's Strategic Planning, Sustainability and Transportation Committee at its meeting on 11th September 2018.

Housing

Based on the standardised methodology, Sevenoaks District has an OAN of 13,960 over the plan period (2015-2035). Policy 1 – A Balanced Strategy For Growth in a Constrained District and supporting text outlines that development will be focused within existing settlements, including building at higher density on non-Green Belt Land; the re-use of previously development land, including land in the Green Belt, where situated in sustainable locations, will be encouraged; and development will be permitted on greenfield sites in the Green Belt only in exceptional circumstances, in the most sustainable locations where employment, key services and facilities and a range of transport options are or will be available.

The Sevenoaks Local Plan indicates that, when looking at the potential Green Belt amendment, the Council has looked at the direction of growth from the four main settlements of Sevenoaks, Swanley, Edenbridge and Westerham. The Sevenoaks Local Plan states that, based on this consideration of 'directions of growth' and land availability, through sites that have been submitted through the 'call for sites', exceptional circumstance sites are under consideration. Under the NPPF the Green Belt boundary can only be amended in exceptional circumstances. MBC note that exceptional circumstances have been locally defined as, in addition to housing, providing social and community infrastructure which meets an evidenced need.

It is observed that the assessment of the exceptional circumstance sites is ongoing and at this stage it is unknown which sites will be taken forward to the final draft of the Local Plan. If all of the sites identified as exceptional circumstances come forward for development it would create 6,800 dwellings, a significant contribution to the District's need. It would mean a total of 13,382 dwellings would be delivered. Therefore, Sevenoaks District would still fall short of the 13,960 OAN figure.

The new NPPF (paragraph 136) indicates that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. The Council should be able to demonstrate that it has examined fully the use of suitable brownfield sites and underutilised land, as well as optimising the density of development in line with Chapter 11 of the NPPF (paragraph 137). As the current strategy for housing delivery does not meet the OAN, it would be appropriate to look again at sites in line with paragraph 137. Furthermore, it would not be unreasonable for the Council to release more Green Belt land in order to meet the housing need. Sevenoaks would not be the only authority to release green belt land, Tonbridge and Malling are proposing Green Belt release to meet its OAN.

MBC notes that the Sevenoaks District Council Green Belt Assessment (2017) reviews the performance of a total of 101 Green Belt areas against the five purposes of Green Belt. In total, 31 sub-areas have been identified as performing weakly and therefore suitable for further consideration known as 'recommended areas'. These recommended areas are all adjacent to settlements in the Sevenoaks Settlement Hierarchy. As such, these areas could be sustainable locations for growth and should be fully explored. MBC reiterates its comments made to the Issues and Options Consultation in July 2017 – further assessment of the sub areas could reveal additional, smaller parcels of land which perform weakly, or not at all, against the Green Belt functions. It appears that this further review has not been undertaken. Considering there remains a shortfall, such additional review would appear justified.

Policy 1 outlines that discussions with neighbouring authorities, about whether they can accommodate some of the identified need, will continue. MBC acknowledges that there is a Statement of Common Ground between Maidstone Borough Council and Sevenoaks District Council (November 2016). The Statement of Common ground noted that the Council was unable to confirm if its OAN would be met within the District at the time. The Sevenoaks District Local Plan has since progressed and there is a clearer position on whether the OAN can be met in full within the District. As the Local Plan shows SDC cannot meet its need in full, MBC would expect discussions to take place with neighbouring authorities as a priority. Sevenoaks District has strong functional links with its neighbours which is evidenced by the fact that it shares a housing market area, travel to work area and functional economic market area with them.

Policy 9 – Provision of affordable housing proposes a financial requirement for affordable housing from small sites. It would not be appropriate to require contributions in this way if it would mean sites were unviable and as a result could affect the delivery of the OAN. Any such approach would need to be supported with up to date viability evidence.

Gypsy and travellers

The Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2017) states that there is a need for further pitches over the plan period. The need is between 11 and 51 pitches. MBC supports the strategy outlined in the Local Plan which demonstrates how the need can be met in full within the Borough. The Local Plan proposes additional permanent pitches on:

- 1) Existing temporary pitches on suitable sites that can be made permanent
- 2) Additional permanent pitches on suitable sites with existing pitches within the current site boundary to achieve higher density

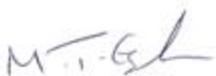
- 3) Additional permanent pitches on suitable sites within existing pitches with small scale minor boundary amendments in consultation with Local Members.

Employment

There is total need for 11.6ha additional employment land over the plan period. MBC supports Policy 13 – Supporting a Vibrant and Balanced Economy which demonstrates the Council can meet its employment need. MBC notes that considerable office space has been lost to residential conversion as a result of permitted development rights. The Local Plan states that Article 4 directions will be served on all office accommodation on allocated sites to remove permitted development rights in regard to office to residential conversions. Whilst it is acknowledged that Article 4 directions are an effective way to protect existing good quality office stock. MBC would reiterate our comments made to the Issues and Options Consultation – Article 4 directions should only be used where it is necessary to retain the best quality office stock. A critical and focused approach should be taken to ensure that the directions do not inhibit a positive contribution towards the OAN. The conversion of poor quality office stock to residential reflects paragraph 137(a) of the NPPF, which requires local authorities, in releasing Green Belt through exceptional circumstances, to demonstrate they have utilised brownfield sites.

I look forward to continuing to working collaboratively in the future on key cross-boundary issues.

Yours sincerely,



Mark Egerton

Strategic Planning Manager

Strategic Planning

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

t 01622 602062 www.maidstone.gov.uk

Agenda Item 19

STRATEGIC PLANNING, SUSTAINABILITY & TRANSPORTATION COMMITTEE

**11 September
2018**

Kent County Council Rights of Way Improvement Plan (ROWIP) consultation

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Anna Houghton, Planning Officer and Tay Arnold, Planning Projects and Delivery Manager (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

Kent County Council is consulting on its Rights of Way Improvement Plan (ROWIP). The ROWIP sets out the objectives for Kent's Public Rights of Way network and wider public access for the next 10 years. This report sets out matters for inclusion in the Council's response to the consultation.

This report makes the following recommendations to this Committee:

1. That the response to the Rights of Way Improvement Plan set out in paragraphs 1.6 to 1.13 of this report be agreed.

Timetable

Meeting	Date
Strategic Planning, Sustainability & Transportation Committee	11 September 2018

Kent County Council Rights of Way Improvement Plan (ROWIP) consultation

1. INTRODUCTION AND BACKGROUND

- 1.1 Kent County Council is consulting on the Rights of Way Improvement Plan (ROWIP). The public consultation closes on 12 September 2018. The County Council is required to prepare a public rights of way improvement plan under Section 60 of the Countryside and Rights of Way Act 2000 and to update the plan every 10 years.
- 1.2 In 2017 a consultation was undertaken reviewing what had been achieved by the Rights of Way Improvement Plan 2007-2017 and the Countryside and Coastal Access Improvement Plan 2013-2017. A formal consultation response was submitted on behalf of Maidstone Borough Council. The ROWIP outlines the objectives for the Public Rights of Way (PROW) network and wider public access for the next 10 years.
- 1.3 The ROWIP looks to assess to what extent the present and future needs of PROW users have been met. The ROWIP outlines how the network will be improved over the next ten years. To do this six key themes have been identified. Each theme has a number of objectives and subsequent actions outlined in a delivery plan. The table below outlines the themes and corresponding objectives.

Theme	Objective
Active lifestyles	<ul style="list-style-type: none"> • Increase health and wellbeing benefits • Active travel • Tackling deprivation and disadvantage
Evolution of the network	<ul style="list-style-type: none"> • Modal shift to cycling and walking to reduce road air pollution • Improve green infrastructure • Safe travel • High standard good design routes • Strategic overview • Adaptation to Climate Change
Knowing what's out there	<ul style="list-style-type: none"> • Maintain the record • Better promotion • Sustainable tourism • A strong brand for Kent (Encouraging visits to Kent) • Promotion of National Trails • Grow new markets • More accessible information/increasing knowledge and confidence • Keep communication open
Well-maintained network	<ul style="list-style-type: none"> • Better network for leisure and daily use • A strong brand for Kent • PROW Asset Management Plan

	<ul style="list-style-type: none"> • The Intelligent Investment Tool
Rights with responsibilities	<ul style="list-style-type: none"> • Provide advice on PROW Network • Negotiate improvements • Compliance • Remove stiles and other limitations from the network • Promote responsible use
Efficient delivery	<ul style="list-style-type: none"> • Volunteers • Improved customer service • Increase awareness of ROWIP • Working in partnership • PROW network links to encourage Sustainable Travel • Programme and project assessment • Secure additional funding

1.4 It illustrates policies and strategies that share common objectives with the ROWIP. For example local plans, green infrastructure plans and neighbourhood plans. Further information on the consultation can be found here:
<https://consultations.kent.gov.uk/consult.ti/rightsofWayImprovementPlan2017/consultationHome>

1.5 The consultation questionnaire is made up of 15 questions, however not all questions are applicable to all organisations. The questions themselves relate to the content of the document seeking responses on matter such as whether the right key themes have been identified, to what extent the Council agrees or disagrees with the key themes, and the delivery plan. Draft responses to the relevant questions are provided below.

Proposed response

1.6 **Q5. Was the ROWIP document easy to understand? Please select one option.**
 Yes

1.7 **Q5a. Please provide details in the box below:**
 The ROWIP clearly outlines the actions which are required to address the themes.
 There is acknowledgement regarding the contribution from the ROWIP to policies and strategies produced by Maidstone Borough Council. The diagram on page 11 indicates which policies and strategies KCC believes that the ROWIP shares its common objectives with. This includes Local Plans and Neighbourhood Plans. It would be helpful to re-order these by weighting and show how the different policies or strategies correlate with one another.
 The Delivery Plan on page 30 includes symbols to show the level of what is referred to as resource/limitation for each objective. However, the majority of objectives have been classified under all three resources/limitations and it is therefore not clear what value these add. What is also not clear is whether the symbols relate to the individual actions within each objective.

It would be helpful to make this distinction to provide clarity as to how the objective can be all three.

1.8 Q6. To what extent do you agree or disagree that we have identified the correct themes? Please select one option.

Strongly agree

1.9 Q6a. Please provide further details in the box below:

The Maidstone Borough Local Plan (MBLP), supported by the Integrated Transport Strategy (ITS), Walking and Cycling Strategy (WCS), the Infrastructure Delivery Plan (IDP) and the Green and Blue Infrastructure Strategy (GBIS), looks to provide attractive and safe walking and cycling routes. The improvement of the public rights of way network is present throughout the MBLP. Strategic Policy SP23 Sustainable Transport, outlines that the Council, working with its partners, will protect and enhance public rights of way. Within some strategic allocations there are requirements to upgrade the PROW network (Policy H1(5) Langley Park, Sutton Road is an example). Additionally, developers are required under Policy DM3 Natural Environment to ensure new developments protect and enhance the natural environment which includes the creation of new links to the PROW network. The Local Plan policies reflect the ROWIP themes of 'Evolution of the network', 'Well-maintained network' and 'Rights with responsibilities' which look to improve the PROW network and encourage more users.

One of the objectives of the ITS is to develop, maintain and enhance walking and cycling provision, through network improvements and encouraging uptake amongst the population. The ITS aims to increase walking and cycling mode share by 2031. To achieve these targets, the ITS includes a number of actions. Alongside the ITS is the Walking and Cycling Strategy (WCS) which provides the evidence base for walking and cycling actions outlined in the ITS. Improvements to the network and encouraging greater uptake supported through the ITS and WCS reflect the all of the ROWIP themes.

