

**STRATEGIC PLANNING,  
SUSTAINABILITY &  
TRANSPORTATION COMMITTEE**

**10 April 2018**

**Revised National Planning Policy Framework: consultation  
Supporting housing delivery through developer  
contributions: consultation**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability & Transportation Committee
<b>Lead Head of Service/Lead Director</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Sarah Lee, Principal Planning Officer (Strategic Planning) & Isabel Elder, Principal Planning Officer (Strategic Planning)
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

The Government is seeking views on proposed revisions to the National Planning Policy Framework which it published on 5<sup>th</sup> March. On the same date the Government published a further consultation document 'Supporting housing delivery through developer contributions' which is proposing some limited reform of both s106 and CIL. This report provides a summary of the key changes the Government is proposing, highlights some potential implications and also puts forward proposed responses to both consultations for the Committee's consideration.

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

1. That the responses set out in paragraphs 1.5 to 1.37 be **AGREED** as a basis for the Council's consultation response to the revised National Planning Policy Framework; and
2. That the responses set out in paragraphs 1.40 to 1.53 be **AGREED** as a basis for the Council's consultation response to 'Supporting housing delivery through developer contributions'

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability & Transportation Committee	10 April 2018

# Revised National Planning Policy Framework: consultation

## Supporting housing delivery through developer contributions: consultation

### 1. INTRODUCTION AND BACKGROUND

- 1.1 The Ministry of Housing, Communities & Local Government is seeking views on proposed revisions to the National Planning Policy Framework (NPPF) published on 5<sup>th</sup> March 2018. The revisions take forward a number of the measures previously signalled in the Housing White Paper (February 2017) and 'Planning for the right homes in the right places' (September 2017). The council submitted responses to both these consultation documents.
- 1.2 The Government has published a consultation document which summarises the changes it is proposing. It has also published a fully revised draft of the NPPF text itself which incorporates the proposed changes but also includes substantial re-structuring and re-ordering of the NPPF and a considerable number of more minor wording changes. In addition, select sections of the National Planning Practice Guidance (NPPG) have been published to illustrate how this document will be revised although these changes are not specifically open for consultation comments. A guide to how the Housing Delivery Test will be calculated has also been published. All the documents can be viewed here;  
<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>
- 1.3 Consultation is also taking place on the document 'Supporting housing delivery through developer contributions'. Reforms were announced in the Autumn Budget 2017 in response to the Community Infrastructure Levy (CIL) Review and this consultation paper provides more detail with the overall objective of making the current system more transparent and accountable. The consultation document can be viewed here;  
<https://www.gov.uk/government/consultations/supporting-housing-delivery-through-developer-contributions>
- 1.4 Both these documents are highly relevant for the forthcoming Local Plan Review and for the Council's on-going approach to developer contributions and CIL. The following section presents the key changes which are being proposed so that the Committee can be kept up to date with the Government's 'direction of travel'. The report also sets out the key points which it is recommended form the content of the Council's response to the consultations.

### **Revised National Planning Policy Framework**

#### **Local Plan Preparation**

- 1.5 **Updating Local Plans:** The Housing White Paper stated that Local Plans should be reviewed every 5 years. The draft NPPF clarifies that a review

must be completed within 5 years of the adoption date<sup>1</sup>. On this basis, the Maidstone Local Plan Review would need to be adopted by November 2022 although the Local Plan Inspector set an earlier target date of April 2021. The draft NPPF goes on to indicate that “relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has increased; and they are likely to require earlier review if local housing need is expected to increase in the near future”<sup>2</sup>

