

# STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE MEETING

Date: Tuesday 7 November 2017  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors D Burton (Chairman), Cox (Vice-Chairman), English, Munford,  
Prendergast, Springett, de Wiggondene, Wilby and Willis

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**Issued on Monday 30 October 2017**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

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## **PART II**

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

### **Head of Schedule 12 A and Brief Description**

24. Exempt Appendix to Planning Review Update Report	Paragraph 1. Information re an individual	170 - 200
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## **PUBLIC SPEAKING**

In order to book a slot to speak at this meeting, please contact 01622 602272 or by email on [committeeservices@maidstone.gov.uk](mailto:committeeservices@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting. 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.

## **ALTERNATIVE FORMATS**

The reports included in Part I of this agenda can be available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact [committeeservices@maidstone.gov.uk](mailto:committeeservices@maidstone.gov.uk) or 01622 602272. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://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: 28 September 2017

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 12 SEPTEMBER 2017**

**Present:** Councillor D Burton (Chairman) and Councillors Cox, English, Munford, Prendergast, Springett, de Wiggondene, Wilby and Willis

**Also Present:** Councillors Mrs Gooch, Hastie, Perry and Spooner

44. APOLOGIES FOR ABSENCE

There were no apologies for absence.

45. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

46. URGENT ITEMS

There were no urgent items.

47. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Hastie was present as a Visiting Member and wished to observe.

It was noted that Councillors Mrs Gooch, Perry and Spooner were present as Visiting Members and indicated their wishes to speak on Agenda Item 16 – Maidstone Borough Local Plan (2017): Adoption.

48. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

49. DISCLOSURES OF LOBBYING

All Councillors stated that they had been lobbied on Item 9 – Presentation of Petitions and Item 16 – Maidstone Borough Local Plan (2017): Adoption.

50. EXEMPT ITEMS

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

51. MINUTES OF THE MEETING HELD ON 11 JULY 2017

**RESOLVED:** That the minutes of the meeting held on 11 July 2017 be approved as a correct record and signed.

52. PRESENTATION OF PETITIONS

Dr Alastair Duncombe presented a petition to the Committee with the following wording:

*Save Staplehurst from more development - remove Henhurst Farm from Maidstone's Local Plan*

*Staplehurst Parish Council prepared a Neighbourhood Plan which was put to voters in a referendum on 3rd November 2016; the Plan was overwhelmingly approved (93% versus 7%). This plan was prepared with extreme care and consulted residents meticulously at all stages.*

*However Maidstone Borough Council have ignored the will of the residents of Staplehurst and have overturned parts of this Neighbourhood Plan. As a late addition to their own Local Plan, Maidstone Borough Council are looking to approve development in land to the North of Henhurst Farm (policy H1(51) in the Local Plan). Overturning the outcome of Staplehurst's referendum gives the impression that Maidstone Borough Council is subverting local democracy.*

*Access to the proposed development appears to be via The Bartons (a new development off Oliver Road). The Bartons is a narrow residential road which children regularly play on. It is barely wide enough for larger vehicles to pass down if cars are parked on the road. The site also borders a nature conservation area that is home to protected species (such as slow worms and snakes). Further, Staplehurst does not currently have the infrastructure to support increased development - local schools, doctors and roads are all under pressure; there is now no bank; there is no major supermarket; and the future of the post office is uncertain.*

*The Maidstone Local Plan is due to be considered for adoption by Maidstone Borough Council at a meeting on 27th September. In contrast to the democratic way in which the Staplehurst Neighbourhood Plan was prepared, the Maidstone Local Plan seems to have been prepared in a rather less open way. It is concerning that a democratically adopted plan is simply being ignored.*

*This petition seeks support for the stance of Staplehurst Parish Council in opposing this development. As such it requests that the development on land to the North of Henhurst Farm be removed from the Maidstone Local Plan.*

Dr Duncombe addressed the Committee on this petition and stated that he was concerned that the views of Staplehurst residents were being ignored by the Council. Dr Duncombe was also concerned about the harmful effect that this development would bring to the area, for the following reasons:

- Lack of infrastructure in Staplehurst to support increased development;
- Poor access to the proposed site; and
- The proposed site being adjacent to a nature conservation area.

**RESOLVED:** That this petition be considered in conjunction with Item 16 – Maidstone Borough Local Plan (2017): Adoption.

53. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions or statements from members of the public.

54. OUTSIDE BODIES - VERBAL UPDATES FROM MEMBERS

The Committee noted that the Chairman and Vice-Chairman had met with Headcorn Parish Council, the Headcorn Neighbourhood Planning Group, Ward Members, and Officers to discuss further Headcorn's Neighbourhood Plan, following the meeting of this Committee on 13 June 2017.

The Committee raised concerns that the Democracy Committee had been conducting a review on Outside Bodies, a number of which related to this Committee, and that they were not being consulted on this process.

55. AMENDMENT TO THE ORDER OF BUSINESS

The Chairman proposed that Agenda Item 16 – Maidstone Borough Local Plan (2017): Adoption be taken after Agenda Item 14.

**RESOLVED:** That Agenda Item 16 – Maidstone Borough Local Plan (2017): Adoption be taken after Agenda Item 14.

56. COMMITTEE WORK PROGRAMME

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

57. KPI PERFORMANCE REPORT QUARTER 1 2017/18

The Policy and Information Manager presented the Key Performance Indicator Update Report to the Committee and it was noted that, for this quarter:

- The processing of major planning applications and other applications had both exceeded their targets;

- The processing of minor planning applications was within 10% of its target; and
- The gross number of affordable homes delivered had not reached its target, but the remaining quarters of the year should make up for the shortfall and that the annual target of 200 completions should be achieved.

**RESOLVED:** That the summary of performance for Quarter 1 of 2017/18 for Key Performance Indicators (KPIs) be noted.

#### 58. FIRST QUARTER BUDGET MONITORING 2017/18

The Director of Finance and Business Improvement gave a presentation to the Committee relating to budgets within the Committee's remit for the first quarter of 2017/18. It was noted that:

- The current budget position for this Committee as a whole was an underspend of £341,308, but the outturn position for the year was forecasted to show an adverse variance of -£89,000;
- Unbudgeted costs of £200,000 had been projected for several planning appeals due to take place this year; and that
- Parking services had continued to perform strongly;

The Committee raised concerns about the cost of appeals and stated that there was more work to be done in order to stay in line with the budget for the year.

**RESOLVED:** 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.

#### 59. MAIDSTONE BOROUGH LOCAL PLAN (2017): ADOPTION

The Strategic Planning Manager presented this item to the Committee and informed the Committee that a working spreadsheet had been created to list any factual and typographical errors found in the Local Plan, in order that these be amended before being presented to Council on 27 September 2017.

Councillors Mrs Gooch, Perry and Spooner addressed the Committee as Visiting Members on this item.

The Committee noted that the Maidstone Borough Local Plan (2017) had been considered sound by the examiner subject to six modifications which could be found in Paragraph 2.22 of the report.

It was noted that the Committee were particularly concerned with the following allocated sites in the Maidstone Borough Local Plan (2017):

- Policy H1 (51) North of Henhurst Farm, Staplehurst; and
- Policy EMP1 (4) Woodcut Farm, Ashford Road, Bearsted.

In response to a question, the Officer advised the Committee that at this stage there was no legal mechanism to remove any allocated sites contained in the Maidstone Borough Local Plan (2017), only that the Plan could be recommended for adoption to Council or not.

The Committee enquired as to whether the Local Plan could be changed at all in the future and the Officer advised that the Local Plan Review would take place by April 2021 and this would present the Council with the option to amend policies in the Local Plan if desired, as long as it was in compliance with the National Planning Policy Framework.

**RESOLVED To Recommend to Council:**

That the Maidstone Borough Local Plan (2017) in Appendix VI, subject to minor factual and typographical corrections, which incorporated the Inspector's Main Modifications, and the Policies Map at Appendix VII be adopted.

Voting: For – 6      Against – 2      Abstentions – 1

60. MAIDSTONE BOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE: APPROVAL

The Principal Planning Officer (Strategic Planning) presented this item to the Committee.

The Committee noted that:

- Council agreed at the meeting held in December 2016 to submit the Draft Charging Schedule for independent examination;
- The Examiner's Report was published on 31 July 2017 and recommended that the Council should approve the Charging Schedule, subject to modifications;
- The Charging Schedule's introduction will take effect on 1 July 2018, to provide a reasonable lead-in period for developers and so that the necessary preparations can be undertaken to facilitate an orderly transition to the new system; and that
- Further reports regarding the proposed administrative and governance arrangements would be considered by this Committee later in the municipal year.

The Committee requested that a more detailed understanding of how the calculation works be provided in a future report to this Committee.

In response to a question, the Officer informed the Committee that the Council can review the Charging Schedule as it desired, as long as it complied with government processes.

The Committee requested that discussion with parish councils and unparished areas be included in the early stages of discussion in order to explain how the Charging Schedule would work.

**RESOLVED:**

1. That a report to set out key issues for consideration be brought back to this Committee in November, including the involvement of Parish Councils and whether establishing a member working group or sub-committee may be appropriate given the range of issues to be addressed.
2. **To RECOMMEND to COUNCIL:** That the Maidstone Borough Community Infrastructure Levy (CIL) Charging Schedule (Appendix A) in accordance with Section 213 of the Planning Act 2008 with an effective implementation date of 1 July 2018 be approved; and
3. That the CIL Regulation 123 List (Appendix B) and CIL Instalments Policy (Appendix C) be approved.