The Infrastructure Delivery Plan identifies infrastructure schemes which are required to support the development proposed in the MBLP. There are a number of schemes which look to improve the walking and cycling environment. Therefore, the IDP and the ROWIP share the common objective of improving the network (themes of 'Evolution of the network', 'Well-maintained network' and 'Rights with responsibilities').

The Green and Blue Infrastructure Strategy Action Plan looks to facilitate delivery of projects and the Local Plan. KCC PROW has been identified as delivery lead for a number of projects such improving accessibility of the footpath network. There is a similarity between the Action Plan and the ROWIP key themes of 'Active Lifestyles', 'Evolution of the network', 'Well-maintained network' and 'Rights with responsibilities'.

The Council's Lower Emissions Strategy promotes active travel and the WCS. There is also the Maidstone Health Inequalities Action Plan which outlines actions for improving the health of residents which include access to the PROW network. Both of these documents reflect the need for improvements to the network to accommodate active travel as outlined in 'Active lifestyles'.

Furthermore, the Council in its Strategic Plan 2015-2020 has a commitment to delivering the ITS and WCS to meet the strategic priority of securing

improvements to the transport infrastructure of the Borough. Therefore, the Strategic Plan reflects all of the ROWIP key themes.

It is clear that there are similarities between the key themes outlined in the ROWIP and the objectives of the Maidstone Borough Local Plan and other key documents. There is a shared common objective of improving the PROW network for current and future users.

1.10 Q7. To what extent do you agree or disagree with each of our six themes? Please select one option.

	Strongly agree
Active lifestyles	X
Evolution of the network	X
Knowing what's out there	X
Well-maintained network	X
Rights with responsibilities	X
Efficient delivery	X

1.11 Q8. The Delivery Plan details actions required to deliver each theme and can be found on page 30 of the ROWIP. If you have any comments on the Delivery Plan's actions, please provide details in the box below:

As mentioned in the response to Q5a, the majority of objectives have been classified as all three resources/limitations. It would be helpful to clarify whether the classifications reflect the individual actions within each objective or the objective as a whole.

The key partners are listed as part of the actions; it would be helpful to include an explanation of the process of engagement with those key partners.

It would be helpful to provide more detail within the actions to identify if there are baseline figures when measuring progress.

As part of the key partners, there is not a reference to public health bodies. It is noted that local authorities are included as a key partners, as well as planning authorities. It would be helpful to clarify which department within the local authorities are the key partner in each scenario.

There are also actions where local authorities should be included as a key partner – these include KT02, KT03 and KT06.

1.12 Q9. Do you have any other comments on the ROWIP?

Page 23 includes a list of developments where the PROW and Access Service will work with planners and developers to secure PROW enhancements and improvements. Below is a list of allocations within the Maidstone Borough Local Plan which require improvements to the ROW network that should be incorporated into the list.

Retail and mixed use site allocations

- RMX1(4) Former Syngenta Works, Hampstead Lane, Yalding.

Housing site allocations

- H1(5) Langley Park, Sutton Road, Boughton Monchelsea
- H1(9) Bicknor Farm, Sutton Road, Otham
- H1(10) South of Sutton Road, Langley
- H1(50) North of Henhurst Farm, Staplehurst
- H1(59) North of Heath Road (Older's Field), Coxheath

In addition, the Local Plan identifies broad locations for housing growth.

- H2(1) Maidstone Town Centre
- H2(2) Invicta Park Barracks, Maidstone
- H2(3) Lenham

1.13 Q10. We have completed an Equality Impact Assessment (EqIA) on the draft ROWIP. An EqIA is a tool to assess the impact any service change, policy or strategy would have on age, gender, gender identity, disability, race, religion or belief, sexual orientation, pregnancy or maternity, marriage and civil partnership and carer's responsibilities. The EqIA is available online at www.kent.gov.uk/rightsofwayimprovementplan or on request. We welcome your views on our equality analysis and if you think there is anything we should consider relating to equality and diversity. Please add comments in the box below.

The Council is pleased to see that the EqIA is comprehensive. The EqIA covers not only the impact of the physical infrastructure but also covers the need to refine engagement methods to encourage more people to use the ROW network.

2. AVAILABLE OPTIONS

- 2.1 Option 1 – The Committee decide not to submit a response.
- 2.2 Option 2 – The Committee agrees the consultation response outlined in paragraphs 1.6 to 1.13.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The preferred option is Option 2. This will ensure that the Council's viewpoint is taken into account by Kent County Council.
-

4. RISK

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

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Subject to agreement by Committee, the consultation response will be submitted on 12 September 2018. The consultation period also ends on 12 September. The consultation responses will be used to produce the final Rights of Way Improvement Plan.
-

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.	Rob Jarman, Head of Planning and Development
Risk Management	Already covered in the risk section	Rob Jarman, Head of Planning and Development
Financial	The proposal set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Ellie Dunnet, Head of Finance
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman, Head of Planning and Development
Legal	There are no specific legal implications arising from this report	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	There are no specific legal implications arising from this report	Cheryl Parks, Mid Kent Legal Services (Planning)
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities and Corporate Policy Officer
Crime and Disorder	N/A	Rob Jarman, Head of Planning and Development
Procurement	N/A	Rob Jarman, Head of Planning and Development

		& Section 151 Officer
--	--	--------------------------

7. BACKGROUND PAPERS

The Rights of Way Improvement Plan and supporting documents can be found here:

<https://consultations.kent.gov.uk/consult.ti/rightsofWayImprovementPlan2017/consultationHome>

Agenda Item 20

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE

11 SEPTEMBER 2018

REFERENCE FROM COUNCIL

COMMUNITY INFRASTRUCTURE LEVY

At the meeting of the Council held on 18 July 2018, the following motion was moved by Councillor Perry, seconded by Councillor English:

The Council has agreed the introduction of the Community Infrastructure Levy (CIL), which is due to come into effect later this year. However, the detail of how it would work in practice and the governance arrangement were not known at the time.

The introduction of CIL will fundamentally impact every community in the Borough in setting the mitigation for local communities as a result of planned development. We therefore request and require that the Strategic Planning, Sustainability and Transportation Committee receive an additional report on the Council's planning for this change. This would enable the Strategic Planning, Sustainability and Transportation Committee to conduct an in-depth consideration of the practical application of CIL prior to implementation; and if it considers it necessary, make further recommendations to the Council.

It is important that all Members, Parish Councils and residents across the Borough are aware of the steps being taken to make sure CIL is introduced successfully.

In accordance with Council Procedure Rule 17.5, the motion, having been moved and seconded, was referred to the Strategic Planning, Sustainability and Transportation Committee.

RECOMMENDED: That the Strategic Planning, Sustainability and Transportation Committee consider this motion in conjunction with the joint report of the Planning Projects and Delivery Manager and the Principal Planning Officer relating to the Community Infrastructure Levy administration and governance arrangements.

**STRATEGIC PLANNING
SUSTAINABILITY &
TRANSPORTATION COMMITTEE**

**11 SEPTEMBER
2018**

**Maidstone Community Infrastructure Levy Administration
and Governance**

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Tay Arnold, Planning Projects and Delivery Manager and Isabel Elder Principal Planning Officer
Classification	Public
Wards affected	All

Executive Summary

Since the Community Infrastructure Levy (CIL) was approved by Full Council in October 2017 officers have brought two reports to this Committee (on 7th November 2017 and 13th March 2018) outlining approaches to administration and governance. In alignment with the March report and its recommendations, officers have implemented the administrative arrangements and carried out engagement with stakeholders. This report updates the committee on progress to date and outlines the next steps. It also includes details of the reporting requirements for spending of all CIL receipts and the Councils obligation to produce an annual report. This report will include full details of the Council's strategic spend; money spent on behalf of non Parish Council areas as well as any Parishes who choose not to draw down funds, and a summary of the Parish Council reports.

This report makes the following recommendations to this Committee:

1. That the committee notes the administrative and engagement progress to date.
2. That the committee agrees the proposed annual reporting processes as proposed in paragraphs 1.34 to 1.40.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	11 September 2018

Maidstone Community Infrastructure Levy Administration and Governance

1. INTRODUCTION AND BACKGROUND

1.1 Since approval by Full Council, to adopt a CIL in Maidstone, there have been two reports to this Committee, on 7th November 2017 and 13th March 2018. These have identified the proposed approach for implementing the CIL in Maidstone and the appropriate timescales. The reports have looked at the two key areas of administration and governance. Whilst there is some overlap between the two elements, the functions are clearly distinct. Administration relates to the collection of CIL receipts whilst governance relates to the spending of monies. There are two main pots of CIL money. A non strategic portion which is allocated to local communities to spend in the local area and a larger pot, to be spent on strategic infrastructure borough wide, to be administered by Maidstone Borough Council.

1.2 The report in November 2017 set out initial thoughts on both administration and governance and set out that the administrative arrangements would be looked at in detail first. These needed to be in place significantly before the 1st October as CIL is liable from the date permission is granted. Applications submitted prior to this date, after their statutory timescale for assessment, would become liable. As previously noted the administrative arrangements for CIL are both complex and bureaucratic as they are heavily legislated in regulations that have been amended numerous times.

1.3 In March 2018 this Committee received an update on progress on the administrative arrangements and governance in relation to the non strategic portion. The Committee agreed to:

- Continue to develop administrative arrangements for the CIL;
- Engage with all interested parties, internal Council departments, Parishes and the public where relevant prior to the agreed implementation date; and
- Ensure that infrastructure providers are aware of the CIL and the impact it will have on infrastructure requests under s106.

Update on Completed Administration Arrangements

1.4 Since the March report, there has been significant achievement made on implementing the administrative processes required in order for the Council to be ready to start receiving CIL liable applications and being able to issue CIL liability notices from 1st October. All relevant internal departments have been consulted, advised and worked with as appropriate to ensure that the Council is able to carry out its legal responsibility as the collecting authority.

1.5 To optimise the outputs a project plan for implementation of the administrative arrangements was produced. This focused on embedding a streamlined and transparent process for CIL, which would complement and interrelate with existing processes. To achieve this, officers undertook an extensive stakeholder mapping exercise. Existing resources and online systems were analysed as to what could be accommodated within current operations and

identify where changes would be required. An action plan was devised which identified the following main areas of work which have subsequently been achieved:

1.5.1 The establishment of a Council Wrike project, working with IT to oversee the software changes required to a number of the Councils systems, to implement the CIL. Where possible the objective was to create an as automated process as possible. CIL forms are submitted via the planning portal and these are then internally diverted to the planning technical team to action. When approval is given to permissions, notifications are automatically sent to the CIL team for them to issue liability notices. The Council has previously purchased a bespoke CIL monitoring program called Exacom; this is also used to monitor S106 agreements. It is a stand alone software package so it has been important that systems have been devised to keep relevant Council documents in the Exacom system and also in the Councils document management system.

1.5.2 Active engagement has taken place with land charges as all CIL liable permissions must be registered as a land charge until the payment is made. This is similar to S106 and is a key part of the process as it enables the Council to be sure that all payments are made and nothing is sold to a third party without it coming to the Councils attention. Standard land charge enquiries now have specific CIL questions which need to be answered, devising automated systems within the Wrike project has assisted in minimising staff resources to answer these.