- 1.6 Whereas the current NPPF directs that plans should preferably have a 15 year time horizon<sup>3</sup>, the new draft NPPF takes a firmer stance, stating that that “strategic policies should look ahead over a minimum 15 year period from adoption”<sup>4</sup>. Local Plans should also follow ‘an’ appropriate strategy rather than ‘the most’ appropriate strategy. In practical terms this may be of little consequence because the revised NPPF would still require an authority ‘to take into account the reasonable alternatives’ when selecting its Local Plan strategy and the Sustainable Appraisal/Strategic Environmental Assessment process similarly requires that we test reasonable alternatives.
- 1.7 As announced in ‘Planning for the right homes in the right places’, Statements of Common Ground will be required between neighbouring authorities preparing Local Plans. These statements should demonstrate that cross-boundary strategic matters “have been dealt with rather than deferred”<sup>5</sup>. The need for Statements of Common Ground is an enhanced requirement which does not substitute for the Duty to Co-operate with other relevant bodies. Plan-making authorities must still demonstrate effective and on-going joint working with other relevant bodies, in particular in respect of future infrastructure requirements. The NPPG indicates that other relevant bodies can be additional signatories to a Statement of Common Ground, for example the county council, infrastructure providers or the local enterprise partnership, but that such bodies are not responsible for preparing or updating the Statement.
- 1.8 **Response:** The Government is clearly signalling particular urgency to get Local Plan reviews in place for areas where there is likely to be particular housing pressure, such as Maidstone. The Government appears to be confirming its support for a plan-led approach to the challenge of its ambitious national housing targets which, of itself, is something to be welcomed. However the drive for efficient plan production has not been matched by any significant curtailing of the evidential, examination or consultation requirements on plan-making authorities. Evidence must still be ‘proportionate’ but the revised National Planning Practice Guidance does not provide meaningful clarity on what this means in practice. The expectation that a plan will have at least a 15 year time horizon from adoption places further burden on the aspects of the plan reliant on future forecasts and site identification.
- 1.9 In respect of statements of common ground (SCG), the reference to them being required between ‘neighbouring’ authorities is welcomed in preference

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<sup>1</sup> Paragraph 23

<sup>2</sup> Paragraph 23

<sup>3</sup> Paragraph 157

<sup>4</sup> Paragraph 22

<sup>5</sup> Paragraph 36

to using housing market areas whose definition can be subject to differing opinions and debate. On the face of it, neighbouring authorities would be limited to those with a shared boundary.

- 1.10 There are however very real practical difficulties in preparing SCG with authorities at different stages in the plan-making process. Maidstone has an up to date local plan in place and will not be substantially progressed with a plan review when these new provisions come into force. Conversely some of our neighbours will be at, or approaching, submission. The authorities will not have a common position in terms of their plans' time horizons, evidence of their capacity for future development or the methodological basis for their housing need figure. These points were made previously and can be repeated in the current consultation.

### **Housing Numbers**

- 1.11 **Standardised methodology for calculating housing need:** The Government has maintained its intention to standardise the way the 'objectively assessed need' (OAN) for new homes is calculated by local planning authorities. The proposed methodology, which will determine the minimum<sup>6</sup> number of new homes needed, is unaltered from that signalled in 'Planning for the right homes in the right places'; it uses household projections plus an affordability uplift factor with the resultant figure capped to no more than 40% above an authority's current, adopted OAN figure. For Maidstone borough, using current data<sup>7</sup>, this would result in a figure of 1,236 dwellings/year compared with the current adopted target of 883 dwellings/year. In a significant change, a local planning authority should also take into account unmet needs from neighbours<sup>8</sup> in establishing its OAN figure. The implication is that unmet needs from elsewhere must be actively considered by the council when it sets its own OAN in addition to responding to specific approaches from others under the Duty to Co-operate.
- 1.12 **Response:** The council has previously raised objections to the proposed standardised methodology and it is recommended that these concerns be restated. In summary, the methodology serves to perpetuate established patterns of household growth and to disproportionately load requirements on authorities such as Maidstone with the highest base populations and which have delivered good levels of housing in the past. The approach is considered to be demand-led with the outcome of increasing requirements in areas where there is considerable existing development pressure whilst reducing supply (principally in more northern authorities) where Strategic Housing Market Assessments have shown needs to be higher. The realism of achieving this rate of housebuilding is also at question on the grounds of the availability of sufficient labour, skills and materials (a point previously highlighted by this Committee), coupled with housebuilders' incentive manage build out rates to maintain house prices at or above current levels. Whilst Maidstone has had recent, strong rates of delivery - in 2016/17 there were 1,145 completions - there has to be real concern about the ability of the market to deliver these highly inflated requirements on a consistent