Voting: Unanimous

61. DURATION OF MEETING

6.30 p.m. to 8.01 p.m.

**2017/18 WORK PROGRAMME SORTED BY COMMITTEE**

Report Title	Work Stream	Committee	Month	Lead	Report Author
Green and Blue Infrastructure Action Plan	Local Plan & Planning Policy	SPS&T	05/12/2017	Rob Jarman	Mark Egerton
Local Plan Lessons Learnt	Local Plan & Planning Policy	SPS&T	05/12/2017	Rob Jarman	Sarah Lee
Air Quality DPD - Scoping	Local Plan & Planning Policy	SPS&T	05/12/2017	Rob Jarman	Sarah Lee/Andrew Thompson
Self Build and Custom Build Register - Issues and Implications	Local Plan & Planning Policy	SPS&T	05/12/2017	Rob Jarman	Stuart Watson
Statement of Community Involvement Draft for Consultation	Local Plan & Planning Policy	SPS&T	05/12/2017	Rob Jarman	Mark Egerton/Sue Whiteside
Local Plan Authority Monitoring Report 2016/17	Local Plan & Planning Policy	SPS&T	05/12/2017	Rob Jarman	Stuart Watson
Fees & Charges	Corporate Finance and Budgets	SPS&T	05/12/2017	Mark Green	Ellie Dunnet
Low Emissions Strategy and Change to the Air Quality Management Area Boundary	Local Plan & Planning Policy	SPS&T	05/12/2017	Tracey Beattie	Duncan Haynes
Local Plan Delivery	Local Plan & Planning Policy	SPS&T	09/01/2018	Rob Jarman	Sarah Lee/Andrew Thompson
Maidstone Town Centre - Promotion of Opportunity Areas	Local Plan & Planning Policy	SPS&T	09/01/2018	Rob Jarman	Sarah Lee/Tay Arnold
Local Development Scheme	Local Plan & Planning Policy	SPS&T	09/01/2018	Rob Jarman	Mark Egerton/Anna Houghton
Medium Term Financial Strategy & Budget Proposals 2018/19	Corporate Finance and Budgets	SPS&T	09/01/2018	Mark Green	Ellie Dunnet
Strategic Plan Action Plan 2018/19	Corporate Planning	SPS&T	09/01/2018	Angela Woodhouse	Angela Woodhouse
Draft London Plan Consultation Response	Local Plan & Planning Policy	SPS&T	09/01/2018	Rob Jarman	Sarah Lee
Tri-Study and Park and Ride Recommendations	Changes to Services & Commissioning	SPS&T	09/01/2018	Rob Jarman	Mark Egerton/Georgia Hawkes
Neighbourhood Planning Protocol	Local Plan & Planning Policy	SPS&T	09/01/2018	Rob Jarman	Mark Egerton/Sue Whiteside
Innovation in MBC Car Parks	Changes to Services & Commissioning	SPS&T	06/02/2018	Georgia Hawkes	Jeff Kitson
Infrastructure Delivery Road Map	Local Plan & Planning Policy	SPS&T	06/02/2018	Rob Jarman	Andrew Thompson
Setting New KPIs (there will be workshops with each committee prior to the report in January/ February)	Corporate Planning	SPS&T	06/02/2018	Angela Woodhouse	Anna Collier
Q3 Performance Report 2017/18	Updates, Monitoring Reports and Reviews	SPS&T	06/02/2018	Angela Woodhouse	Anna Collier
CIL Admin and Governance Arrangements Update	Local Plan & Planning Policy	SPS&T	06/02/2018	Rob Jarman	Andrew Thompson
Playing Pitch and Outdoor Sports Facilities	Local Plan & Planning Policy	SPS&T	13/03/2018	Rob Jarman	Sue Whiteside/Mark Egerton
PDR Greensand Ridge	Local Plan & Planning Policy	SPS&T	13/03/2018	Rob Jarman	TBC
20mph Speed Limits / Zones	Local Plan & Planning Policy	SPS&T	13/03/2018	Rob Jarman	TBC
Affordable Housing Delivery	Local Plan & Planning Policy	SPS&T	13/03/2018	Rob Jarman	TBC
Infrastructure Delivery Update	Local Plan & Planning Policy	SPS&T	13/03/2018	Rob Jarman	Andrew Thompson
Local Plan Review Evidence Base	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Sarah Lee
Gypsy and Traveller: Need and Supply	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Sarah Lee
Local Plan Review and Meeting Housing Need	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Sarah Lee / Mark Egerton
Maidstone Integrated Transport Package	Updates, Monitoring Reports and Reviews	SPS&T	TBC	John Foster/Rob Jarman	Abi Lewis/Mark Egerton
Duty to Cooperate / Other LPA Key Issues	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC
Misc External Consultations	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC
Neighbourhood Plan Examiner's Reports / Approval for Referendum	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC
Neighbourhood Plan Regulation 16 Responses	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC
Updates Regarding New Legislation	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC
Enforcement Protocol Refresh	New/Updates to Strategies & Policies	SPS&T	TBC	Rob Jarman	James Bailey
Statement of Community Involvement Adoption	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	Sue Whiteside
Employment Need and Delivery	Local Plan & Planning Policy	SPS&T	TBC	Rob Jarman	TBC

# Agenda Item 13

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE**

**7 NOVEMBER 2017**

#### **REFERENCE FROM POLICY AND RESOURCES COMMITTEE**

#### **BUDGET MONITORING 2017/18 – DEVELOPMENT CONTROL APPEALS**

At its meeting on 20 September 2017 the Policy and Resources Committee considered the Report of the Director of Finance and Business Improvement relating to First Quarter Budget Monitoring 2017/18. This report detailed the current budget position for the Council.

At that meeting the Committee requested that, in view of the financial constraints for this Council, the Strategic Planning, Sustainability and Transportation Committee is requested to pay particular attention to how they can manage planning appeal costs.

#### **RECOMMENDED:**

That in view of the financial constraints for this Council, the Strategic Planning, Sustainability and Transportation Committee and the Planning Committee are requested to pay particular attention to how they can manage planning appeal costs.

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING, SUSTAINABILITY**

### **AND TRANSPORTATION COMMITTEE**

**7 NOVEMBER 2017**

### **REFERENCE FROM PLANNING COMMITTEE**

#### **IMPLEMENTATION OF SCHEMES FUNDED BY S106 CONTRIBUTIONS/CIL**

The Planning Committee, at its adjourned meeting held on 5 October 2017, considered a schedule setting out details of S106 contributions held by the Council on behalf of infrastructure providers and the progress of schemes funded by S106 contributions, including spend by dates. It was noted that the Council was holding just over £2m of S106 contributions for public open space and recreation projects. It was also holding healthcare contributions of £1.138m on behalf of NHS England until the monies were requested for release.

During the discussion, concerns were expressed about the age of some of the applications listed in the schedule and the delays in delivering the green infrastructure considered by Members and Officers to be required to allow developments to take place. Members were mindful that the S106 contributions held by the Council would continue to increase as housing developments came on stream, and felt that there was a need to expedite delivery of projects funded by S106 contributions/CIL going forward.

Earlier in the year, it was recommended by the Planning Committee that as part of the review of the Planning Service alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented. At that time there was specific reference to provision being made for a Delivery Officer within the Service. The Committee felt that this recommendation should be followed up through the Strategic Planning, Sustainability and Transportation Committee.

**RECOMMENDED:** That, as part of the review of the Planning Service, alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented.

# Agenda Item 15

## **STRATEGIC PLANNING, SUSTAINABILITY & TRANSPORT COMMITTEE**

**7 November 2017**

### **Planning Performance Agreements (PPAs)**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transport Committee
<b>Lead Head of Service/Lead Director</b>	Rob Jarman, Head of planning and Development
<b>Lead Officer and Report Author</b>	Tim Chapman, Major Projects Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

This report provides the background and purpose of Planning Performance Agreements (PPAs) at national level, and outlines an updated PPA fee schedule which incorporates both Member and Developer feedback following the pilot and workshop. It requests that Committee approve the use of PPAs in Maidstone in the manner proposed.

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

1. That the PPA fees within this report are adopted.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transport Committee	7 November

# Planning Performance Agreements (PPAs)

## 1. INTRODUCTION AND BACKGROUND

1.1 Planning Performance Agreements (PPAs) were introduced into the Planning System on 6 April 2008 and paragraph 195 of the National Planning Policy Framework (2012) states:-

“195. Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process”. (my underlining)

1.2 Therefore, both local planning authorities and applicants are encouraged to enter into a contract where greater speed and effectiveness can be achieved and these are pertinent objectives.

- a) Speed: one of the principles behind PPAs is, prior to submission, for the local planning authority to identify and agree with the applicant the content of the planning application. It may be agreed prior to submission that the complexity of the proposal is so great that the consideration and determination will take longer than the prescribed time frame. Secondly, it can be the case that unforeseen circumstances can occur, for example, the level and type of contamination and mitigation were not fully appraised prior to submission but there is inbuilt flexibility within a PPA. As part of any PPA it is incumbent on the local planning authority to update the applicant at particular junctures in the consideration of the planning application. Therefore, for example, a statutory consultee raises concern over contamination then there would be the flexibility to extend the time period to accommodate the unforeseen additional work stream.

In effect, the PPA provides certainty with regard to time frames which, in turn, are essential to project management.