1.5.3 Meetings have been held with digital services and a fully comprehensive set of webpages have been designed which cover all the aspects of CIL. These have been written by the CIL team and uploaded by digital services who have worked with the team to create a layout which best meets the needs of the user. The webpage is now live and can be viewed: <https://www.maidstone.gov.uk/community-infrastructure-levy>

1.5.4 The Council currently has an online payment system for the public to use, which has been adapted to receive CIL payments. This reduces officer involvement as payments can be made at the convenience of the customer which will be more convenient for them and more efficient for the Council. A CIL payment can only be made if their unique reference code is quoted.

1.5.5 Early engagement took place with the MKPS planning validation team, to discuss and successfully negotiate their role in the CIL process. A process paper has been prepared for the team and a frequently asked question sheet to assist them, as they are the front line team dealing with external enquiries.

1.5.6 Two training sessions were organised for all development management officers and the planning technical team to inform them both of what CIL is, the background to it, what is liable, the impact on them and their role in the CIL process. The first training session on 17th May was an introduction to CIL and the second on 5th June was more detailed, looking at how it is calculated and providing information on the types of questions they will be asked, in order that the Council is seen as providing a streamlined service. Both these training sessions were well received and officers felt more informed by attending.

1.5.7 The planning technical team were given a further training session on 5th June on how to process the Form 0 Additional Information Form, which is submitted with applications. This guided them through step by step, what they needed to do with the form. After the meeting they were given a written process paper to follow to complement the training session.

1.5.8 Discussions have taken place with the key officer in finance regarding CIL receipts and financial monitoring which will assist with the Councils legal responsibility to prepare an annual report on income and expenditure. Systems are now in place to ensure all CIL money received is spent and recorded accurately. New coding has been established and the finance team will work closely with the CIL team regarding project spend accountability. Specific training for the rest of the finance team has been arranged for 27th September.

1.5.9 On going engagement has taken place with the Revenue and Benefits team to discuss their involvement and to inform them of CIL.

1.5.10 Discussions around planning enforcement have taken place with relevant officers, a flow diagram has been produced, a process paper written and a designated lead assigned. The paper also covers issues such as surcharges and penalties. This has also been put on the Councils CIL webpages so that applicants are aware of the consequences of not following the CIL process.

1.5.11 Significant engagement has taken place with legal, to ensure that applications which are currently in the system requiring developer contributions can be actioned accordingly. Legal have been asked to bring to the attention of applicants that their application may become CIL liable if the agreement is not signed before 1st October 2018.

1.6 From 11th June, which is 16 weeks before the 1st October, which would be the statutory timescale in which to assess a major application with an Environmental Impact Assessment, the Council has been asking for a CIL Additional Information Form (Form 0) to be submitted with all relevant planning applications. Submission of this form is now a validation requirement for all relevant applications. These are submissions for full planning permission, including householder applications and reserved matters (following an outline planning permission) and applications for lawful development certificates.

1.7 In addition to the work with other internal Council departments, two new members of staff have been recruited and are now in post. A CIL monitoring officer and a CIL project officer. CIL additional information forms are now being received and processed by the team in the lead up to 1st October to ensure that the transition into CIL is seamless. Assumption of liability notices (i.e. who will be paying) are being requested by the CIL team. Without this, a liability notice can not be issued. If no one assumes liability the charge by default is levied on the land owner/s.

1.8 As highlighted earlier there are strict processes which must be followed for issuing CIL notices and receipts. Once the Council has approved a CIL liable planning application, it will issue a planning certificate with an informative that it is CIL liable. The CIL team will then issue a liability notice indicating the amount of CIL due and inform land charges that there is a CIL to be paid. The CIL liability will also include indexation from 1st January 2019. This will be calculated by CIL

officers and reflects the changes in building costs since the charge was adopted. Should the applicant feel that they could be eligible for relief or an exemption they must complete the appropriate forms and submit them to the Council and await the Council's confirmation that the development is exempt from CIL before commencing work. The CIL team will then assess the application against the legislative requirements of what constitutes relief and will inform the applicant, in writing, of the outcome.

1.9 When development is about to commence the applicant must submit a commencement notice. (Failure to do so will mean their payment will be due immediately and the 60 day payment window for the amount/first instalment will be removed.) The Council must acknowledge the commencement notice and send a demand notice which will include a unique reference code, the amount due and the timings of such payments. On receipt of payment the CIL team must then acknowledge the payment. Where applicants fail to make a payment or make it late, surcharges and penalties will be added, again an administrative process undertaken by the CIL team. Should an applicant not agree with the amount of CIL charged they can appeal against the calculation. NB they can not appeal against the charging schedule figure as this has already been adopted. Should there be an appeal against the calculation; the CIL team will review this in the first instance. Following the CIL process outlined in legislation is an essential part of the administrative function of the Council; appeals elsewhere in the Country have been won successfully against Councils who have failed to show they have followed the legislative process.

1.10 There has also been significant progress made with informing external parties of the CIL process and the spending of the Neighbourhood portion of CIL. Progress includes:

1.10.1 A workshop was held for all Parish Council Councillors to which all Borough Councillors were also invited to attend. This took place on 20th June and provided information and background to CIL, what is liable, details of the non strategic portion of CIL, what they could spend CIL on, how to account for it, timing of payments and what it could be spent on etc. After the meeting, more pages were added to the website for this specific area so that they could see their obligations and those of the Council.

1.10.2 The North Loose residents association who have a 'made' neighbourhood plan but who are not a parish, were invited to a supplementary meeting to discuss the process that would effect them and how they could allocate CIL money to projects in their area.

1.10.3 A separate meeting also took place with Lenham Parish Council as they are a broad location which is expecting 1000 new homes post April 2021. Policy H2 (3) ensures that proposals which come forward before either a neighbourhood plan is agreed or the local plan review adopted, will be refused. Lenham are currently in the process of making a neighbourhood plan and discussions regarding neighbourhood CIL and what it can be spent on and estimates of how much they will receive were productive for attendees. Both meetings with Lenham and North Loose were positively received and resulted in stronger working relationships being developed which will assist project development and CIL spend in the future.

1.10.4 A workshop for agents and developers operating in the borough was held on 31st July which again all Borough Councillors were invited to attend. This gave an overview of CIL and the changes that would happen after 1st October, what they were required to submit with a planning application, how to fill in the forms and a detailed explanation of the CIL process, how CIL is levied and how it is calculated etc. The aim of the meeting was to ensure that they knew which forms to submit and why. It gave them a greater understanding of CIL and ensured those present understood the significance of why forms had to be completed and what the Council would do with that information. By having a greater understanding it is hoped that forms will be completed more accurately which will ensure efficiency and minimise impact on staff resources having to ask for additional information. The CIL team will continue to monitor how successful this has been and provide additional information if required.

1.10.5 All meetings have been highly successful with positive feedback received. Copies of the slides have been sent out when requested and all enquirers referred to the website in the first instance. The pre-application advice service has been highlighted to developers who wish to have site specific CIL advice.

1.11 There are a number of stages in the CIL implementation process: Identifying CIL liable applications, issuing paper work, collecting CIL, allocating CIL to Parishes and Wards, and spending money on strategic infrastructure. Officers have successfully worked on implementing the administrative arrangements to date and have kept interested parties informed for the start date of 1st October. Officers have had ongoing engagement with external partners and infrastructure providers such as KCC throughout the process in both setting the charging schedule and in delivering the Infrastructure Delivery Plan (IDP). Further, more detailed work is required as a next stage, on how the strategic portion will be spent. A report on this will be brought to SPST Committee in January 2019.

Governance

1.12 In contrast to the administrative arrangements, the CIL regulations and national guidance provide very little prescription on how decisions should be made on spending CIL. CIL is used to fund infrastructure to support development in the borough. The regulations state that 5% can be spent by the Council on administration; 15 – 25% on non strategic priorities, to be spent in the local area (those with a 'made' neighbourhood plan receive 25% others 15%) and the remainder; 70 – 80% on strategic priorities to be spent borough wide, administered by the Council.

1.13 As part of the preparation of the Local Plan, an Infrastructure Delivery Plan (IDP) was written which identifies the infrastructure schemes necessary to support the development proposed in the Local Plan and outlines how and when these will be delivered. As a "living document", the current iteration of the IDP, which was collated in 2016, provides only a snapshot in time. In addition to identifying the infrastructure schemes required to support development proposed in the Local Plan, another key function of the IDP is to outline how and when schemes will be delivered. In accordance with Local Plan Policy ID1, the default approach is to seek developer contributions through planning obligations under S106 of the Town and Country Planning Act 1990 for site specific infrastructure requirements, and to use the Community Infrastructure Levy (CIL) to collect contributions towards delivery of strategic infrastructure.

1.14 At the CIL examination, officers confirmed that they intended to review both the IDP and the Regulation 123 list annually. As the Regulation 123 list only comes into force on 1 October 2018 it is proposed that this first review is completed by October 2019.

1.15 The Reg 123 list identifies what both CIL and S106 can be spent on. This list ensures that the Council is transparent in its approach to spending CIL so that a developer does not pay twice for a piece of infrastructure. The process of reviewing the Reg 123 list is relatively straight forward, should the Council wish to, it would need to explain the reason for the change and then undertake appropriate consultation with stakeholders and the public.

1.16 At the examination in 2016, the Inspector confirmed that there was a funding gap in the Borough. The Council forecast that the expected costs of the required infrastructure to support growth in the plan period would be circa £100 million. The IDP further identified other funding sources such as LEP money and KCC, to assist in financing this requirement but there still remained a gap of £38 million. The adopted CIL rates in the MBC charging schedule could generate net receipts of around £19.8 million, to go towards reducing this gap. This is an estimate based on the type of size of development planned in the plan period. It has never been anticipated that CIL would fund the whole cost of the infrastructure required.

1.17 This table illustrates the infrastructure funding deficit forecast in 2016 when these figures were generated.

Total £ needed to support development in the borough	Amount of £ identified from existing sources	Gap in finance needed to support development	Estimated income from CIL	Amount outstanding to be identified
£100M	£62M	£38M	£19.8 M	£18.2M

1.18 The amount of CIL which will be secured from development to pay towards infrastructure, for Maidstone is about 20%. This is consistent with levels across England where the range is between 10 – 30% according to the Planning Advisory Service. This funding gap means the Council will have to make effective decisions on the allocation of the strategic portion of CIL monies. A means of prioritising these will need to be established based on the IDP, which developments come forward, what infrastructure is required and what has been provided. Alternative sources of funding will need to be looked at to further bridge this gap. Furthermore a significant amount of the infrastructure schemes identified in the IDP and the Regulation 123 list as eligible to be funded wholly or partly through CIL, already have developer contributions either secured or held through S106 agreements stemming from planning permissions granted early in the Maidstone Borough Local plan period. A detailed piece of work is currently being undertaken by the Strategic Planning team to identify where funding has been secured and where and how large the gaps are. This is often referred to as the Infrastructure Roadmap. It will assist the decision making process not only

for CIL priorities but also for other Council and external funding partners. The allocation of CIL monies will need to be carefully considered in the wider context of funds already secured, the level of 'top up' required and the relevant trigger points.

1.19 The success of the Councils charging schedule in providing the estimated income of circa £19.8 million will be monitored alongside how S106 legal agreements are being used to provide the necessary infrastructure required. The Council in setting its charging schedule set a 'buffer' so that the CIL would not affect viability and that there would be developer contributions available from development to pay for site specific mitigation.