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<sup>6</sup> Paragraph 61

<sup>7</sup> Housing projections are published every 2 years and affordability ratios are updated annually.

<sup>8</sup> Paragraph 61

basis. The penalties for not meeting these targets would act on the council through its 5 year supply and the Housing Delivery Test.

- 1.13 The requirement to consider unmet needs from elsewhere at the point of establishing OAN has real practical difficulties. The revisions to the National Planning Practice Guidance indicates that plan making authorities need to 'draw down' (taken to mean 'calculate') its housing need figure at the start of the plan-making process, the implication being that the OAN figure is the basis of many other fundamental parts of the plan making process and needs to be established at an early point. At this point an authority will not have assessed their potential future housing supply so will not be in a credible position to establish whether, and to what extent, it could accommodate unmet needs from elsewhere. Also neighbouring authorities will be at differing stages in their own plan-making processes so there will be further uncertainty about the existence and scale of any unmet need.
- 1.14 The Guidance does not specify the date from when the 'new' OAN figure will apply when an authority is reviewing an existing, up to date Local Plan. The draft NPPF reasserts that the planning system 'should be genuinely plan-led'<sup>9</sup>. For this to be the case, authorities should be granted sufficient time to make positive provision for the new housing numbers through the allocation and identification of suitable sites and locations in its Local Plan before it could be penalised for having a shortfall against the (inflated) 5 year land supply requirement or failure of the Housing Delivery Test. It is suggested that the new OAN figure should apply for the purposes of these two tests at the date of a Plan's adoption and not before, provided this is no more than 5 years from the adoption date of the previous plan. This is a point that the Committee wanted to particularly highlight in its response to 'Planning for the right homes in the right places'.

### **Housing supply**

- 1.15 **5 year land supply and the Housing Delivery Test:** The Government intends to introduce its Housing Delivery Test in the current financial year. The test is seen as a further way to maintain housing supply by measuring the progress on sites which have been granted planning permission. The number of new homes completed over the preceding 3 years is compared with the rate required in the adopted Local Plan. The presumption in favour of sustainable development will apply if the number of completions falls below 75% of the requirement (following a transition period). Future payments of New Homes Bonus could be linked to the Housing Delivery Test and the Government will consult further on this.
- 1.16 **Response:** The annualised housing targets in the Local Plan are the basis for the calculation of both the 5 year supply and the Housing Delivery Test. As explained elsewhere, the annual housing target could potentially increase to 1,236 dwellings/year for the Local Plan Review using the standard methodology. The new OAN figure should apply for the purposes of these two tests at the date of a Plan's adoption and not before.