- b) Effectiveness

PPAs can be effective for both the applicant and the local planning authority in that:-

- i) Applicant: by specifying information required and the quality required, the applicant can then accurately apportion costs and timescales and this is then agreed with the local planning authority and wrapped up in the detail of the actual PPA.

ii) Local Planning Authority: clearly at the pre-submission stage then this is where there is the greatest degree of flexibility in the content of a scheme. This is where the local planning authority can set its 'benchmarks' in terms of quality standards. At this stage it is important for the local planning authority to set out the justification for the planning obligations it seeks so that this, in turn, is reflected in the agreement between the landowner and the developer and, in turn, negating the need for any viability assessment as the costs are known at an early stage (the exception to this is if any genuine 'abnormal' costs are found).

In paragraphs 1.1 and 1.2 above I have set out what PPAs amount to. Clearly, this involves significant extra work for the local planning authority which is not accounted for in the planning application fee therefore it is important to set a reasonable charging schedule that reflects the quantity and quality of resources afforded to PPAs.

1.3 Maidstone's planning department commenced a pilot in November 2016 with a draft fee structure. A report was brought to this on 14<sup>th</sup> March 2017. The committee recommended:

- Continue the pilot use of PPAs to a maximum of 8 agreements
- Request the arrangement of a Member workshop

1.4 The Member workshop took place on 19<sup>th</sup> June. Its purpose was to discuss the wider national context of PPAs, how they differ from pre-applications; alongside presentations from external speakers to provide feedback on the success of PPAs elsewhere. This included Dave Harris, Head of Planning at Medway Council. The feedback from members on PPAs was broadly positive at the workshop and the key points have been captured as Appendix B.

1.5 PPAs have been in operation for many years and are a common mechanism used by Local Planning Authorities. They bring together the Local Planning Authority (LPA), developer and key stakeholders, at an early stage, to work together in partnership throughout the planning process. The Planning Performance Agreement process is a project plan framework through which the local planning authority and applicant manage suitable planning proposals. For a PPA to be successful, it is essential that the local planning authority and the applicant establish a collaborative relationship based on trust, with good communication and regular exchange of information. However, it is important to emphasise that a PPA is not a guarantee, nor an indication of likelihood that the application will be approved. It relates to the process of considering development proposals and not to the decision itself.

1.6 The PPA framework will speed up the planning process through a project management approach which commits both parties to an agreed timetable containing "milestones" that make clear what level of resources and actions are required and the costs associated with these. It also ensures that all key planning issues are properly considered and resolved in a timely fashion. This agreed timescale also moves the department away from using extensions of time as applications with a PPA in place the statutory time limits for determining the application is overtaken by the new determination date agreed in the PPA. The PPA must be signed prior to the submission of the

application. The determination date can be updated if required and both parties feel it is necessary.

## 2. Fees and fee structure

2.1 The fee for a planning application subject to a PPA is identical to an application without one. The LPA has the power to charge for services provided in the pre-application phase of a PPA. It can also charge for the costs associated with delivering the PPA. Under Section 93 any charge must be on a not-for-profit basis (year-by-year) and, taking one year with another, the income from charges for such services must not exceed the cost for providing them. The parties will need to ensure that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service.

2.2 PPA fees create additionality in that there is more income for extra resources, including additional staff, to deal with the extra largely bespoke work in the form of the specific proposal. Therefore, the fee is often more of a quote than a standard tariff charge although there is the need for baselines. Due to PPAs being based on additionality then there should be no 'two tier system'. Extra resources accompany any PPA.

2.3 The project management framework that is integral to PPAs will require a centralised approach to delivery. It is proposed that this support, for both the management and associated administration is provided by the Planning Technical Officers. Their knowledge of the planning department and centralised role is vital to ensuring that PPAs are well organised and that any additional charges to the PPA standard formula are included.

### 2.4

The proposed new fee structure is outlined below. The fee covers both the pre-application process (varying depending on the size and complexity of the site) as well as any internal and external costs associated with the PPA process, including negotiating the content of the PPA. A breakdown of how these fees have been calculated is outlined in the section below.

A) Extra Large PPA (250 units +/-10,000 sqm commercial) 4 pre-app meetings plus 2 Member briefings to be charged at £10000. We recommend for schemes of this size a formal design review process forms part of the PPA which would increase the fee by £4000 to £14000 to cover the associated costs

B) Large PPA (100 units +/-5000 sqm commercial) Up to 4 pre-app meetings plus Member briefing to be charged at £7500.

C) Medium PPA (50 units +/-2500 sqm commercial) Up to 3 pre-app meetings plus Member briefing to be charged at £5000.

D) Small PPA (under 50 units, 2500 sqm commercial or other minor application) Up to 2 pre-app meetings to be charged at £3500.

2.5As PPAs can only cover costs, rather than to generate income some broad fee-setting principles were used.

Each fee per PPA will cover:

- The negotiation and administrative processes of setting up the PPA process itself
- The cost of the pre-application meetings and officer time to deliver PPA

Small - an additional £1,500 to cover the equivalent of 1 week of officer (37 hours) work at £40 ph for the likely work required.

Medium - an additional £3,000 to cover the equivalent of 2 weeks (72 hours) work at £40ph for the likely work required.

Large - an additional £5,500 to cover the equivalent of 3.5 weeks (137 hours) work at £40ph for the likely work required.

Extra Large – an additional £8,000 to cover the equivalent of 6 weeks (200 hours) work at £40ph for the likely work required.

2.6These fees exclude Planning fees (as set by government) and other charges that will be negotiated as part of the PPA. For very large or complex schemes the agreement may also provide a basis for any contributions which have been negotiated to assist with abnormal costs of processing the application. Additional charges may be included where additional pre-application meetings are requested by the developer to ensure a quality application, or the use of specialist consultants for viability assessments of other technical assessments not normally covered by a planning application fee. The above fees schedule suggests an additional fee for Extra large PPA schemes to cover the review of the application via a mechanism such as Design South East's Design Review Process. This would have the benefit of reviewing and improving design quality of such schemes without additional cost to the Council.

### 3. Pilot

3.1The Pilot commenced in November 2016 and currently consists of five PPAs. The total income associated with these PPAs is £24,270. This excludes planning application fees. The following schemes are subject to a PPA:

- Springfield Park – 310 residential units
- Springfield Mill – residential development
- Hen and Duckhurst – reserved matters on a residential development
- Wares Farm, Redwall Lane – commercial development
- Ulcombe Road and Mill Bank, Headcorn – residential development

Negotiations for PPAs on other sites have commenced but are not yet signed.

3.2 Based on the lead officer's experience, and developer feedback, the following observations can be made:

- The process of carrying out PPAs is beginning to improve project management practice;

- The evidence is that the PPA fee level is not putting off customers from seeking PPAs. The firming up of the decision deadlines is seen by participating developers as a positive outcome;
- Developers have shown a high level of interest in PPAs being available for a number of smaller applications, where there is a level of complexity. It is recommended that the scope of PPAs should also encompass include such applications.

3.3As PPAs are likely to be mainly focussed on Major applications only, the administration associated will be the responsibility of the Major Projects Team.

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#### **4. AVAILABLE OPTIONS**

4.1**Option 1:** That the Committee approves the further investigation of PPAs and a continuation of the pilot. The final fee structure would need to be approved by committee at a later date. This would delay the full implantation of the process and would make it less likely that the department could cover the additional costs of processing major applications efficiently

4.2**Option 2:** That the Committee approves the introduction of PPAs and the associated proposed fees proposed in the report. This would enable the service to cover the additional costs associated with determining the planning applications

4.3**Option 3:** That the Committee decides to not proceed with the introduction of funded PPAs. This would impact on the services ability to deal with complex applications and cover additional costs associated with them

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

5.1 Option 2 is the recommended option. The increased focus on the pre-application stage links with the objective of 'front loading' the planning application process so that quality of submissions is improved and a clear timetable is established. This will result in a more efficient service and increased capacity. It also puts in place a format for charging for abnormal costs for processing applications. The Committee have the opportunity to review the fee levels annually alongside the wider departmental ones.

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#### **6. RISK**

6.1The 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. The financial risk of not agreeing to planning performance agreements is that there will be greater pressure on other income streams in order to maintain adequate resources to deal with planning applications.

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

7.1 No specific consultation has been completed for Planning Performance agreements however feedback from Developers was sought from Maidstone Developers Forum. Subsequent feedback and the discussion at the Member workshop have been considered in informing this report.

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

8.1 Should committee approve the fees contained within this report, the fee structure will be publicised on the Council’s website and promoted via relevant groups such as the Developers Forum.