1.20 The Councils adopted charging schedule can be reviewed at any time. Under the current legislation this would take two years, however the recent draft consultation document 'Housing and developer contributions' in March 2018 (which this committee received a summary of alongside the NPPF) proposed that this review time could be made shorter for Councils with an adopted CIL, in order to be more responsive to an areas needs. There has been no update from Government regarding any proposed changes to CIL post this consultation in March.

1.21 As part of the introduction of the CIL regulations in 2010, the use of S106 agreements to pay for infrastructure was scaled back to just being used to mitigate site specific infrastructure requirements. The introduction of CIL means there will now be two income funding streams coming in to the Council rather than just one. S106's will still exist alongside CIL payments and since 2010 have only been used when they meet the three statutory tests in Reg. 122 of the CIL regulations, requiring the planning obligation to:

- (i) Be necessary to make the development acceptable in planning terms;
- (ii) Directly relate to the development; and
- (iii) Be fairly and reasonably related in scale and kind to the development.

1.22 This has applied since the CIL regulations were first introduced and is applicable to all authorities regardless of whether or not they have introduced CIL. It gives statutory effect to what previously was official guidance in Circular 05/05. For a while now, S106's have no longer been used to pay for infrastructure that is not directly related to the development being built. They must be site specific with no more than 5 legal agreements from 5 different planning applications being able to pay for a single piece of infrastructure for example a school. This limitation was devised in order to encourage Councils to adopt a CIL, hence why MBC made the decision, that in order to maximise funds received by the Council it should investigate whether development viability in the borough had the capacity to pay for CIL alongside S106. The work by Peter Brett Associates confirmed this in 2014 and work was undertaken towards finalising exact figures and taking them through examination and adoption by Full Council. The introduction of CIL, in Maidstone, which has such no site specific limitations, will allow the Council, to receive money from development all over the borough but will not be restricted to having to spend it in that area. CIL can pay for any borough wide infrastructure needed. A criticism of S106 in the past has been that contributions have often been received in small amounts and over long periods of time. CIL will allow the Council to be more proactive and reactive to what infrastructure is required to support that identified in the local plan.

Procedures for spending the Non Strategic / Neighbourhood Portion of CIL

1.23 The CIL regulations state that areas with a 'made' Neighbourhood plan can be allocated 25% of the CIL money received from development within their area and that areas with no neighbourhood plan can only be allocated 15% and that this is subject to a cap of £100 per dwelling per year. For example, if the Council received a CIL contribution for a ward of £500,000 and there was no neighbourhood plan in place the amount of neighbourhood CIL to be allocated in the area would be 15% i.e. £75,000. If the ward only had 200 dwellings/homes (which are defined as those households paying Council tax) then the amount of neighbourhood CIL that could be spent in the area would be capped at 200 x £100 cap which equals £20,000 per year. The ward would still receive the £75,000 but it would be over 4 years. This cap only applies to the neighbourhood portion of CIL. In line with the definition of a local council; Parish Councils will be allocated and given CIL funds (should they wish to receive them) whereas all other areas can only be allocated CIL. In these circumstances CIL will need to be spent by the Council in consultation with the local community. An area can be a Parish, a Forum or an unparished ward.

Parishes

1.24 The March report provided details on how the neighbourhood portion for Parish Council areas could be spent. This included details on their obligations, the process of how CIL would be passed to them, what it should be spent on and the procedures for failing to spend correctly etc. These were discussed with the Parishes at the workshop held in June and specific pages supporting Parish Councils to understand CIL further have been included as part of the Council's CIL webpages.

1.25 Parishes were asked at the workshop, how they wanted to be engaged with in the future and to inform the Council as to whether or not they wished to receive CIL or whether they wished the Council to spend it on their behalf. Parish Councils have been informed that they must have appropriate financial procedures in place to be able to receive and spend CIL.

1.26 All Parish Councils irrespective of whether they have a 'made' neighbourhood plan or not, have been advised that a detailed Infrastructure Spend Plan (ISP) for the CIL they receive for their area, would assist them in making decisions on allocating neighbourhood CIL. This would then identify projects and priorities to the people in the community they serve. This is a discretionary suggestion but would provide a document to consult on. It would assist in consolidating objectives for their area and identify priorities as well as identifying where possible, the total amount of money required to fund projects. In addition to this an ISP enables the community to be consulted, in a transparent way on all potential local infrastructure schemes.

Non parished areas

1.27 Where as Parish Councils can be passed CIL funds directly, subject to them confirming they wish to receive it. All other areas will be allocated funds secured from liable developments in their area but these will be spent by the Council on their behalf in consultation with the community.

1.28 Maidstone borough currently only has one Neighbourhood forum with an adopted Neighbourhood Plan, the North Loose Residents Association. The Council has met with the Forum separately and will continue to engage with them to ensure that the neighbourhood portion of CIL is spent in accordance with their Neighbourhood Plan and reflects the community's priorities.

1.29 For wards which have no Parishes, neither the Planning Act 2008 nor the Community Infrastructure Levy Regulations 2010 prescribe how local engagement should take place or whether neighbourhood CIL should be allocated to a particular geographic area or what projects it should be spent on within an area. The Council has the discretion as to how it allocates this money. However it must have regard to government guidance which is contained in the NPPG.

1.30 The NPPG states: *'If there is no Parish, Town or Community Council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools e.g. website, newsletters, etc. The use of neighbourhood funds should therefore match priorities expressed by local communities, including priorities set out formally in neighbourhood plans. The Government does not prescribe a specific process for agreeing how the neighbourhood portion should be spent. Charging authorities should use existing community consultation and engagement processes. This should include working with any designated neighbourhood forums preparing neighbourhood plans that exist in the area, theme specific neighbourhood groups, local businesses (particularly those working on business led neighbourhood plans), and using networks that ward councillors use. Crucially this consultation should be at the neighbourhood level. It should be proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates.'*

1.31 In line with the approach for Parish Councils, which will be allocated CIL monies by Parish; it would be consistent for the Council to allocate neighbourhood CIL money, by ward in the non parished areas. Each ward will be dealt with on an individual basis and where appropriate and reflecting the community needs these could be combined, should it felt to be the best use of CIL funds, to achieve relevant infrastructure. If a ward/wards chooses to become a Forum or Parish/Town Council and develop their own plan then this will be supported by the Council.

1.32 When planning any expenditure for the year, officers will have regard to priorities and smaller non strategic schemes identified in the IDP and any other locally consulted upon and publically supported schemes. It will also consider; surveys undertaken for the area and other plans agreed by local organisations.

1.33 For expenditure in non parish council areas, parished areas which choose not to receive CIL and all other areas where the Council is responsible for spending CIL, the Council will engage with neighbourhoods and wards as appropriate for the amount of CIL to be spent in that area. The use of neighbourhood funds will be prioritised to draw up projects which match the priorities expressed by local communities and those identified in the IDP. These will then be consulted upon. The regulations state that consultation should be

proportionate with the amount of CIL received and the scale of the development to which the neighbourhood funding relates. Maidstone will achieve this by using existing consultation mechanisms already agreed within the Council, such as the Council's website, libraries etc. and liaising with neighbourhood groups and other interested parties. The Council will have a dialogue with Ward members before consulting the community on any projects over £5000. Ward members will have an important role to play with their networks and assisting the Council with the consultation process by using their usual forms of engagement with their constituents to inform a wider audience.

Reporting CIL expenditure

1.34 Proposals for any CIL expenditure not being spent directly by a Parish Council will be included within the annual report that the regulations require the Council to produce and publish on the Council's website. The annual report will include full details of the Council's strategic spend; money spent on behalf of non Parish Council areas as well as any Parishes who choose not to draw down funds, and a summary of the Parish Council reports. Regulation 62A of the CIL amendment regulations 2013 states what should be included in local council reports. All reports must include details on:

- CIL receipts.
- CIL expenditure.
- A summary of items on which CIL has been spent.
- The amount spent on each item.
- The amount of any CIL repaid following a repayment notice.
- The amount of any outstanding CIL due to the Council following a notice.
- The amount of CIL retained at the end of the year.
- The amount of CIL from previous years retained at the end of the year.

1.35 The local council must publish the report:

(a) (i) On its website;

(ii) On the website of the charging authority for the area if the local council does not have a website; or

(iii) Within its area as it considers appropriate if neither the local council nor the charging authority have a website, or the charging authority refuses to put the report on its website in accordance with paragraph (ii); and

(b) Send a copy of the report to the charging authority from which it received CIL receipts no later than 31st December following the reported year, unless the report is, or is to be, published on the charging authority's website.

1.36 MBC's constitution sets out that SPST is responsible for overseeing the development, review and the implementation of the Council's CIL Charging Schedule (subject to the approval of Full Council) as well as the Infrastructure Delivery Plan. Therefore the annual report accounting for how CIL has been spent and outlining the spend plan for all portions in MBC control for the following year will be brought to SPST for agreement to publish on the Council's website. This will include the priority projects for the strategic pot for the next financial year; this process should encourage infrastructure providers to develop

bids which support the Council's own priorities. The report will also include an account of how the strategic portion has been spent.

1.37 Any projects with an on going financial commitment requiring additional Council funds will be identified when approved. Each year, the on going commitment required to support the financial commitment will be brought to Policy and Resources committee for agreement, as part of the annual budget setting cycle. Possible scenarios could be ongoing maintenance costs, as the liability sits with the commissioning body unless otherwise agreed. Likewise Parish Councils are liable for their own projects and their own on-going costs.

1.38 The Government guidance issued by the DCLG in June 2014 states that neighbourhood CIL can be used to pay for both the operation and the maintenance of infrastructure. It can be spent on both capital and revenue requirements for:

- (a) The provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) Anything else that is concerned with addressing the demands that development places on an area. (59C from 2013 CIL amendment)

1.39 Strategic CIL spend is more prescriptive. It can only be spent on infrastructure as identified in the 2008 Planning Act. This defines infrastructure to include:

- Roads and other transport facilities
- Flood defenses
- Schools and other educational facilities
- Medical facilities
- Sporting and recreational facilities
- Open spaces

1.40 Strategic CIL does not have the flexibility to pay for 'anything else' required as in 1.38 (b) above. It also has to be mindful of the agreed Regulation 123 list which states what CIL will be spent on and what S106 will be spent on. This is to ensure that the Council does not spend both CIL and S106 on the same infrastructure and get accused of 'double charging'. S106's will still be used for providing affordable housing so the strategic CIL portion cannot be spent in this way. However the non strategic portion can be spent on affordable housing, if the wishes of the local community supported it and it was felt it matched the criteria of 'anything else that addresses the demands from the development'. It can also be spent on developing neighbourhood plans.

1.41 This report has covered how the Council has implemented the administrative arrangements required for CIL to be formally collected from 1st

October 2018 and how the Council is required to account for CIL expenditure in the borough. A cumulative report will be brought to this committee in January 2019 regarding the implementation of the governance of CIL. This report will subsequently be reported to Full Council for approval. As part of this work officers will engage with relevant stakeholders including infrastructure providers. This will focus on the fact that the CIL monies must be spent on infrastructure needed to support the delivery of the Local Plan and projects identified in the IDP.

2 AVAILABLE OPTIONS

2.1The committee chooses not to agree the annual reporting processes as proposed in paragraphs 1.34 to 1.41. The implication of this will be that the Council could risk not being in alignment with the government CIL legislation and its own constitution which could have significant consequences. These consequences are not set out in the legislation as the Government will be expecting the Council to follow what has been laid out in law. Ultimately the Council could have penalties and or sanctions imposed upon it.