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<sup>9</sup> Paragraph 15

- 1.17 **Density standards:** The government expects minimum density standards to be used in town centres and around transport hubs in areas where there is a shortage of land for meeting identified development needs. The draft NPPF seeks a significant uplift in prevailing densities, unless this would be inappropriate. Local planning authorities should refuse applications which they consider fail to make effective use of land in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.<sup>10</sup>
- 1.18 **Response:** National policy support for making the best use of land would be a welcome addition to the NPPF and is supported. The Council has previously indicated that densities are best set at the local level, based on local circumstances, character and the nature of housing needs, and this point can be reasserted in the consultation response.
- 1.19 **Small sites:** The government is requiring councils to ensure that at least 20% of allocated sites are small sites of under half a hectare.
- 1.20 **Response:** This measure will enable small and medium sized housebuilders to take an expanded role in bringing forward sites. This is a valuable means of maintaining housing land supply. The site size threshold is noticeably low (representing a development of just 15 dwellings at a density of 30 dwellings/hectare). The objective of increasing and diversifying the housebuilders operating in the market could be achieved more manageably with a higher site threshold, say a minimum of 1ha.
- 1.21 **Brownfield land:** The draft NPPF also includes a policy to make it easier to convert (non-allocated) retail and employment land to housing "where this would not undermine key economic sectors or sites"<sup>11</sup>. More generally, the revisions strengthen the support for brownfield development. Whereas currently the NPPF encourages the effective use of brownfield land, the proposed revisions would require planning policies and decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 1.22 **Response:** The overall strengthened support for the use of brownfield sites in settlements is welcomed. The significance of the loss of an individual employment site could be difficult to demonstrate at planning application level but could ultimately result in a more critical cumulative impact. Local Plans may need to consider more widespread allocation or designation of existing employment sites, where justified, in parallel with the positive allocation of outdated commercial sites for housing redevelopment.

### **Other Notable Matters**

- 1.23 **Green Belt:** Proposals for Green Belt releases would also need to be "informed by discussions with neighbouring authorities" about whether they could accommodate some of the identified need for development. This implies that Green Belt authorities may approach authorities (such as MBC) to take their unmet needs before testing the release of Green Belt sites in their own areas.

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<sup>10</sup> Paragraph 123

<sup>11</sup> (Paragraph 121

- 1.24 **Response:** It is considered that selective release of Green Belt can be a more sustainable option than diverting unmet needs to other authorities and that, as a minimum, this should be tested through a fully considered Green Belt review. A Green Belt review will test sites for their contribution to the five purposes of the Green Belt to ensure development would not undermine the Green Belt's function. This analysis should be undertaken before approaches to other authorities are made, particularly as relying on other authorities' plans at differing stages of preparation may not be as conducive to boosting housing land supply in a timely way.
- 1.25 **Affordable Housing:** At least 10% of homes on major sites should be available for affordable home ownership. This will make up part of the overall affordable requirement on a site<sup>12</sup>. The definition of affordable housing in the draft NPPF glossary includes 4 categories;
- affordable housing for rent (including social rent, Build to Rent, intermediate rent);
  - Starter homes (income restrictions will apply);
  - Discounted market sales housing (at least 20% below market value);
  - Other affordable routes to home ownership (including shared ownership, equity loans, rent to buy).
- 1.26 **Response:** The Government is maintaining its objective to widen the opportunities for people to access home ownership. Whilst in many ways this can be welcomed, the response might also want to re-state the previously expressed concern that this emphasis is likely to diminish the future supply of social rented properties which are needed by those in the most acute housing need. The limited supply of this type of affordable housing in London for example can result in placements being made in the surrounding authorities where rents are cheaper. This can mean that more vulnerable households are separated from their families and support networks.
- 1.27 **Neighbourhood plans:** Under the new provisions Local Plans should ideally set out a housing requirement figure for designated neighbourhood areas. The draft NPPG states that there is no set method for how this should be done; it "should be derived from the authority's housing need figure and take into consideration relevant policies and evidence such as the spatial strategy (or the emerging strategy if indicative figures are being set), the Housing and Economic Land Availability Assessment, the population of the neighbourhood area and the role of the neighbourhood area in providing services".
- 1.28 **Response:** This proposal has the potential to provide consistency of approach and certainty for groups preparing neighbourhood plans. There will be some legitimate difficulties, however, in trying to establish a reasoned and reasonable figure at neighbourhood area level, in particular when trying to apportion a windfall allowance to a specific, local area. The Government should expand its guidance on this matter.