## **9. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims.	Rob Jarman Head of planning and Development
<b>Risk Management</b>	The financial risk of not agreeing to planning performance agreements is that there will be greater pressure on other income streams in order to maintain adequate resources to deal with planning applications.	Rob Jarman Head of Planning and Development
<b>Financial</b>	The proposals set out in the recommendation are all within approved budgetary headings and so no new funding is needed for implementation.	Paul Holland, Senior Finance Manager (Client)
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman Head of Planning and Development
<b>Legal</b>	The Legal Team will need to be kept apprised of developments in the use of PPAs and in individual cases where legal agreements are required to secure planning obligations	[Legal Team]

	including the bespoke timetabling.	
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li>• Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with [policy].</li> <li>• We recognise the recommendations will impact what information the Council holds on [its residents] and so have completed a separate privacy impact assessment [at reference].</li> </ul>	[Legal Team]
<b>Equalities</b>	<ul style="list-style-type: none"> <li>• The recommendations do not propose a change in service therefore will not require an equalities impact assessment</li> </ul>	[Policy & Information Manager]
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>• No specific issues have been identified.</li> </ul>	Rob Jarman Head of Planning and Development
<b>Procurement</b>	<ul style="list-style-type: none"> <li>• No specific issues have been identified.</li> </ul>	[Head of Service & Section 151 Officer]

## 10. REPORT APPENDICES

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

- Appendix 1: PPA template
- Appendix 2: Member workshop comments

## 11. BACKGROUND PAPERS

None

DATED xxxxxxxx

(1) MAIDSTONE BOROUGH COUNCIL

-and-

(2) xxxxxxxx

**PLANNING PERFORMANCE  
AGREEMENT**

xxxxxxx

**Comment [TC1]:** Title of Site

Planning Performance Agreements

1

Excerpt from “*Planning Performance Agreements: a new way to manage large-scale major planning applications Department for Communities and Local Government Consultation Draft 2007*”

“The Planning Performance Agreement process is a project plan framework through which the local planning authority and applicant manage suitable planning proposals. For a PPA to be successful, it is essential that the local planning authority and the applicant establish a collaborative relationship based on trust, with good communication and regular exchange of information. However, it is important to emphasise that a PPA is not a guarantee, nor an indication of likelihood that the application will be approved. It relates to the process of considering development proposals and not to the decision itself.

The Government believes that where the nature of the planning application requires significant input from government and non-government agencies, environmental bodies and specific consultees, the project plan should be used to bring them in early in the process. We would also expect the government office for the region to be one of the parties to the discussion. Early engagement with all such bodies should allow the authority and the applicant to plan their community engagement strategy better, so as to ensure transparency and openness.”

THIS AGREEMENT is made on **xxxxxxx**

**BETWEEN**

(1) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House, King Street, Maidstone ME15 6JQ

(2) **xxxxxxx**

**INTRODUCTION AND PURPOSE**

Maidstone Borough Council is the local planning authority for development within the area in which the development site is located.

The Applicant is **xxxxxxx**

The Site is **located xxxxxx**

The applicant is to submit a planning application seeking permission for: **xxxxxxx**

This Planning Performance Agreement is an agreement between Maidstone Borough Council and the Applicant to provide a project management framework for handling this proposed major planning application from pre-application through to determination. This framework should improve and speed up the planning process by committing both parties to an agreed

timetable containing “milestones” that make clear what level of resources and actions are required and ensure that all key planning issues are properly considered and resolved.

This agreement does not give a guarantee of planning permission. It relates to the process of considering development proposals and not the decision itself.

This agreement is made pursuant to Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000.

Nothing in this agreement shall restrict or inhibit the Applicant(s) from exercising their right of appeal under Section 78 of the Town and Country Planning Act 1990.

The parties desire that the application be dealt with as efficiently as possible as set out in the Application programme, the Developers Obligations and the Maidstone Borough Council Service Standards included in this agreement.

The parties are, prior to the submission of the application, agreeing to enter into this agreement in respect of the development and will work in accordance with the Application Programme, the Developers Obligations and Maidstone Borough Council, which will be formalised upon the completion of this agreement.

#### **TERM**

This agreement will apply from and the functions will be deemed to have commenced on the commencement date and (subject to earlier determination as hereinafter provided) shall remain in force for a period of four (4) months (such period of four (4) months and any consultation thereof referred to in this agreement as the “Term”) and upon the expiry of such period this agreement shall cease and determine but without prejudice to the rights of the parties in respect of any antecedent breach of the terms and conditions hereof.

**Comment [TC2]:** To be determined

#### **JOINT WORKING**

The objective of this Planning Performance Agreement is one of co-operation and consistency throughout the negotiation and determination of this planning application, to provide a degree of certainty for the intended outcomes and to improve the quality of the project and of the planning decision.

All parties shall act with the utmost fairness and good faith towards each other in respect of all matters in relation to the applications and the development.

Maidstone Borough Council and the Applicant agree to be governed at all times by the following principles:

- Principle 1:** To work together as a team and in good faith, and to respect each other’s interests and confidentiality.

- Principle 2:** To commit and provide promptly information to support and manage the development control process, in accordance with the Performance Standards contained in this agreement.
- Principle 3:** To be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and understood.
- Principle 4:** To provide effective involvement and consultation with the surrounding community, statutory and other stakeholders, and any individual or group with a legitimate interest.
- Principle 5:** To reach agreement milestones which will remain fixed unless agreed by all parties otherwise.
- Principle 6:** To identify and involve specialist consultees and advisors including authority officers/managers where appropriate.
- Principle 7:** All parties will seek to use the pre-application period to address matters that would otherwise arise via planning conditions, and significantly reduce the level of potential conditions, particularly in respect to those preventing commencement of works.

#### **PRE-APPLICATION DISCUSSIONS**

This PPA follows a series of pre-application discussions as set out in the Appendix 1.

#### **FORM AND CONTENT OF THE PPA**

The PPA will include details relating to the planning application to be submitted.

Application Programme: The list of application documents are agreed in writing in this document.

#### **PLANNING OFFICERS/MBC's OBLIGATIONS**

Without prejudice to its other obligations Maidstone Borough Council shall designate a Planning Officer(s), namely Tim Chapman, who shall be the Council's lead officer and who will form and lead a project team within the Council and who shall give on-going priority to the performance of the functions as necessary for the Council to carry out the functions in accordance with this agreement.

Maidstone Borough Council shall ensure that the Planning Officer(s), and other members of the project team have sufficient experience of relevant planning matters of a type and scale commensurate with the Development and that he or she and the relevant team have a clear

understanding of the terms of this agreement and the functions. MBC commit to meet its obligations at outlined in Appendix 2.

In addition to the Planning Officer(s), Maidstone Borough Council shall use all reasonable endeavours to make available such other of its employees as are necessary in the circumstances for the Council to comply with its obligations under this agreement.

Nothing in this agreement shall affect the terms of the Planning Officer(s) contracts of employment or the Planning Officer(s) rights pursuant to them or any contracts with consultants or other third parties employed by the Council.

#### **APPLICANT OBLIGATIONS**

The Applicant agrees to use all reasonable endeavours to comply with its obligations set out in Appendix 3 of this agreement.

The Applicant will identify a Developer Coordinator who shall be responsible for managing the submission of the Applications and for working with the Planning Officer(s) to progress the applications up to their determination. The Developer Coordinator is xxxxxxxx

#### **RESOURCES AMD LIAISON**

##### **The Project Team**

The Project Team will comprise of the MBC Team and the Applicant's Team, as defined below. The Project Team will be expanded by agreement.

##### **The MBC's Team:**

<b>Name</b>	<b>Position &amp; Role</b>	<b>Contact Details</b>
Tim Chapman	Case officer	<a href="mailto:timchapman@maidstone.gov.uk">timchapman@maidstone.gov.uk</a> 01622 602547

##### **The Applicant's Team:**

<b>Name</b>	<b>Position &amp; Role</b>	<b>Contact Details</b>
xxxxxxx		

#### **JOINT WORKING MEETINGS**

The parties shall attend up to seven (7) (1 hour) post-submission meetings, (the 'Joint Working Meetings' unless otherwise agreed by both parties. MBC will also provide a member briefing and one meeting with external consultees. Additional meetings will be charged to the applicant at the standard pre-application charging rates.

**Comment [TC3]:** To be determined

The joint working meetings (unless otherwise agreed by the parties) shall be held at the Council offices to discuss any matters and issues outstanding at that time arising from the application including any consultation response, letter or any other communication received by the Council and circulated to the Developer Coordinator. If the project requires specific project management processes or more detailed or regular meetings then the additional cost would form part of the PPA agreement. Each matter and issue will be evaluated and discussed with the parties and a method of resolution agreed by the Parties.

### **BREACH AND TERMINATION**

If any party commits any breach of its obligations under this agreement and does not remedy the breach within ten (10) working days of written notice from the other Party to do so, the other Party may notify the Party in breach that it wishes to terminate this agreement. In these circumstances, the agreement will be terminated immediately upon the giving of written notice to this effect to the Party in breach provided always the breach is within the control of the Party that is in breach and is capable of being remedied.

### **NATURE OF AGREEMENT**

The Council enters into this agreement on the basis that it is without prejudice to its determination of the application subject to this agreement.

### **RESOLUTION OF DISPUTES**

In the event of any dispute or difference arising between the parties concerning any matter arising out of this agreement the parties shall work together to endeavour to resolve the dispute or difference by mutual agreement and the parties jointly enter into discussions in good faith to settle any dispute as soon as reasonably practicable.

In the event that the parties are unable to resolve the dispute or difference within 20 working days any party to the dispute may refer the dispute or difference to the nominated officer or employee of the parties as follows:

- In respect of the Developer xxxxxxxxx
- In respect of the Council, the Head of Planning and Development, Rob Jarman

**Comment [TC4]:** Name to be added by applicant

Or such other person of appropriate seniority within each party as a party may nominate for the purposes of this clause from time to time.

## **COSTS**

The Applicant commits to cover (terms and timings of payments defined in Appendix 5):

- PPA fee – fee payable on agreement of the PPA (this document);
- the relevant planning application fee;
- MBC’s reasonable legal costs incurred associated with the preparation of the S106 Agreement. Details of the applicant’s Solicitor and title documentation shall be provided upon submission of the application to enable completion of the S106 within the Application Programme (as may be amended by this agreement); and
- MBC’s reasonable costs which may be incurred with the appointment of external consultants (such as Independent Viability Consultants and other consultants as deemed necessary) to progress the planning application in line with the PPA.