2.2The committee chooses not to agree the annual reporting processes and requests officers bring a future report to committee with alternative options. The implication of this is that the Council could risk being not in alignment with the government CIL legislation and its own constitution. This would also remove clarity on the approach which will impact both on engagement activities and resources. Alternative options may be contrary to law and put the Council in a very vulnerable position of not having followed legislation.

2.3The committee agrees the proposed annual reporting processes. This would provide clarity for officers to engage with communities and other stakeholders regarding CIL. It will also enable resources to be concentrated on the governance arrangements.

3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1The committee notes the administration and engagement progress to date and agrees the proposed annual reporting processes. This would provide clarity for officers to engage with communities and other stakeholders regarding CIL. It will also enable resources to be concentrated on the governance arrangements. Developing and implementing the governance arrangements for the strategic spend.

4 RISK

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

5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 Following on from the recommendation from this Committee, Council officers have engaged with Parishes, Councillors and other stakeholders as part of the implementation of the CIL administrative processes. There has been meetings held with both, to inform them of CIL and the implications of CIL both on the Council and the area they represent. These have been greeted favourably by the interested parties and feed back has been positive that they now have a greater understanding.

5.2 The Council as part of its adoption of the CIL charging schedule undertook significant consultation with the preliminary draft charging schedule in spring 2014, the draft charging schedule in summer 2016.

6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Following agreement of the recommendations in this report, officers will update the Council’s website. Officers will continue to progress the wider governance arrangements.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Accepting the recommendations will materially improve the Council’s ability to achieve corporate priorities	Rob Jarman Head of Planning and Development
Risk Management	Already covered in the risk section	Rob Jarman Head of Planning and Development
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Paul Holland, Senior Finance Manager
Staffing	We will deliver the recommendations with our	Rob Jarman Head of Planning and

	current staffing.	Development
Legal	Accepting the recommendations will fulfil the Council's duties under The Planning Act 2008. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of The Planning Act 2008.	Susan Mauger Senior Planning Lawyer (Locum) Mid Kent Legal Services
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with Councils Privacy Policy required under GDPR..	Susan Mauger Senior Planning Lawyer (Locum) Mid Kent Legal Services
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Anna Collier Policy & Information Manager
Crime and Disorder	<ul style="list-style-type: none"> N/A 	Rob Jarman Head of Planning and Development
Procurement	<ul style="list-style-type: none"> N/A 	Rob Jarman Head of Planning and Development

8 REPORT APPENDICES

9 BACKGROUND PAPERS

Strategic Planning, Sustainability and Transport Committee

**11 September
2018**

Town Centre Article 4 Direction - Options

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service/Lead Director	William Cornall, Director of Regeneration and Place
Lead Officer and Report Author	Stuart Watson, Planning Officer (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

This report outlines the legal background to the placement of Article 4 Directions. It also considers the implications and the existing evidential support for and against the imposition of an Article 4 Direction over the Town Centre generally, or specific buildings within the Town Centre. The report identifies options available to the Council and recommends that officers be instructed to take such steps as are necessary to impose non-immediate Article 4 Directions on those specific buildings within the designated Town Centre what evidentially are assumed as good office stock as listed in table 1 of the report. With the view to preventing that office stock from being converted from office to residential use without first having been subject to scrutiny via the planning process to ensure that it accords with local planning policy.

This report makes the following recommendations to this Committee:

1. That a non-immediate Article 4 Direction is issued on the following sites: County Gate, County House, Medway Bridge House, 23-29 Albion Place, Sterling House, Maidstone House, Romney House, Gail House, Kestrel House, Knightrider Chambers, 62 Earl Street, 66 Earl Street, 72 King Street and Clarendon Place.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	11 September 2018

Town Centre Article 4 Direction – Options

1. INTRODUCTION AND BACKGROUND

- 1.1 In May 2013 the Government introduced new temporary permitted development rights, so that changes of use from office to residential could take place without the need for full planning permission. Its aim was to boost housing provision and to assist in driving regeneration through the re-use of redundant, vacant office space. In November 2015 the Government announced that it would make the change permanent.
- 1.2 Given the above, when a conversion from office to residential is proposed, this type of permitted development requires the submission of only limited information to the Local Planning Authority (“**LPA**”) including the location and scale of development, and requires only very limited engagement on highways, contamination and flood risk matters through a requirement known as prior notification. This is in stark contrast to the requirements of a planning application which will require much greater levels of information and engagement.
- 1.3 The prior notification process allows for the conversion to residential from a series of uses which include:
- Offices (B1);
 - Retail (A1);
 - Agricultural buildings;
 - Light industrial uses;
 - Storage/distribution (B8), not exceeding 500sqm;
 - Amusement arcades/centers and casinos (Sui Generis); and,
 - Houses in multiple occupation.
- 1.4 When the changes were first introduced in 2013 Local Authorities were given the opportunity to apply to the government for areas to be exempt from the changes in permitted development rights. There were 1,387 requests, including a bid from Maidstone, of which only 17 were successful and did not include Maidstone. Those 17 areas will have their exemptions in place until May 2019, after which time, if they wish to retain any form of restriction, the Local Authorities for those areas will need to have applied an Article 4 Direction to remove the rights provided by the government under the prior notification process.
- 1.5 This report focuses upon the impact of office to residential conversions under the prior notification process within the Maidstone Town Centre boundary. To note, there has also been: potential significant impact from prior notifications for the conversion of agricultural buildings to residential; and, limited impact from prior notifications for retail, light industrial and storage conversion to residential. However, the scope of this report focuses solely on the impact of office conversions to residential under prior

notification within Maidstone Town Centre, although Members may wish to consider the other matters in the future.

- 1.6 Placement of an Article 4 Direction(s) can be carried under the Head of Planning and Development's delegated authority. However, due to the detailed issues of placing an Article 4 Direction(s) within the Town Centre, it is deemed appropriate to take the options for placement of a Article 4 Direction(s) to this committee for decision.

The Legislative Context

- 1.7 Under the Town and Country Planning Act 1990, planning permission is required for the carrying out on land of any development.

- 1.8 [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(as amended\)](#) ("GPDO") is effectively a national grant of planning permission. Schedule 2 to the GPDO, grants planning permission for certain development described as "permitted development",

- 1.9 Apart from conditions attached to a planning permission, pursuant to the GPDO LPAs can bring permitted development under planning control through what are commonly called "Article 4 Directions". An LPA can, in exceptional circumstances, make an Article 4 Direction that will restrict permitted development rights within a limited area. The Direction can cover a single building, street or a neighbourhood. However, there are some permitted development rights, which do not apply here, that cannot be restricted by an Article 4 Direction.

- 1.10 Article 4(1) states:

"If the Secretary of State or the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in [Schedule 2](#), other than [Class K](#), [KA](#) or [M of Part 17](#) should not be carried out unless permission is granted for it on an application, the Secretary of State or (as the case may be) local planning authority, may make a direction under this paragraph..."

- 1.11 An Article 4 Direction therefore enables a local authority to remove the permitted development rights normally afforded under the GPDO and instead require the submission of a planning application. Any Article 4 Direction must specify which classes of permitted development it applies to, and must have been introduced following the strict procedures laid down in Article 4 and Schedule 3 of the GPDO which are explored in more detail below.
- 1.12 Prior to the GPDO, Circular 9/95 – the [General Development Order Consolidation 1995](#) applied and guidance therein suggested that permitted development rights should only be withdrawn in exceptional circumstances and where there is reliable evidence to suggest that such rights could damage an interest of acknowledged importance. In 1995 many removals of permitted development were applied in Conservation Areas through Article 4 Directions to prevent impacts on heritage assets. Increasingly in recent

times they have been used by Local Authorities to restrict changes of use, often from office to residential.

- 1.13 When the NPPF was introduced in 2012, it continued with the same message and stated:

"The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)."(Paragraph 200, NPPF 2012)

The newly published revised NPPF contains exactly the same wording in paragraph 53.

- 1.14 The Article 4 Direction can apply to a broad area designated on a plan, or to an individual property and, subject to minor exceptions, does not apply to work or development carried out by a Statutory Undertaker.

- 1.15 An Article 4 Direction may be immediate or non-immediate. An Article 4 Direction will usually come into effect following its confirmation by the LPA (non-immediate Article 4 Direction). However in certain circumstances an Article 4 Direction can come into effect immediately (an immediate Article 4 Direction). Once an Article 4 Direction comes into force it remains in force indefinitely, unless the Direction is cancelled by a further Direction.

- 1.16 A **non-immediate** Article 4 Direction would remove the relevant permitted development right for the site after 12 months of confirmation of the Article 4 Direction. The effect of this option is that,

1.16.1 after a period of consultation, the confirmation of the Article 4 Direction and the elapse of a further 12 months from the date of confirmation the permitted development right would be withdrawn and planning permission would then be required to change the use from office to residential (i.e. once it comes into effect it enables the LPA to consider such development through the planning process and ensure that it accords with local planning policy);

1.16.2 no compensation is payable through the service of a non-immediate Article 4 Direction.

However this option potentially increases the risk that the site owner would submit a prior notification within the 12 month period to secure its position.

- 1.17 An **immediate** Article 4 Direction withdraws the permitted development right immediately. However, under this option, the LPA may be liable to pay compensation in the event of a refusal of planning permission or where more onerous conditions than those which would be attached through the prior approval process are attached to the planning permission. However, compensation is only payable if an application for planning permission for certain development formerly permitted by permitted development right is "made" within 12 months of the Article 4 Direction taking effect and, if the application is "made" (but not necessarily determined) within that 12 month

period, the claim for compensation has been "served" within 12 months from the date of the decision (to refuse or grant subject to conditions other than those imposed by the permitted development right).

If the LPA does not confirm the Direction within six months following the date it came into force, the Direction will expire and have no effect.

The claim for compensation is limited to abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development right. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing the plans for the works.

- 1.18 There is no right of appeal against an Article 4 Direction. The decision of the LPA to make an Article 4 Direction can be subject to judicial review proceedings. If the proceedings are successful the Article 4 Direction could be quashed.
- 1.19 The Secretary of State can direct the cancellation or modification of a non-immediate Article 4 Direction made by an LPA at any time before or after its confirmation. For example, in the London Borough of Islington, the Planning Minister announced his intention to cancel the Article 4 Direction shortly before it was due to be implemented, on the grounds that it was disproportionate. For immediate Article 4 Directions, the powers of the Secretary of State are more limited.

National implications

- 1.20 The government has clearly stated its intentions in relation to the provision of sufficient homes to meet national need. National policy and guidance has been updated, and various White Papers, Consultations and Ministerial Statements issued to underline their intent over recent years.
- 1.21 The permanency of permitted development rights is a clear signal that the government sees permitted development rights, especially for change of use to residential purposes as being a key driver in combatting housing shortages. Ministry of Housing Communities and Local Government (**MCHLG**) data shows that 17,751 homes were delivered through office to residential permitted development in 2016/17 alone.
- 1.22 Any attempts to prevent delivery through the use of Article 4 Directions may come under close scrutiny, and needs to be robustly evidenced. Where insufficient evidence is apparent the Secretary of State has the power to intervene and amend or cancel the draft Directions. There is evidence of this occurring, notably in Islington, and as set out later in Table 3 of this report.
- 1.23 Industry comment has noted some downsides, however to the permitted development rights and in particular from office use to residential use. There have been some unintended consequences in some instances including a downturn in the local economy as small and medium businesses are unable to secure low-rent office space, occupiers being evicted to make

way for conversions, and the resultant residential units being small and cramped and not meeting internal space standards.