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<sup>12</sup> Paragraph 65

- 1.29 **Design:** The 'Requiring good design' section of the NPPF is re-named 'Achieving well-designed places'. Proposed refinements include an appreciation that good design is founded in an understanding of local character and that local communities have particular key role in identifying an area's special qualities, in particular through their neighbourhood plans. Local authorities are also urged to pro-actively influence the design of schemes through the use of design advice and review panels and other assessment tools such as Building for Life.
- 1.30 **Response:** The proposed changes give a clearer articulation of key design considerations and the Government's expectation that good quality design is embedded in the development process. These changes should be supported in the council's consultation response.
- 1.31 **Town centre:** The sequential approach to town centre uses is amended to make clear that out-of-centre sites should be considered only if suitable town centre or edge-of-centre sites are unavailable or not expected to become available within a reasonable period. The draft says such sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline.
- 1.32 **Response:** This is a welcome clarification.
- 1.33 **Environmental considerations:** Other new text in the draft NPPF says that plans should allocate land with the "least environmental or amenity value [...]; take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries"<sup>13</sup>. The revisions also include strengthened protection of Ancient Woodland where loss should be 'wholly exceptional' and a high level of protection for aged and veteran trees<sup>14</sup>.
- 1.34 **Response:** These amendments are welcomed.
- 1.35 **Viability:** The draft NPPF introduces the expectation that all viability assessments accompanying planning applications will be made public and will follow a more standardised format (set out in the NPPG). It is also suggested that where viability has been established through a local plan, subsequent planning applications which are in conformity with the plan should not normally be accompanied by a further viability assessment<sup>15</sup>. This is often a contentious issue in the determination of planning applications, in particular in respect of affordable housing provision.
- 1.36 **Response:** This proposed approach is welcomed as a way of making viability assessment more transparent.
- 1.37 **Gypsies & Travellers:** The NPPG currently does not include any specific supporting guidance for Gypsies & Travellers and this could be rectified as part of the current revisions. In particular, this could include guidance on the application of the planning definition of Gypsies and Travellers.

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<sup>13</sup> Paragraph 169.

<sup>14</sup> Paragraph 173c

<sup>15</sup> Paragraph 58

## **Supporting housing delivery through developer contributions**

- 1.38 This consultation paper proposes a number of amendments to reform CIL and S106. The government is not proposing to abolish CIL, rather this is the first step in the reform and there is hint of it ultimately setting a national non-negotiable levy in the future. The suggested reforms complement the proposed changes to viability in the NPPF.
- 1.39 The paper focuses on 5 main areas:
- Reducing the complexity of CIL
  - Changes to S106
  - Improving market responsiveness of CIL
  - Increasing transparency regarding the spend of contributions
  - Introducing a new Strategic Infrastructure Tariff
- 1.40 **Reducing the complexity of CIL:** The paper suggests that viability assessments which are used for plan-making should also to be used for determining the CIL charging schedule. The current process to set and revise a CIL (the same for both) is time consuming and involves two consultations and takes about 1 – 2 years. This can prevent councils from making changes to an adopted CIL. The consultation paper is proposing that where the funding gap is demonstrably greater than the anticipated CIL income, this is sufficient evidence of infrastructure need. Councils should then publish a statement on how they 'sought an appropriate level of engagement'.
- 1.41 Also proposed is changing the index used to calculate indexation from Building Cost Information service (BCIS) to House Price Index (HPI) on residential development and either a mix of HPI and CPI (Consumer Price Index) or just CPI for non-residential.
- 1.42 The consultation paper also advocates a more proportionate approach to administering exemptions. It suggests a grace period of two months if development starts without a commencement notice having been submitted. Currently if no such notice is submitted prior to commencement, the developer loses all rights to an exemption and must pay the full amount of CIL immediately.
- 1.43 **Response:** Aligning the CIL with the local plan will reduce costs to councils as there will not be a need for a long consultation process and the information gained for one can be used for both. Indeed, Maidstone ran the two concurrently when setting the CIL charging schedule and preparing the local plan. The proposal of a statement of engagement is welcomed as, should we wish to revise the CIL in the future, it will be less time consuming and will save potential Council resources.
- 1.44 The suggested use of HPI for residential would mean the CIL would reflect market changes and be more responsive to house price changes. HPI uses home sales data from the HM Land Registry and is calculated by the Office of National Statistics. It reflects current actual house prices, which can go up as well as down and as a result will be more accurate than the BCIS, this will be fairer to both developers and the Council. Being responsive to