## **Application (Project) Programme**

The PPA Programme is devised to provide a realistic timeframe for determining the planning application. The Application Programme is detailed in Appendix 1 of this document.

It has been agreed that a **XXXX week** timeframe for the Project Programme is appropriate for consideration of the planning application and the issuing of the planning decision.

**Comment [TC5]:** To be determined

Within this period, meetings will be arranged as and when considered necessary by agreement, with suggestions of appropriate meeting weeks set out within the Project Programme (Appendix 1).

If there is a delay in the Project Programme, the Project Team will review whether the Project Programme is still realistic or whether the Project Programme and the Planning Performance Agreement determination timeframe need to be revised. Any revisions to the Planning Performance Agreement determination timeframe shall be agreed in writing by the Applicant and MBC

**AGREEMENT**

Maidstone Borough Council and the Applicant hereby agree to the content of this Planning Performance Agreement.

**Maidstone Borough Council**

**Name:** Tim Chapman

**Signature:** \_\_\_\_\_

**Position:** Major Developments Officer

\_\_\_\_\_

**On Behalf Of:** Maidstone Borough Council

xxx

**Date:** \_\_\_\_\_

xxxxxxx

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On Behalf Of:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Appendix 1 – Application Programme**

**Comment [TC6]:** To be agreed

MBC and the Applicant shall work to ensure that the consideration of the proposal is progressed in accordance with the Application Programme set out below (unless a variation to the Application Programme is agreed in writing in by both the Applicant and MBC).

**Project Programme - Pre-application Phase**

**Comment [TC7]:** Details to be agreed

Pre-application phase of programme	
Project Team Meeting 30 <sup>th</sup> November 2016	
Member Meeting	
Member Meeting	
Pre-application letter issued	
Pre-submission Meeting	

**Comment [TC8]:** Dates to be added to this table

**Project Programme - Application Phase (MBC and the applicant agree to Joint Working meetings every two weeks, as indicated below.**

**MBC will call the applicant every week to provide a progress update**

TEMPLATE PROJECT PROGRAMME

Week(s)	W/C	Formal application phase of programme
[1]		<p>Applicant to submit the planning application.</p> <p>MBC to register and validate the application; and                      a) send out consultation letters / advertising the application; or                      b) inform the Applicant if application is invalid.</p> <p>Financial Viability [if applicable]                      If not already undertaken at the pre-application stage MBC will obtain a quote(s) from independent viability consultants and send to applicant (if received in time) for agreement including agreement to cover the costs of that assessment.                      Review of submitted information by externally appointed consultants (if applicable)</p>
[2-5]	Subject to submission of a valid application	<p>Statutory consultation period begins</p> <p>MBC to assess application and inform the Applicant of any issues as they arise.</p> <p>MBC to ensure all consultee responses are publically accessible.</p> <p>Draft S106 Heads of Terms to be discussed</p>

**Comment [TC9]:** Indicative timescale

		<p>Viability assessment including initial meeting with assessor (if necessary). Obtain any request for additional information and agree reporting timescales based on information provision (from the applicant).</p> <p>Review of submitted information by externally appointed consultants. (Obtain any update on revised consultant costs (as necessary)</p> <p>1 x project meeting with planners to discuss consultee responses</p> <p>1 x meeting with members</p>
[6]		<p>End of Statutory consultation period</p> <p>Case officer to confirm all outstanding issues to be addressed (such as objectors comments, statutory consultee responses etc).</p> <p>Ongoing viability assessment(if required) (throughout the timeframe) and update on costs as necessary</p> <p>1 x meeting on viability issues (if required) and summary of consultee issues, next steps and possible amendments.</p> <p>1 x Meeting with consultees as appropriate</p>
[7-8]		<p>Applicant to address any outstanding issues/prepare amended plans (as necessary)</p> <p>1 x meeting to discuss draft response prior to resubmission.</p>
[9]		<p>MBC to confirm any final issues to be addressed included any revision to timescales.</p> <p>Draft S106 Heads of Terms to be finalised</p> <p>1 x meeting with legal and planning on draft heads (if necessary)</p>
[10-12]		<p>Preparation of reports to Planning Committee</p> <p>Draft S106 Heads of Terms to be agreed. Legal teams instructed to prepare draft S106 (subject to applicant paying costs).</p> <p>Receipt of any final amended plans and additional information from the applicant.</p> <p>MBC to, circulate first draft of proposed conditions for review.</p> <p>1 x meeting to discuss draft report, including draft conditions</p>

[13]		Review of Draft MBC Planning Committee Report
[14]		Publication of MBC Planning Committee Report
[15]	The week the Committee meeting falls on will depend on the Committee timetable and submission date	<b>Planning Committee meeting</b> Following Committee resolution, Case officer forwards to Legal the relevant minute of Committee Meeting.
[16-17]		S106 drafting including agreement of monitoring fee for S106 triggers (if applicable)  1 x legal and planning meeting (if required)
[18]		<b>MBC issue planning decision notice</b> (following completion of S106 in the event that planning permission is to be approved)

**Appendix 2**  
**Maidstone Borough Council Obligations**

- Engage with Applicant in accordance with the Project Programme
- Use all reasonable endeavours to consider any reasonable concerns raised by the applicant
- MBC will confirm minutes within 2 working days of receipt
  - When you phone MBC: We will answer the phone as quickly as possible
  - We will respond to voicemail messages within one working day and provide an appropriate answerphone message
- When you email us:
  - We will respond to urgent emails within 2 working days, we will respond to simple enquiries within 5 working days and all enquiries within 10 working days
  - If the Planning Officer you email is away you will receive an automatic reply giving their return date and name and contact details of an alternative contact
- MBC will call the applicant to keep them updated of progress at the frequency defined in the project programme

### **Appendix 3**

#### **Applicant Obligations**

The Applicant agrees on commencement of this agreement to:

- Engage with MBC in accordance with the Project Programme
- Use all reasonable endeavours to consider any reasonable concerns raised by statutory consultees prior to the submission of the application to MBC
- Respond substantively to all urgent emails, letters and telephone calls from the Planning Officer(s) within two (2) working days of receipt and, in the case of non-urgent correspondence, within five (5) working days of receipt.
- Provide MBC with such reasonable additional information as may be requested by the Planning Officer(s) within ten (10) working days of such written request from MBC (or such other time period as may be agreed) in order to enable MBC to discharge their functions for the avoidance of doubt this does not require the Developer to provide any information that would not ordinarily be provided for a similar development.
- Provide to MBC at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda identified.
- Minute the joint working meetings and to provide minutes or action points arising from the meeting within three (3) working days of any meeting and to provide them to the Planning Officer(s) for comment.

## Appendix 4

### Agreed Application Documents

Comment [TC10]: To be agreed

The Applicant agrees that the Planning Application shall be accompanied by the following documents (all documents should be checked by the planning agent prior to submission to ensure consistency of figures (CO2 savings, financial viability etc), floor areas and other facts of the proposals across each of the required documents:

- Agree the number of hard copies of the information listed below that will be required including an electronic copy with all files no larger than 5MB [additional copies may be necessary depending on characteristics of the scheme]
  - Completed application form
  - A plan which identifies the land in red to which the application relates drawn to an identified scale and showing the direction of North any other land within the ownership in blue.
  - **Three** copies of other plans and drawings or information necessary to describe the subject of the application including:
    - Block plan of the site (e.g. at a scale of 1:200 or 1:500) showing the proposed development in relation to the site boundaries and any adjoining properties.
    - Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
    - Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
    - Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)Make sure scale bar is put on all plans
  - The completed Ownership Certificate (A, B, C or D – as applicable) as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995
  - Agricultural Holdings Certificate as required by Article 7 of the Town and Country Planning (General Development Procedure) Order 1995. Design and Access Statement
- The D&A shall include an assessment of the proposal against:
- Lifetime Homes Criteria
  - Standard of Accommodation Assessment – flat sizes, room sizes, communal amenity space, private amenity space, and play space
- The appropriate fee
  - In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required by Article 6 of the Town and Country Planning (General Development Procedure) Order 1995 must be given and/or published in accordance with this Article.
  - Financial Viability Assessment that demonstrates the affordable housing offer is the maximum reasonable amount that the site can afford to offer / **other**.
  - Planning Statement

- Accommodation Schedule providing GIA and GEA (sqm) of any proposed uses. For residential units the schedule should provide a summary of the number of units of each size (sqm) including number of bedrooms and habitable rooms. The different tenures of each unit should be identified in the schedule.
- Affordable housing statement  
Similar to the accommodation schedule however the tenure split of affordable should be fully explained and details of any Registered Provider acting as partners in the development must be provided.
- Daylight/Sunlight assessment  
Required where there is potential adverse impact) prepared in accordance with the BRE Guidelines (2011).
- Economic statement (Regeneration Benefits from the proposed development including any jobs created or supported, any community benefits and reference to any regeneration strategies that might be supported by the proposal).
- Heritage Statement  
Including Historical, archaeological features and Scheduled Ancient Monuments) – refer to the National Planning Policy Framework;
- Landscaping details
- Noise and vibration impact assessment
- Planning obligations – Draft Head(s) of Terms  
The applicant’s Solicitor’s name and contact details and their agreement to pay the costs incurred by the Council in the drafting of the legal agreement and the title deeds must be provided with the application;
- Transport assessment
- Travel Plan
- Design and Access Statement
- Tree survey/Arboricultural implications (where proposals affect any trees whatsoever).
- Land Contamination assessment
- Parking Provision
- Air quality assessment
- Phase 1 Habitat Survey (and supporting surveys and mitigation)
- Statement of Community Involvement
- Energy Strategy
- Sustainable Design and Construction Statement (SDC)
- Site Waste Management Plan
- Structural survey. Ventilation/Extraction statement (required for applications for restaurants, takeaways, cafes, bars etc.).
- Refuse and Disposal details
- Views Assessment [verified views (as agreed)/ strategic / local views]
- Flood risk assessment

## Appendix 5

### Frequency and terms of payments

- PPA fee of £xxxxx to be paid on agreement of this document.
- Costs of appointment of external consultants (if known) to be paid on submission of planning application. Reviews of external consultant/s to be undertaken regularly during application process and any uplift in fees to be agreed by applicant and paid within 10 working days of agreement being reached. If not known at application submission stage, costs of external consultants to be agreed by applicants and invoice raised by MBC - which will be paid by applicant prior to release of planning decision. If fees have not been paid, the decision notice will not be issued.
- Application fee of £xxxxx has been paid to the council
- Legal fees – to be paid direct to Mid Kent legal services prior to S106 being signed.