- 1.24 Without the need for planning permission, and only a need for consideration of the limited prior approval matters, there is only narrow scope for the Local Authority to consider proposed schemes. Equally it is much more difficult to secure contributions to local infrastructure through s106 agreements since although the requiring of a s106 is not prohibited, the short 56 day window to determine prior approval following an application leaves little time to negotiate and complete a legal agreement. This has the effect of making the securing of financial contributions and affordable housing almost impossible.
- 1.25 There are also restrictions relating to Community Infrastructure Levy (**CIL**) payments, whereby if a property has been in lawful use as an office during for a continuous period of at least 6 months in the three years ending on the day prior approval was first sought, and importantly does not create any newly built floorspace, then the office to residential conversion is not CIL liable.
- 1.26 Until January 2018, a further consideration was that where an Article 4 Direction had removed permitted development rights, the subsequent planning application was not required to pay an application fee. However since January this position has been updated and the Local Authority is now able to require the requisite fee.

Local Plan policy implications

- 1.27 The adopted Maidstone Borough Local Plan 2017 does not meet its housing need for the plan period completely from allocated sites, but is reliant on both windfall developments and broad locations for growth. One such broad location is the Town Centre, with some 940 dwellings to be delivered from a combination of new development, including 350 dwellings from office to residential conversions during the Local Plan years 2016 to 2031.
- 1.28 The Local Plan Review has now commenced, and under the new standardised methodology being introduced for calculating housing needs will require further land to be identified for development up to 2031 and the promotion of further growth opportunities beyond 2031. Consideration of the remaining available capacity from office to residential conversions in the Town Centre has the potential to inform part of the housing delivery work that will inform emerging Local Plan review.
- 1.29 Obtaining robust information to support the making of an Article 4 Direction is obviously important. Whilst we are now at the stage of being able to make a positive recommendation to the Committee, based on the evidence that has been gathered, there will always be the potential to gather further evidence. An example of this is evidence regarding the profile of the current portfolio of office stock in Maidstone. This may include whether there is demand for older, outmoded stock and what of this stock has been lost to residential uses. And equally what the quantum of better, more modern provision there is when considering current demand levels.

1.30 It should also be noted that introducing Article 4 Directions does not necessarily prevent relevant changes of use, but they do introduce stricter tests including giving the decision making power back to the Local Authority. The Council will be able to better control which offices it seeks to retain for office use, and which may be better suited to conversion through the development management process. Equally this would afford greater opportunity for the securing of developer contributions and affordable housing.

Why a Town Centre Article 4 Direction may be appropriate

1.31 Between commencement of the prior notification process in 2013 and 1 April 2018 there were 394 (net) dwellings completed from conversion under prior notification in the designated Town Centre. Those Town Centre completions account for 8% of all dwellings completed during the current Maidstone Local Plan. At 31 July 2018 there were 9 office sites with permission under prior notification to convert to 494 dwellings and 1 prior notification for 40 dwellings pending a decision within the Town Centre.

1.32 Completed sites from the conversion of offices to residential dwellings under prior notifications within the Town Centre has resulted in the approximate loss of 22,838sqm¹(net) of office floorspace. A further 23,677sqm(net) of office space is expected to be lost from the Town Centre sites with prior notification consent and those sites pending a decision, and 10,940sqm(net) may be lost from the sites that contribute to the Town Centre prior notification broad location.

1.33 The estimated total office floorspace lost from prior notifications that have been completed, permitted, pending or on a broad location site within the Town Centre is 57,005sqm and this would equate to an approximate loss of 26% against the total office floor space of the Borough². The total potential Town Centre office floorspace loss exceeds the position stated within the Employment and Retail Topic Paper 2016 that was presented as part of the Local Plan examination, by over 10,000sqm³.

1.34 This potential office floorspace loss within the Town Centre does not take into account other office sites that have been assumed as good office stock by the [GVA 2014 Employment Assessment, Town Centre Office Map & Stock Observation](#) (Appendix 1), as they have been considered less desirable for conversion to residential. There are 14 sites identified as good office stock totalling 26,009sqm⁴ (Table 2). At present this good office

¹ Net office floor spaces losses have been calculated from measuring the building footprint from an ordnance survey map and multiplying it by number of floors being converted, a reduction of 10% has been applied for accessibility.

² In 2014 the Valuation office estimated Maidstone Boroughs total office floor space at 218,000sqm

³ Employment and retail topic paper 2016 presented an office floor space loss within the town centre of 33,000sqm from consented permissions and anticipated a further loss from future sites of 13,750sqm. P 8-9 http://www.maidstone.gov.uk/__data/assets/pdf_file/0009/121140/SUB-003-Employment-and-Retail-Topic-Paper-May-2016.pdf

⁴ Net office floor spaces losses have been calculated from measuring the building footprint from an ordnance survey map and multiplying it by number of floors being converted, a reduction of 10% has been applied for accessibility

stock may be at risk due to there being no restrictions to prevent this stock from being converted under prior notification.

1.35 If the trends identified occur, then the office floorspace losses could have a detrimental effect on the Town Centres economic vitality and could put significant strain upon the Councils ability to meet its Local Plan identified employment land need. Further, the Borough as a whole may have performed economically better if some of the office stock had not been converted. Additionally the office jobs being lost from conversion are more than likely to have been replaced by lower skilled employment in the retail, food and care services.

Address	Office floor space (sqm)
County Gate	2,544
County House	900
Medway Bridge House	2,871
23-29 Albion Place	3,632
Sterling House	536
Maidstone House	9,464
Romney House	527
Gail House	2,457
Kestrel House	2,128
Knightrider Chambers	675
62 Earl Street	1,032
66 Earl Street	266
72 King Street	232
Clarendon Place	1,635
Sub total	28,899
Total 10% reduction for access	26,009

Table 1. Floor capacity on GVA identified good office stock.

1.36 The prior notification process does not easily allow for the gaining of planning contributions under Section 106 agreements from developers to help mitigate the impact of development. To date there have been no contributions secured from developers carrying out office to residential conversions under prior notification.

1.37 The permitted development process equally is not helpful in seeking to secure the provision of affordable housing on prior notification schemes. The Local Plan sets an affordable housing target of 30% from residential development within the Town Centre. From the completed, permitted and pending permissions under prior notification, if an affordable housing contribution had been required then a potential 266 additional affordable dwellings could have been delivered.

- 1.38 The prior notification process does not allow for detailed matters to be addressed that would normally be considered under a full planning permission. These matters include, but are not limited to: design, residential amenity and parking standards. An example, Brenchley House approved under prior notification 17/500419/PNOCLA for 192 dwellings had demonstrated no existing parking provision and provided for no new parking spaces for its residents. Any parking provision for residents of Brenchley House would have to be accommodated within existing street parking provision.
- 1.39 The lack of detailed planning requirements under the prior notification process doesn't allow the issues of space standards to be addressed. Whilst Maidstone does not have presently have prescribed space standards, it is something that is being considered as part of the Local Plan review. This has resulted in a predominant trend for dwellings on sites gaining prior notification permission in the Town Centre having been that of small single bedroom dwellings. At 1 April 2018 the average dwelling size on schemes completed, permissioned and pending permission under prior notification in the Town Centre was 53sqm⁵. This average size is approximately the size of a 2 person 1 bed dwelling as prescribed by MHCLG technical housing space standards⁶.
- 1.40 The average dwelling size on prior notification schemes in the Town Centre is 13% smaller than the MHCLG prescribed standard for a 2 person 2 bed dwelling. This implies that many of dwellings permitted are small studio and 1 bedroom flats, and from the estimated 1,171 dwellings outlined above, they will provide 1 bed dwellings, at a quantum that would exceed the Council's indicative target for 1 bed dwellings⁷ for the whole borough.

Why a Town Centre Article 4 Direction may not be appropriate

- 1.41 There is an allowance for the conversion of identified⁸ poor quality office sites to residential use within the Town Centre. At 1 April 2018 there remains 243 dwellings to come forward from sites in this broad location allowance without prior notification (Table 1). These sites in total contribute a total 1,171 dwellings or 7% of the dwellings required against the current Local Plan target of 17,660 dwellings. Further, there may be additional dwellings that will come forward from sites that have not been identified or assumed not desirable for conversion to residential as windfall gain. However, paragraph 67 of the NPPF 2018 sets out that sites identified as broad locations may only contribute to medium and long term housing supply. Further, the NPPF 2018 also sets out that only sites with detailed planning permission or evidence can count towards a council's 5 year housing land supply.

⁵ The average dwelling size was obtained from the estimated floor space for prior notification schemes in the town centre, minus 10% for accessibility.

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard___Final_Web_version.pdf

⁷ SHMA 2014 table 57, http://www.maidstone.gov.uk/__data/assets/pdf_file/0007/44656/Strategic-Housing-Market-Assessment-2014.pdf

⁸ Identified poor office stock sites are listed within Appendix D, p.61 of the Local Plan Housing Topic Paper 2016 http://www.maidstone.gov.uk/__data/assets/pdf_file/0014/121118/SUB-005-Housing-Topic-Paper-May-2016.pdf

Address	Office floor space (sqm)
Cantium House	1,232
Sunley House	729
Colman House	4,878
89 King Street	954
Lyndean House	664
Brecon House, 16A Albion Place	980
GLH House	992
Miller House (Ground floor)	757
11-13 Albion Place	594
19-21 Albion Place	375
Sub total	12,155
Total 10% reduction for access	10,940

Table 2. Remaining office floor space on GVA identified poor office stock.

- 1.42 The prior notification process has provided a fast track approach to providing brownfield dwellings within the Town Centre on redundant poor quality office stock sites. Up to 31 July 2018, it is anticipated that those sites will contribute 1,171 dwellings on a combined ground floor area of 1.64 hectares. The broad location element which has yet to gain prior notification consent accounts for 243 of the 1,171 dwellings and would be delivered on a ground floor footprint of 0.31 hectares of the total 1.64 hectares. If the equivalent number of broad location dwellings were to be built on an allocated greenfield site then a much larger ground floor area would be required. However, as pointed out above, it should be noted that the average size of new dwellings are approximately 53 sqm in size overall and therefore generally of mono-tenure.
- 1.43 Considering the 243 dwellings that are still to come forward from the Town Centre prior notification broad location, if a blanket Article 4 Direction were placed on the Town Centre those dwellings would need to be removed from the Councils housing land supply. At present the housing supply has a surplus of 693 dwellings against the Local Plan 2017 target. However, when the Local Plan is reviewed by 2022 and the new housing methodology applied, a new higher housing target will need to be met, and will require a strategy for delivering the additional dwellings required. Office to residential conversions could make a considerable contribution to the Councils housing land supply windfall allowance.
- 1.44 If a blanket Article 4 Direction were put in place, then office sites for conversion would be required to submit a full planning permission application. The costs of this process over the considerably reduced costs of a prior notification may act as a disincentive to future conversions and may result in vacancies.
- 1.45 Redevelopment of brownfield land incurs considerably more costs than greenfield development owing to a number of factors, including mitigation

of previous uses (including contamination), high costs of land purchase and upgrading of buildings to current building control standards. These brownfield land costs often place significant pressure on the viability of brownfield land redevelopment which can result in lower or even no affordable housing and limited financial contributions secured from the sites.