current house prices might also result in the Council not needing to update the CIL charging schedule as it will accurately reflect the right amount that development can pay for CIL. This could save future Council resources as no revision will be required. The proposal of HPI and CPI or just CPI for non-residential needs an expert's opinion. With regard to S106's and indexation, Maidstone currently use a BCIS indexation figure.

- 1.45 The current exemptions policy penalises small scale developers and some planning authorities have found it hard to collect the full amount of CIL when the development has already been built. Officer time can be spent chasing money from developments that could have been made exempt but then had to pay because the correct procedure was not followed. A grace period for exemptions could be of benefit to the Council as less resources would be spent chasing money that small applicants do not have. Further information is required however, regarding the penalty to be imposed for this grace period; the proposal is for two months rather than 60 days; will it be a flat rate late fee or a percentage based on the number of days it is late?
- 1.46 **Changes to S106:** The paper proposes lifting the current pooling restriction on S106's where a council has an adopted CIL. For those councils who do not have a CIL, the lifting of the pooling restriction would only be possible if it were proven that CIL would not be viable in their area. However, if the CIL was withdrawn the restriction would be reinstated. The consultation also proposes that councils will be able to charge a fee for monitoring each S106 agreement. The Council has negotiated a one off monitoring fee in the past as it was justified in the circumstance but each case is assessed on a case by case basis and so only added when proven necessary. Councils can currently charge 5% for administering CIL but there is no charge for managing S106's. Further details will be requested as to how much could be charged for a monitoring fee as the paper does not provide details.
- 1.47 **Response:** The lifting of the pooling restriction is welcomed as it has the potential to bring significant benefits to the Council as it will allow more flexibility and potentially allow the Council to access additional funding from development to pay for infrastructure. Similarly, the ability to charge a S106 monitoring fee will help with the Council's administrative costs. More information would be welcomed on the charging rates of the proposed fee; a percentage of the total or a flat fee (with or without banding for different sized developments). Developers may say there is only a limited amount of money available and may want to take this from the infrastructure / contributions they provide.
- 1.48 **Improving market responsiveness of CIL.** It is proposed that CIL should take into consideration the existing use value of a site when the amount is being calculated. CIL is currently set at the lowest common denominator, so there are sites that could pay more.
- 1.49 **Response:** The Government wants to maximise the amount of CIL that can be charged but this could be very complicated for councils to calculate on a site by site basis as existing use values vary and there are other site specific circumstances which influence value such as contamination etc.

However, with regard to strategic sites, this could assist the bringing forward of a site as the CIL will accurately reflect what the site can pay and any remedial action required will be reflected in the existing use value.