**Comment [TC11]:** To be agreed

**Comment [TC12]:** To be determined

## **Appendix 2**

Comments gathered from the Member Workshop of PPAs held on 19<sup>th</sup> June 2017

### Benefits of PPAs

- Cost recovery
- Reducing uncertainty
- Increasing collaboration
- Addressing public misunderstanding
- Persuading Members to get involved
- Allocating priorities
- More certainty of timescales for developers and residents.
- Earlier member involvement

### Cons of PPAs/Comments

- We are proposing too low a fee level
- All Members should be invited to Pre-app meetings
- Openness is important - both to Members of the Council and the wider public.
- Fees are too low as proposed as value to developers may be much higher
- Fees should cover the costs of employing extra staff to cover staff working on PPA schemes.
- However if fees are above cost LPA may be less forthcoming
- Fees should be fixed at the commencement of the PPA.
- Fees should be based on the value to the developer rather than the cost to the council.
- Could be seen by residents as a 'done deal'
- Not taking notice of local representation
- Danger of two-tier system, with those with PPAs getting priority.

**Strategic Planning,  
Sustainability & Transportation  
Committee**

**7 November 2017**

**Key Performance Indicator Update Quarter 2 17/18**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability & Transportation Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy, Communications, and Governance
<b>Lead Officer and Report Author</b>	Alex Munden, Information & Corporate Policy Officer
<b>Classification</b>	Public
<b>Wards affected</b>	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 2 of 2017/18 for Key Performance Indicators (KPIs) be noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability & Transportation Committee	7 November 2017

# Key Performance Indicator Update Quarter 2 17/18

## 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 Following the refresh of the Strategic Plan for 2017/18 the Committees agreed 28 Key Performance Indicators in April 2017.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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 2 Performance Summary

- 2.1 There are 28 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, 75% (3) of targeted KPIs reported this quarter achieved their target for quarter 2. Performance did not improve for any indicators compared to the same quarter last year, where previous data is available for comparison.

RAG Rating	Green	Amber	Red	N/A	Total
KPIs	3	1	0	0	4
Direction	Up	No Change	Down	N/A	Total
Long trend	0	0	4	0	4
Short Trend	2	0	2	0	4

### **3. Performance by Priority**

#### **Priority 2: Securing a successful economy for Maidstone Borough**

- 3.1 We processed 89.6% of Major planning applications in time during quarter 2, with 26 out of 29 being processed on time. Performance has declined in comparison to the previous quarter, and the same quarter last year, when 100% of applications were processed on time. However, we have achieved the target of 85%.
  - 3.2 We processed 81.6% of Minor applications in time during quarter 2. This has slightly missed the target of 85%, and performance has dropped slightly in comparison to the previous quarter, and the previous year. The team have been going through a planning review and are currently in the implementation phase. This draws resources from the team, and a dip in performance is to be expected. Performance is however expected to improve when new processes are in place.
  - 3.3 We processed 95% of 'Other' applications in time during quarter 2. Performance has improved since the first quarter, and is comparable to last year. We have significantly exceeded the target of 85%.
  - 3.4 There were 74 affordable homes delivered during the second quarter. There has been good progress with schemes, and as expected completions are starting to pick up. This resulted in the target of 50 being exceeded. There are still 84 shared ownership completions, and 91 affordable rented completions forecast for the remainder of the year. Therefore it is expected that the annual target will be achieved.
- 

### **4. RISK**

- 4.1 This report is presented for information only, 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 will be 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 will receive a report on the relevant priority action areas. The report will also go 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
<b>Impact on Corporate Priorities</b>	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
<b>Risk Management</b>	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
<b>Financial</b>	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.	Senior Finance Officer (Client)
<b>Staffing</b>	Having a clear set of targets enables staff outcomes/objectives to be set and effective action plans to	Head of Policy, Communications & Governance

	be put in place	
<b>Legal</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Privacy and Data Protection</b>	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.	Interim Deputy Head of Legal Partnership
<b>Equalities</b>	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
<b>Crime and Disorder</b>	None Identified	Policy & Information Manager
<b>Procurement</b>	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 2 17/18

## 9. BACKGROUND PAPERS

None

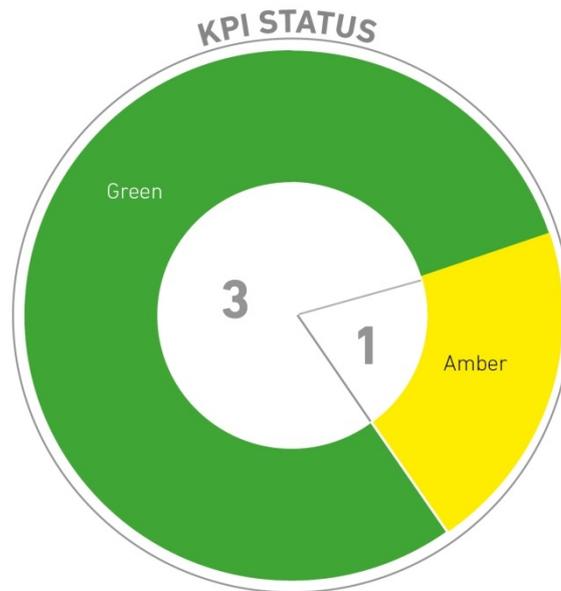
## Performance Summary

This is the quarter 2 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	3	1	0	0	4
Direction	Up	No Change	Down	N/A	Total
Long Trend	0	0	4	0	4
Short Trend	2	0	2	0	4

## Priority 2: Securing a successful economy for Maidstone Borough

### A home for everyone

Performance Indicator	Value	Target	Status	Long Trend	Short Trend
Processing of planning applications: Major applications (NI 157a)	89.66%	85.00%			
Processing of planning applications: Minor applications (NI 157b)	81.67%	85.00%			
Processing of planning applications: Other applications (NI 157c)	95.05%	85.00%			
Number of affordable homes delivered (gross)	74	50			

# Agenda Item 17

## **STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE**

**7 November 2017**

### **Second Quarter Budget Monitoring 2017/18**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability & Transportation Committee
<b>Lead Director</b>	Director of Finance & Business Improvement
<b>Lead Officer and Report Author</b>	Mark Green – Director of Finance & Business Improvement (Lead Officer) Paul Holland – Senior Finance Manager Client Accountancy (Report Author)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

This report provides the committee with an overview of the revenue and capital budgets and outturn for the second quarter of 2017/18, and highlights financial matters which may have a material impact on the Medium Term Financial Strategy or the Balance Sheet. It also now includes an update on the capital programme for this committee.

As at the 30 September 2017, this Committee was showing an overall positive variance of £342,054, although it is expected that this will reduce during the second half of the year due to anticipated future costs relating to development control appeals.

Individual variances for each service area are detailed within **Appendix 1**.

The position for the Council as a whole at the end of the second quarter shows that actual net expenditure is broadly in line with the budget forecast but there are still a number of underlying pressures across all the Committees that need to be addressed to ensure that this position continues throughout the year.

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

1. That the revenue position at the end of the second quarter and the actions being taken or proposed to improve the position where significant variances have been identified be noted.
2. That the position with the capital programme be noted.
3. That the risk of future costs arising from development control appeals be noted.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability & Transport Committee	7 November 2017
Policy and Resources Committee	22 November 2017

## Second Quarter Budget Monitoring 2017/18

### 1. INTRODUCTION AND BACKGROUND

- 1.1 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.
  - 1.2 The Medium Term Financial Strategy for 2017/18 onwards was agreed by full Council on 1 March 2017. This report advises and updates the Committee on the current position with regards to revenue and capital expenditure against the approved budgets within its remit.
  - 1.3 Policy and Resources Committee is responsible for co-ordinating financial management and performance across the Council. After a projected overspend on planning appeal costs was reported to Policy and Resources Committee at its meeting on 20th September, the Committee has asked that the Strategic Planning, Sustainability and Transport Committee and the Planning Committee to consider how they can manage these costs. This report sets out the key issues for members' consideration.
- 

### 2. REVENUE BUDGET

- 2.1 Attached at **Appendix 1** is a table detailing the current budget and expenditure position for this Committee's services in relation to the second quarter of 2017/18, to September 2017. The appendix details the net budget per cost centre for this Committee. Actual expenditure is shown to the end of September 2017 and includes accruals for goods and services received but not yet paid for.
- 2.2 The columns of the table in the Appendix show the following detail:
  - a) The cost centre description;
  - b) The value of the total budget for the year;
  - c) The amount of the budget expected to be spent by the end of September 2017;
  - d) The actual spend to that date;
  - e) The variance between expected and actual spend;
  - f) The forecast spend to year end; and
  - g) The expected significant variances at 31 March 2018.
- 2.3 **Appendix 1** shows that of a net annual expenditure budget of -£1,151,450 it was expected that -£465,388 would be spent up until the end of September. At this point in time the budget is reporting an under spend of £342,053, and the current forecast indicates that the outturn position for this committee will decrease to an under spend of £103,000.