- 1.46 The small dwelling types that are at present being delivered through the prior notification process have the opportunity to provide lower cost homes for those seeking to get onto the property ladder. There is also an argument that Town Centre dwelling is sustainable due to their proximity to existing services and facilities including public transport.
- 1.47 The prior notification process allows for greater flexibility in changing the use of small and large sites, and allows those sites to be more reactive to the changing needs of the economy. In addition, the loss of office floorspace within the Town Centre to date, does not appear to have had a detrimental effect on the overall economic performance of the borough and may be a reflection in the changing needs of companies and the wider economy.
- 1.48 Since the prior notification process was introduced by the government in 2013 and up to 2016, there was 6,000 jobs created within the borough (a growth of 6.6%⁹) and the number of business enterprises within the borough also grew to 7,195 in 2017, a growth of 16.5% since 2013¹⁰.

Examples of non-immediate Article 4 Directions

- 1.49 Research into Local Authorities in the South East of England which have placed an Article 4 Direction restricting the conversion of offices to residential under the prior notification process has been summarised in Table 3. The majority of the Article 4 Directions are site or area specific and do not cover a broader area. The predominate reason given for placing an Article 4 Direction involves the impact of lost office space on the economy of the Local Authority.
- 1.50 Secretary of State intervention has occurred in the placement of Article 4 Directions where an insufficient time buffer was put in place for extant prior notification permissions to be completed. The evidence used to justify the placement of an Article 4 Direction is evenly balanced between Local Authority produced data and detailed consultant led impact studies.
- 1.51 The next section below outlines the options available to this Committee in the consideration of placing an Article 4 Direction within the Town Centre.

⁹ Data obtained from Office for National Statistics
https://www.nomisweb.co.uk/reports/lmp/la/1946157316/subreports/jd_time_series/report.aspx?

¹⁰ Data obtained from Office for National Statistics
https://www.nomisweb.co.uk/reports/lmp/la/1946157316/subreports/idbr_time_series/report.aspx?

Local Authority	Location	Date	Reason	Evidence	SoS	Level of SoS intervention
Brighton & Hove City Council	Selected areas	2014	Economic impact	Consultant: Employment Land Study	Y	Exemption for permitted prior notifications
Camden Borough Council	Selected areas	2015	Economic impact	Consultant: Impact study	Y	Reduction in land covered by Article 4
Croydon Borough Council	Central area of Croydon	2015	Economic impact	Council: data	N	
Hackney Borough Council	Selected areas	2018	Economic impact	Consultant employment Land study	N	
Hounslow Borough Council	Employment designations	2018	Economic impact	Council: data	N	
Islington Borough Council	Blanket	2013	Economic impact	Unknown	Y	Area reduced to specific clusters of offices
Lambeth Borough Council	Town centre and selected areas	2016	Economic impact	Council: data	N	
Merton Borough Council	Town centre and industrial estate	2015	Economic impact	Council: data	Y	Exemption for permitted prior notifications
Mole Valley	Selected areas	2018	Economic impact	Consultant: Impact Study	N	
Oxford City Council	Selected sites	2014	Economic impact	Council: data	N	
Richmond Borough Council	Selected areas	2016	Economic impact	Consultant: Impact Study	Y	Exemption for permitted prior notifications
Tower Hamlet Borough Council	Selected areas	2018	Economic impact	Council: data	N	
Tunbridge Wells Borough Council	Selected areas	2018	Economic impact	Consultant: Impact study	N	
Wandsworth Borough Council	Selected sites	2018	Economic impact	Not known	N	

Table 3. Examples of office to residential Article 4 Directions.

2. AVAILABLE OPTIONS

- A) The Committee could resolve to instruct officers to place an area wide non-immediate Article 4 Direction for the Town Centre based on the evidence presented in this report.
- B) The Committee could resolve to instruct officers to place an area wide immediate Article 4 Direction for the Town Centre based on the evidence presented in this report.
- C) The Committee could resolve to instruct officers to undertake additional work to provide further evidence that merit exemption from the prior notification process through the placement of an Article 4 Directions for the Town Centre. A further report would then be presented to this Committee at a later date reporting the evidence presented and making a specific recommendations as to the serving of Article 4 Directions.

- D) The Committee could resolve that non-immediate Article 4 Directions be issued on the following sites: County Gate, County House, Medway Bridge House, 23-29 Albion Place, Sterling House, Maidstone House, Romney House, Gail House, Kestrel House, Knightrider Chambers, 62 Earl Street, 66 Earl Street, 72 King Street and Clarendon Place, based on the evidence presented in this report.
 - E) The Committee could resolve to instruct officers to place immediate Article 4 Directions on the sites assumed as good office stock as listed in Table 2 based on the evidence presented in this report.
 - F) The Committee could resolve to instruct officers to undertake additional work to identify and justify office sites that merit exemption from the prior notification process through the placement of site specific Article 4 Directions. This work could possibly including sites outside of the Town Centre. A further report would then be presented to this Committee at a later date detailing the findings and making specific recommendations as to the serving of Article 4 Directions.
 - G) Alternatively the Committee could resolve that no Article 4 Directions should be taken forward for the Town Centre.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 Option D is the preferred option. It is considered that, on balance, there is sufficient evidence to justify bringing in non-immediate Article 4 Directions on the sites assumed as good office stock as listed in table 1 of the report. It is acknowledged that further work could be undertaken that would reduce the risk of intervention by the Secretary of State. However, this would delay the process.
-

4. RISK

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

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 If the Committee resolve to proceed with options A, B, D or E, then officers will engage the statutory process to place the requisite Article 4 Direction(s) (as the case may be). The results of the resultant consultation(s) will then be brought back to this Committee for the consideration of whether it is appropriate for an Article 4 Direction to be confirmed.

5.2 If the Committee resolve to proceed with options C or F, then officers will identify and garner what the officers believe to be the most appropriate evidence to justify (or not as the case may be) the placement of the requisite Article 4 Direction(s). Once the evidence has been collated and analysed a report will be brought back to this committee with a recommendation as the appropriate course of action.

5.3 If the Committee opt for option G, then there will be no further actions.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.</p> <p>However, they will help support the Council's overall objectives of providing a home for everyone, regenerating the Town Centre and they will prioritise securing a successful economy for the borough.</p>	Rob Jarman Head of Planning & Development
Risk Management	Refer to paragraph 4.1	Rob Jarman Head of Planning & Development
Financial	The proposals set out in options A, B, C & D are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	All options can be incorporated within our current staffing.	Rob Jarman, Head of Planning & Development
Legal	The GPDO is effectively a national grant of planning permission. It grants planning permission for "permitted development". These permitted development Rights may be	Cheryl Parks, Mid Kent Legal Services (Planning)

	removed pursuant to the GDPO by "Article 4 Directions. Given the purpose of permitted development rights, if these rights are to be removed there must be clear and substantiated evidence to support this. The failure to justify an Article 4 Direction can lead to a judicial review of the Committees decision or risk SoS intervention. Given current Government policy on housing delivery, there is a risk of SoS intervention.	
Privacy and Data Protection	There are no specific data protection implications in relation to this report.	Cheryl Parks, Mid Kent Legal Services (Planning)
Equalities	Responding to this consultation as recommended would not have specific of differential implications for the different communities within Maidstone.	Policy & Information Manager
Crime and Disorder	Responding to this consultation as recommended would not have specific implications for Crime and Disorder in the borough.	Rob Jarman, Head of Planning & Development
Procurement	If the preferred option C is choose and procurement of services is required, then the Council will then follow procurement exercises as appropriate for the production of detailed Town Centre economic evidence. We will complete those exercises in line with financial procedure rules.	Rob Jarman, Head of Planning & Development