- 1.50 **Increasing transparency regarding the spend of contributions:** Nationally there is concern by the public as to how CIL and S106 contributions are spent. Annual reports are required for CIL but these vary and there are no expectations on S106. Officers currently prepare reports to planning committee on S106 spend and will continue to report on planning obligations once CIL has been introduced. The consultation paper suggests that the requirement of a Regulation 123 list, which often does not provide certainty or clarity, is replaced with an Infrastructure Funding Statement (IFS). This will identify priorities for CIL and S106 for the next 5 years and be more accountable and detailed.
- 1.51 **Response:** Maidstone's Infrastructure Delivery Plan (IDP) identifies the schemes necessary to support the delivery of new development proposed in the local plan, which will be funded by a number of funding streams and delivered by a range of partners. The paper makes no reference to the relationship between the IDP and the IFS but the IDP informed the Regulation 123 list and the IFS is to replace this so clarity should be sought as to whether this relationship will continue. More details are required on the consultation required for this statement. The paper proposes that an IFS could identify what could be funded by CIL and S106 forecasted income and which of these would have priority for the Council. The statement will be useful as a tool for communicating the Council's proposals to the local community and providing transparency on what the CIL and S106 could be spent on.
- 1.52 **Introducing a new Strategic Infrastructure Tariff (SIT):** Based on the London Mayor's CIL, joint committees/planning authorities can join together to charge a Strategic Infrastructure Tariff, to pay for a specific piece of infrastructure. It also proposes that a proportion of the SIT could be used to fund local infrastructure priorities that mitigate the impacts of the strategic infrastructure.
- 1.53 **Response:** There could be significant benefits of having a SIT if there is a strategic piece of infrastructure that is needed such as a road junction improvement that would benefit more than one borough. Should the Council decide to introduce a SIT by working with neighbouring authorities there might have to be an amendment to the adopted CIL to accommodate it. The Council would welcome further clarity on the proposed governance arrangements for the SIT in particular regard to who would be the lead.
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## 2. AVAILABLE OPTIONS

- 2.1 Option A: the Committee could decide that no consultation responses should be submitted.
- 2.2 Option B: the Committee could decide to submit responses to the Government consultations on the proposed changes to the National Planning

Policy Framework and to 'Supporting housing delivery through developer contributions'.

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

- 3.1 Option B is the preferred option. Submitting a consultation response will ensure that the Council's viewpoint can be taken into account as the Government finalises its proposed changes to the planning system, policy and guidance.
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### **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.
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### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 Subject the Committee's agreement, the consultation responses will be submitted on-line by the deadline of 10 May 2018. Thereafter the Government has indicated that changes to the NPPF will be published in the summer and the intention is for officers to run Councillor training on its content thereafter.
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### **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	It is not expected that the recommendation will, of itself, materially affect achievement of corporate priorities. Contributing positively to the Government's consultation does nonetheless accord with the Council's overall priority of 'a home for everyone'.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	Already covered in the risk section.	Rob Jarman, Head of Planning & Development
<b>Financial</b>	Responding to the Government consultation can be done within existing resources.	Section 151 Officer and Paul Holland,

	<p>The developer contributions consultation paper proposes a number of potential increased income streams for the Council (S106 monitoring fee; penalty for late commencement notice; revising CIL to reflect existing use value; lifting the S106 pooling restriction so we could get more from development).</p> <p>In respect of the Local Plan Review, a budget has been identified and forms part of the Medium Term Financial Strategy.</p>	Senior Finance Manager (Client)
<b>Staffing</b>	Responding to the Government consultation can be done within existing staff resources.	Rob Jarman, Head of Planning & Development
<b>Legal</b>	There are no specific legal implications arising from the recommendations in this report. Should the proposals in the consultation drafts be taken forward there will be a need to review practices and protocols to accommodate them.	Cheryl Parks, Lawyer (Planning) Mid Kent Legal Services
<b>Privacy and Data Protection</b>	Responding to this consultation as recommended would not have specific implications for privacy and data protection.	Cheryl Parks, Lawyer (Planning) Mid Kent Legal Services
<b>Equalities</b>	Responding to this consultation as recommended would not have specific or differential implications for the different communities within Maidstone.	[Policy & Information Manager]
<b>Crime and Disorder</b>	Responding to this consultation as recommended would not have specific implications for Crime and Disorder in the borough	Rob Jarman, Head of Planning & Development

<b>Procurement</b>	Responding to this consultation as recommended does not require the procurement of any services, expertise or materials	Rob Jarman, Head of Planning & Development
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## **7. BACKGROUND PAPERS**

National Planning Policy Framework consultation (March 2018) –  
<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

'Supporting housing delivery through developer contributions' (March 2018) –  
<https://www.gov.uk/government/consultations/supporting-housing-delivery-through-developer-contributions>