- 2.4 Explanations for variances within individual cost centres which exceed or are expected to exceed £30,000 have been provided in accordance with the Council's constitution.

<b>Strategic Planning, Sustainability and Transportation Committee</b>	<b>Positive Variance Q2 £000</b>	<b>Adverse Variance Q2 £000</b>	<b>Year End Forecast Variance £000</b>
<p><b>Development Control Applications –</b> The current positive variance reflects fees that have been received earlier than anticipated, which is considered to be a consequence of the forthcoming rise in planning fees and the introduction of the Community Infrastructure Levy.</p> <p>The budget assumes an increase in planning fees which has not yet taken place, which means that the positive variance is smaller than would otherwise be the case. Nevertheless, the timing differences described above are expected to give rise to a reduction in the variance over the remainder of the year.</p>	68		0
<p><b>Development Control Appeals -</b> There are several inquiries that are expected to take place this year which will lead to the authority incurring significant costs. At this stage unbudgeted costs of £200,000 are projected for this financial year in relation to these inquiries and the necessary preparatory work, with substantial further costs if decisions are made to award costs against the council.</p>	28		-200
<p><b>Parking Services –</b> Pay &amp; Display car parks continue to perform overall above budgeted income. There is however an adverse variance against the parking enforcement budget caused by a reduction in Penalty Charge Notice income. This has arisen in part because there is a backlog in dealing with appeals against PCNs.</p>	132		241
<p><b>Mid-Kent Planning Support Service –</b> This variance is due to vacant posts, which the manager is intending to delete to contribute to the savings requirement identified within the medium term financial strategy.</p>	42		62

- 2.5 Policy and Resources Committee has asked this Committee and the Planning Committee to consider how they can manage the cost of planning appeals. Both Committees have a role here.
  - 2.6 As planning appeals typically arise from refusal of planning permission, the Planning Committee needs to consider the potential costs of refusal, particularly if an application has been refused contrary to officer advice.
  - 2.7 A significant element of the overspend that is being projected for the current financial year arises from refusal decisions that have been made contrary to officer advice. Furthermore, the actual overspend may be greater still if the Council is held to have been unreasonable in refusing a decision, in that it will have to bear not only its own costs but also the appellant's.
  - 2.8 The Strategic Planning Sustainability and Transportation Committee also has a role in management of the cost of planning appeals. First, by setting a coherent and robust framework for planning decisions, the Committee can reduce the risk of appeals. In this respect, the work of the Committee in progressing the Local Plan is helpful, as an adopted Local Plan creates a greater degree of certainty.
  - 2.9 Second, by overseeing development management and enforcement, the Strategic Planning Sustainability and Transportation Committee can ensure that the process of dealing with appeals is carried out in a cost-effective way. There are always likely to be a certain number of appeals, however sound the decisions of Planning Committee. There is a budget of £119,000 per annum for dealing with these. It is the responsibility of the relevant officers, overseen by the Committee, to manage costs within the available budget.
- 

### **3. CAPITAL PROGRAMME**

- 3.1 Service committees will now receive an update on their capital programme schemes. Policy and Resources Committee will continue to receive an overarching report for the whole programme.
- 3.2 The capital programme was approved by Council on 1 March 2017. Funding for the programme remains consistent with previous decisions of Council in that the majority of resources come from New Homes Bonus along with a small grants budget. Previous decisions of Council, Cabinet and this committee have focused the use of New Homes Bonus on infrastructure projects where these are required by the infrastructure delivery plan that forms part of the Local Plan.
- 3.3 The current programme for this Committee is set out in Appendix 2 and shows the current budget and actual expenditure to the end of September. The only capital budget for this Committee is for the Bridges Gyrotory Scheme, where there remains £200,000 unspent from the original budget. These funds are to be used to address flood risks arising from the new road layout, as follows:

- construction of a barrier by the Medway Street subway, with the objective of protecting the lower end of Earl Street and Medway Street;
  - purchase of temporary barriers for deployment along the A229 in the event of a flood alert.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 In considering the current position on the revenue budget and the capital programme at the end of September 2017 the Committee can choose to note those actions or it could choose to take further action.
- 4.2 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.
- 

#### **5. RISK**

- 5.1 The Council has produced a balanced budget for both capital and revenue expenditure and income for 2017/18. 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. A budget risk assessment is also reported to the Audit, Governance and Standards Committee on a regular basis.
- 5.2 This report highlights a risk in relation to costs arising from appeals made against planning decisions. The impact of these decisions is that the Council risks incurring estimated costs of £319,000 in the current financial year and potentially in excess of £600,000 during 2018/19. Consequently this has been assessed as a 'red' risk in line with the Council's risk management framework and risk appetite. We will continue to monitor this risk closely over the coming months.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This report is not expected to lead to any consultation.
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#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 The second quarter budget monitoring reports will be considered by the relevant Service Committees in November 2017, culminating in a full report to Policy and Resources committee on 22 November.

7.2 Details of the actions taken by service committees to manage the pressures in their budgets will be reported to Policy and Resources committee if appropriate.

## 8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	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
<b>Risk Management</b>	This has been addressed in section 6 of the report.	Director of Finance & Business Improvement
<b>Financial</b>	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
<b>Staffing</b>	The budget for staffing represents approximately 50% 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
<b>Legal</b>	The Council has a statutory obligation to maintain a balanced budget this monitoring	Interim Deputy Head of Legal

	process enables the committee to remain aware of issues and the process to be taken to maintain a balanced budget for the year.	Partnership
<b>Privacy and Data Protection</b>	No specific issues arise.	Director of Finance & Business Improvement
<b>Equalities</b>	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
<b>Crime and Disorder</b>	No specific issues arise.	Director of Finance & Business Improvement
<b>Procurement</b>	No specific issues arise.	Director of Finance & Business Improvement

## 9. REPORT APPENDICES

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

- Appendix 1: Second Quarter 2017/18 Revenue Monitoring – Strategic Planning, Sustainability and Transportation
- Appendix 2: Second Quarter 2017/18 Capital Programme – Strategic Planning, Sustainability and Transportation

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## 10. BACKGROUND PAPERS

None.

**Strategic Planning, Sustainability & Transportation Committee**  
**APPENDIX 1 - Second Quarter Budget Monitoring - Full Summary to September 2017**

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Cost Centre	Budget for Year	Budget to September	Actual	Variance	Forecast	Year End Variance	Explanation
Building Regulations Chargeable	-£320,160	-£169,685	-£174,763	£5,078	-£320,160		
Building Control	-£990	-£495	-£920	£425	-£990		
Street Naming & Numbering	-£49,000	-£24,500	-£20,425	-£4,075	-£49,000		
Development Control Advice	-£115,000	-£57,500	-£54,873	-£2,627	-£115,000		
Development Control Applications	-£1,304,440	-£649,477	-£718,181	£68,705	-£1,304,440	£0	The current positive variance reflects fees that have been received earlier than anticipated, which is a consequence of the forthcoming rise in planning fees and the introduction of the Community Infrastructure Levy. However the budget assumes an increase in planning fees which has not yet taken place, so this will mean that the current variance will reduce over the remainder of the year.
Development Control Appeals	£119,410	£64,910	£36,048	£28,862	£319,410	-£200,000	There are several inquiries that are expected to take place this year which will lead to the authority incurring significant costs. At this stage unbudgeted costs of £200,000 are projected for this financial year in relation to these inquiries and the necessary preparatory work, with substantial further costs if decisions are made to award costs against the council.
Development Control Enforcement	£64,520	£10,210	£11,255	-£1,045	£64,520		
Planning Policy	£29,160	£17,155	£15,430	£1,725	£29,160		
Neighbourhood Planning	£4,740	£4,740	£4,786	-£46	£4,740		
Conservation	-£11,470	-£9,788	-£423	-£9,365	-£11,470		
Land Charges	-£234,400	-£109,200	-£123,013	£13,813	-£234,400		
Environment Improvements	£17,170	£8,585	£15,162	-£6,577	£17,170		
Name Plates & Notices	£17,600	£8,800	£2,454	£6,346	£17,600		
On Street Parking	-£296,930	-£140,115	-£136,693	-£3,422	-£296,930		<b>Parking Services</b> – Pay & Display car parks continue to perform overall above budgeted income. There is however an adverse variance against the parking enforcement budget caused by a reduction in Penalty Charge Notice income. This has arisen in part because there is a backlog in dealing with appeals against PCNs.
Residents Parking	-£223,180	-£128,586	-£148,491	£19,906	-£223,180		
Pay & Display Car Parks	-£1,602,600	-£698,679	-£867,147	£168,468	-£1,907,600	£305,000	
Non Paying Car Parks	£9,700	£8,210	£8,491	-£281	£9,700		
Off Street Parking - Enforcement	-£164,530	-£80,915	-£45,984	-£34,931	-£129,530	-£35,000	
Mote Park Pay & Display	-£175,180	-£104,007	-£96,242	-£7,766	-£167,680	-£7,500	
Mote Park - Enforcement	£0	£0	£0	£0	£0		
Sandling Road Car Park	-£111,770	-£11,335	-£3,647	-£7,688	-£90,270	-£21,500	
Park & Ride	£187,980	£128,912	£130,937	-£2,025	£187,980		
Socially Desirable Buses	£63,780	£7,343	£6,608	£734	£63,780		
Other Transport Services	-£9,300	-£4,650	£4,092	-£8,742	-£9,300		
Development Management Section	£897,700	£448,850	£446,115	£2,735	£897,700		
Spatial Policy Planning Section	£403,950	£202,475	£175,296	£27,179	£403,950		
Head of Planning and Development	£102,650	£51,175	£52,884	-£1,709	£102,650		
Development Management Enforcement Section	£146,810	£73,405	£82,911	-£9,506	£146,810		
Building Surveying Section	£358,410	£179,695	£167,797	£11,898	£358,410		
Mid Kent Planning Support Service	£429,810	£214,905	£173,156	£41,749	£367,810	£62,000	This variance is due to vacant posts, which the manager is intending to delete to contribute to the savings requirement identified within the medium term financial strategy.
Heritage Landscape and Design Section	£171,960	£86,130	£81,118	£5,012	£171,960		
Planning Business Management	£116,720	£58,360	£47,384	£10,976	£116,720		
Mid Kent Local Land Charges Section	£13,930	-£6,565	-£12,202	£5,637	£13,930		
Parking Services Section	£311,500	£156,250	£133,641	£22,609	£311,500		
	<b>-£1,151,450</b>	<b>-£465,388</b>	<b>-£807,442</b>	<b>£342,054</b>	<b>-£1,254,450</b>	<b>£103,000</b>	