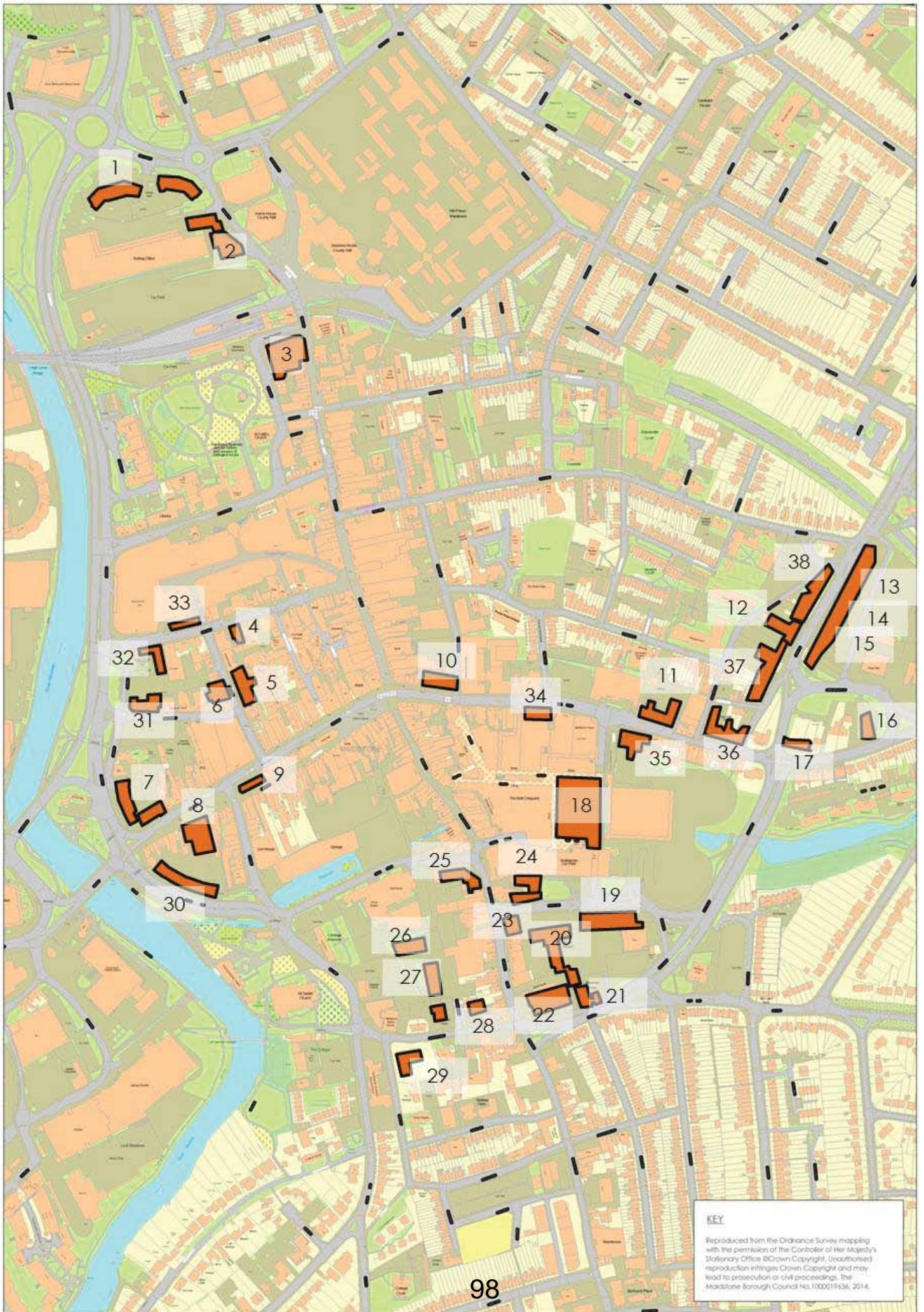
7. Report Appendices

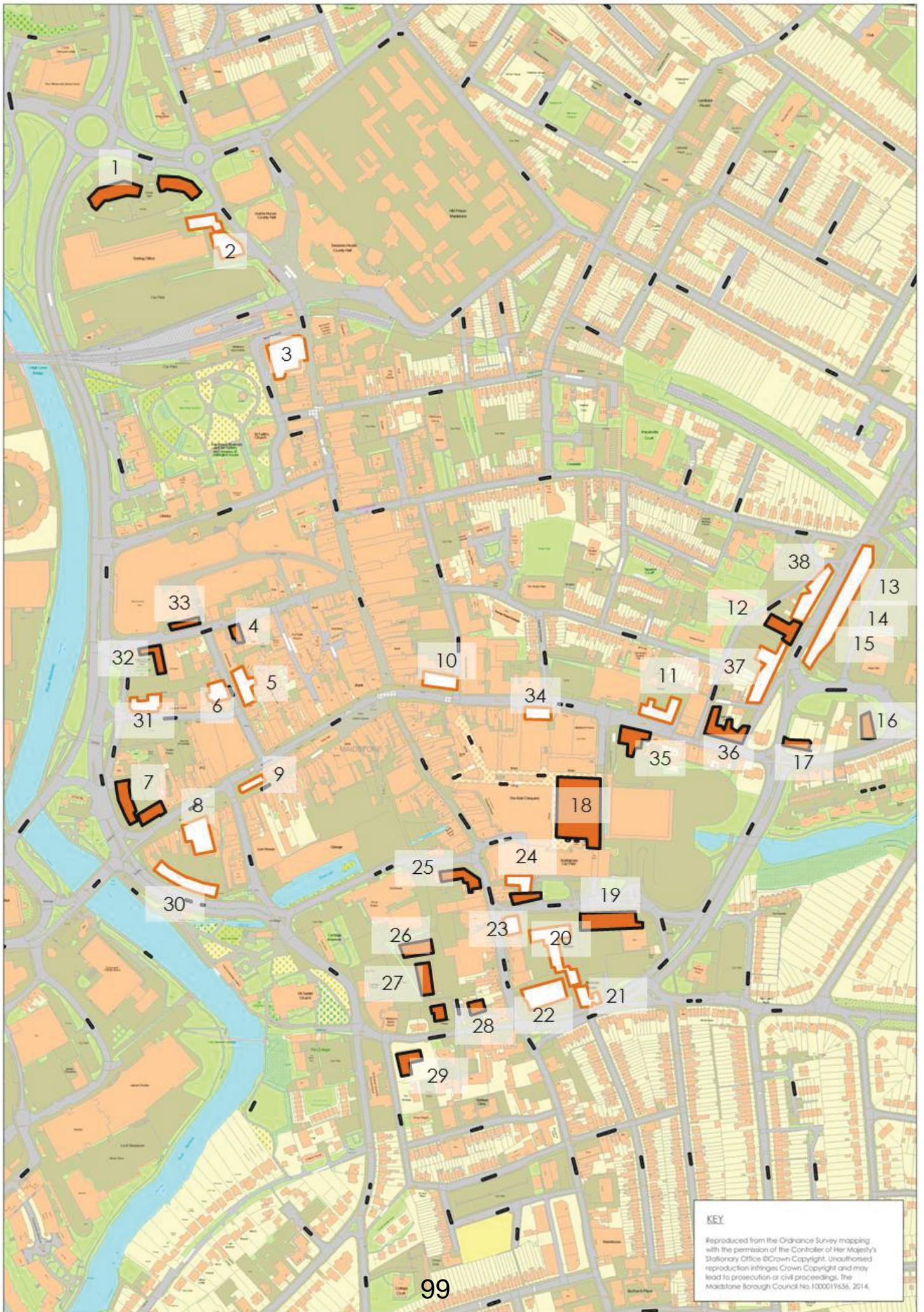
- Appendix 1 [GVA Town Centre Office Map & Stock Observations](#)



Appendix V

Town Centre Office
Map & Stock
Observations





Map Ref	Building Name	Built	Total size (sq ft)	Advertised Vacant Floorspace (sq ft)	Typical Floor Size (sqft)	Length of Current Vacancy (days)	CoStar Quality Assessment (Star Rating)	GVA Observations
1	County Gate			No data recorded by CoStar Focus				Relatively new space, good occupancy, prominent gateway location, dedicated parking, good highway access, screening from A225 limits visibility, landscaping not high quality
2	Cantium House	April 1986	15,736	0	3,934	0	3	Lack of onsite parking, likely to have deep, irregular floorplates which do not lend themselves to sub-division, poorer quality appearance and maintenance
3	Brenchley House	December 1986 (ren. 2007)	85,883	11,388	12,198	1,495	4	Considerable persistent vacancy despite refurbishment, weak surrounding environment, limited parking, potentially limited floorplate flexibility, above bar and other retail/leisure uses, good access to rail station
4	County House	July 1956	6,716	6,716	2,523	280	2	Isolated offer, external good condition, recent refurbishment close to range of amenities, smaller floorplates
5	Star House	May 1954	28,932	20,032	4,822	2,457	3	Poor external appearance, lack of parking, significant vacancy, secondary location, limited scope for enhancing internal servicing (aircon, cabling etc), potentially poor quality conversion opportunities
6	Cornwallis House	March 1963	13,843	0	3,219	0	3	Poor external appearance, evidence of poor maintenance, lack of parking, secondary location, limited scope for enhancing internal servicing (aircon, cabling etc), limited obvious investment, unlikely to be adaptable to a good quality
7	Medway Bridge House	April 1989	19,642	2,915	4,900	1,495	3	Good quality appearance, onsite parking, well occupied, strong road presence, isolated from other office activity
8	Recruit House (60-61 High Street)			No data recorded by CoStar Focus				Poor quality appearance, above bar/nightclub, lack of visibility, limited parking, relatively large inflexible floorplates
9	Sunley House	August 1955	7,539	1,873	1,885	305	2	Isolated offer, lack of on-street presence, limited supporting surrounding offer, limited obvious investment, inability to sub-divide floorplates to provide good quality small units
10	Colman House	May 1968	49,169	13,481	4,118	463	3	Significant, long term vacancy, large deep floorplates unlikely to be easily sub-divisible, above retail isolated offer, limited parking
11	189 King Street	May 1998	8,100	1,480	391	128	3	Reasonable quality/appearance, above retail so limited presence, limited building servicing

Map Ref	Building Name	Built	Total size (sq ft)	Advertised Vacant Floorspace (sq ft)	Typical Floor Size (sqft)	Length of Current Vacancy (days)	CoStar Quality Assessment (Star Rating)	GVA Observations
12	123-29 Albion Place	September 1983	18,930	18,930	3,786	772	3	Recently refurbished, potential to sub divide, lack of parking
13	Lyndean House	1984	12,058	9,076	3,702	1,375	3	Lack of parking, car dominated environment, high vacancy, lack of recent investment, limited servicing provision (air con etc)
14	Brecon House	April 1980	8,387	2,200	2,200	688	2	Lack of parking, car dominated environment, high vacancy, lack of recent investment, limited servicing provision (air con etc)
15	GHL House	March 1973	7,372	2,177	1,843	812	2	Lack of parking, car dominated environment, high vacancy, lack of recent investment, limited servicing provision (air con etc)
16	Victoria Court	January 1998	10,414	0	3,471	0	3	Standalone building, good highway access, prominent location, single occupier, dedicated parking, minor external maintenance issues
17	Sterling House	December 1835	3,047	0	777	0	3	Little recorded vacancy, period building, prominent location, good highway access, dedicated parking
18	Mardstone House	August 1975	95,000	29,212	13,571	2,089	3	Recent refurbishment, large open floorplates, no street frontage, lack of internal servicing, limited sub-division potential
19	Romney House	February 1969	3,508	0	1,174	0	2	Conversion property, range of smaller units, limited parking, part of weak quality office cluster
20	Kent House	January 1976 (ren. 2008)	116,871	116,871	12,985	2,020	4	Significant, persistent vacancy, large open floorplates which do not create good quality sub-divided space, lack of existing (and limited potential to retrofit) modern servicing, limited parking, poor relationship to town centre
21	Medvale House			5,806		260		Significant, persistent vacancy, large open floorplates which do not create good quality sub-divided space, lack of existing (and limited potential to retrofit) modern servicing, limited parking, poor relationship to town centre
22	Miller House	February 1976	61,520	48,052	5,586	2,999	3	Significant, persistent vacancy, large open floorplates which do not create good quality sub-divided space, lack of existing (and limited potential to retrofit) modern servicing, limited parking, poor relationship to town centre
23	Sussex House	April 1989	10,078	0	2,535	0	3	Above retail, lack of street presence, poor quality and maintenance, lower quality surrounding retail, lack of parking, limited sub-division potential

Map Ref	Building Name	Built	Total size (sq ft)	Advertised Vacant Floorspace (sq ft)	Typical Floor Size (sqft)	Length of Current Vacancy (days)	CoStar Quality Assessment (Star Rating)	GVA Observations
24	Romney Court	September 1984	7,343	0	2,448	0	3	Small floorplates, limited vacancy, weak street presence, lack of internal servicing, lack of onsite parking
25	Gail House	November 2003	19,856	0	6,618	0	4	Prominent location, good quality appearance, limited vacancy, dedicated parking, mixed quality surrounding uses, smaller floorplates
26	Link House	January 1995	21,740	0	4,320	0	3	Appears largely vacant, lack of presence, some dedicated parking, potential to sub-divide floors, limited internal servicing, part of a cluster of office uses
27	Kestrel House	January 1990	16,646	1,847	4,161	560	3	Large floorplates with potential to sub-divide to reasonable standard, some dedicated parking, part of a cluster of office uses
28	Knight rider Chambers	October 1996	5,861	0	1,954	0	3	Smaller floorplates; high occupancy, reasonable street presence, dedicated parking, forms part of cluster of office uses
29	Chaucer House	February 1983	12,126	1,587	4,042	997	3	Smaller floorplates; high occupancy, prominent location, dedicated parking, forms part of cluster of office uses
30	Bishops Terrace	Feb-89	27,267	0	9,209	0	4	Good visibility and road presence, low maintenance of landscaping, inactive frontage, potentially smaller floorplates, no evidence of internal servicing, weak design/architecture
31	Medway House (26-30 Medway Street)	September 1965	5,909	0	1,477	0	2	Weak external appearance, poor quality area (car park dominated), secondary location, limited scope for enhancing internal servicing (aircon, cabling etc), limited obvious investment, unlikely to be adaptable to a good quality
32	62 Earl Street							Period property, good quality conversion to small units, some vacant suites advertised, close to a range of amenities
33	66 Earl Street							Refurbished period property, good quality, well occupied, good access and parking
34	40 King Street							Above retail, secondary location, likely to be large floorplate, long term vacancy, dated offer likely to have limited scope for enhancement of services
35	72 King Street							Single occupier good quality period property conversion, secondary location, good parking provision

Map Ref	Building Name	Built	Total size (sq ft)	Advertised Vacant Floorspace (sq ft)	Typical Floor Size (sqft)	Length of Current Vacancy (days)	CoStar Quality Assessment (Star Rating)	GVA Observations
36	Clarendon Place			No data recorded by CoStar Focus				Period townhouse conversion, small units, freehold available, significant 'non B use', onsite parking, reasonable prominence, poor connection to amenities
37	Albion Place			No data recorded by CoStar Focus				Mixed quality conversion properties; high occupancy, smaller units, limited parking
38	Corner of Sittingbourne Road Queen Anne Ro.			No data recorded by CoStar Focus				Large former government dept office, fully vacant, dated stock, poor quality appearance; likely lack of internal servicing (and limited scope for installation), no parking provision