**MAIDSTONE BOROUGH COUNCIL**  
**STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE**  
**CAPITAL BUDGET MONITORING - 2ND QUARTER 2017/18**

Capital Programme Heading	Adjusted Estimate 2017/18 £	Actual to September 2017 £	Budget Remaining £	Q3 Profile £	Q4 Profile £	Projected Total Expenditure £	Slippage to 2018/19 £	Budget Not Required £
<b>STRATEGIC PLANNING, SUSTAINABILITY &amp; TRANSPORT</b>								
Bridges Gyratory Scheme	200,000	0	200,000		200,000	200,000	0	
<b>Total</b>	<b>200,000</b>	<b>0</b>	<b>200,000</b>	<b>0</b>	<b>200,000</b>	<b>200,000</b>	<b>0</b>	<b>0</b>

## Strategic Planning, Sustainability and Transportation Committee

**7 November 2017**

### Air Quality Planning Guidance

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

#### **Executive Summary**

The Kent & Medway Air Quality Partnership is funded by the Kent borough and district councils, Kent County Council and Medway Council and has the purpose of promoting air quality improvement in the county. It has prepared model Air Quality Planning Guidance for use by planning authorities and developers. At its April meeting, the Committee instructed officers to adapt the model guidance for Maidstone's purposes so that the Committee could approve it for the development management process. In accordance with this decision, this report presents the adapted version of the guidance (in Appendix 1) and recommends it for approval.

The Local Plan signals that the Council will also be preparing a dedicated Air Quality Development Plan Document (DPD) in recognition of the significance of this issue for Maidstone and the evolving national picture with the publication of the draft UK Air Quality Plan. In the meantime, the Guidance can be used as an interim measure to help in the preparation and determination of planning applications.

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

1. That the Air Quality Planning Guidance for Maidstone in Appendix I **be approved** so that it may be used as a material consideration for planning purposes for planning applications validated from 1<sup>st</sup> January 2018 onwards.
2. That the presentational finalisation of the Guidance **be delegated** to the Head of Planning & Development.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	7 November 2017

# Air Quality Planning Guidance

## 1. INTRODUCTION AND BACKGROUND

- 1.1 Air quality is recognised as an important issue in Maidstone. The town has had a designated Air Quality Management Area for number of years supported by an Air Quality Action Plan which is currently being updated by means of the draft Low Emissions Strategy. Planning has significant influence to bear; Policy DM6 – ‘Air quality’ in the Local Plan ensures that adverse air quality impacts resulting from development are mitigated. Strategic policy SP23 – ‘Sustainable transport’ states that the Council and its partners will address the air quality impacts of transport. The Local Plan, the Integrated Transport Strategy and the Walking & Cycling Strategy contain positive actions to deliver sustainable transport measures which in turn will have positive impacts for air quality.
- 1.2 At present Maidstone’s Air Quality Management Area (AQMA) extends to the whole of the Maidstone Urban Area. The draft Low Emissions Strategy proposes that the boundaries of the AQMA be refined to a focused area where air quality has been either recorded or modelled in exceedance of national objectives. Public consultation on the draft Low Emissions Strategy closed on 29<sup>th</sup> August.
- 1.3 The Council is a member of the Kent & Medway Air Quality Partnership. The Partnership has prepared model Air Quality Planning Guidance for use by planning authorities and developers. The document aims to improve air quality across Kent & Medway and encourage emissions reductions. It also aims to provide some consistency of approach to air quality in the planning regime across the Kent & Medway area.
- 1.4 To date, it is understood that the Guidance has been agreed and is being applied by Medway and Thanet councils. Medway officers report that the application of the guidance has been successful in securing air quality mitigation measures although developer understanding of the guidance is inconsistent.
- 1.5 Importantly, the Guidance could be influential in achieving actual mitigation measures to address air quality impacts for example electric vehicle charging points in residential developments. In overview, it provides information on;
  - The circumstances when Air Quality Impact Assessment (AQIA) is likely to be required as part of a planning application;
  - Confirmation that an AQIA should include an Emissions Mitigation Assessment which incorporates a specific calculation to quantify the scale of mitigation needed. The result of the calculation is expressed as a monetary value (in £). The applicant should spend this equivalent amount on the incorporation of mitigation measures into the design of the scheme; and
  - A list of potential mitigation measures which could be incorporated into developments with a significant impact on air

quality in the Air Quality Management Area e.g. electric vehicle charging points, additional green infrastructure and cycling facilities. The Guidance also proposes 'standard' mitigation measures in cases where the impact on the AQMA will be less than 'significant'.

- 1.6 The Maidstone-adapted version of the guidance document is included in Appendix 1. The model document has been restructured and edited for ease of use and to reduce duplication. The changes also help to better align the document with the Local Plan Policy DM6 – Air Quality (which is reproduced in Appendix 2 for ease).
- 1.7 Policy DM6 takes a sequential approach to the assessment of planning applications which could potentially impact on air quality. The approach recognises that the nature, scale and location of a development are all factors which can determine whether it will have an adverse effect on air quality. On one hand a small scale development within the AQMA may not have a discernible effect on air quality whereas a large scale development outside the AQMA could have a negative impact for example through increased traffic generation through an identified Exceedance Area. Checklist 2 in the Guidance has been adapted to provide more detailed thresholds according to the nature, scale and location of development to support the interpretation of the Local Plan Policy DM6 by confirming when specific Air Quality Impact Assessment and/or mitigation measures will be needed.
- 1.8 The Guidance also;
  - Promotes the importance of pre-application advice to indicate when AQIA will be needed so applications are submitted at the outset with the necessary information;
  - Provides clarity to help developers to identify specific mitigation measures and incorporate them into their development scheme at the outset;
  - Sets out that Environmental Health Officers will provide advice on sufficiency of an AQIA, of the mitigation measures proposed and the implications of any resulting residual air quality impacts which cannot be mitigated; and
  - Helps ensure sufficient information is provided to inform planning decisions.
- 1.9 Subject to the Committee's decision, the presentation of the Guidance will be finalised, including inserting the relevant weblinks and providing an up to date map of the Air Quality Management Area, subject to the outcome of the draft Low Emissions Strategy consultation. Delegated authority is sought to the Head of Planning & Development to make these finalisations.
- 1.10 The Guidance gives applicants new, practical advice on the supporting information that should be submitted with planning applications, including how air quality impacts should be assessed and mitigated for. To provide an appropriate transition period so that applicants have forewarning of the requirements in advance, it is recommended that the Guidance should be applied to applications validated from the 1<sup>st</sup> January 2018 onwards. This

will also enable the Guidance to be publicised to agents and developers before this date, including in formal pre-application advice.

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## 2. AVAILABLE OPTIONS

- 2.1 **Option A:** The Committee could decide to approve the Guidance so that it could be used as a material consideration for planning purposes.
  - 2.2 **Option B:** The Committee could decide that the Guidance should have the status of a Supplementary Planning Document (SPD). This would give the Guidance a greater weight than Option A, but would additionally require informal and formal consultation, Strategic Environmental Assessment (SEA) and, potentially, further adaptation.
  - 2.3 **Option C:** The Committee could decide not to approve the Guidance.
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## 3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Committee has previously recommended that Guidance be prepared in view of the importance it affords to Air Quality matters. A decision not to approve the Guidance (Option C) would miss an opportunity to put valuable guidance in place to support the effective application of Policy DM6 and thereby help reduce and/or mitigate the air quality impacts of development.
- 3.2 Progressing the Guidance as SPD (Option B) would give the document a greater degree of weight in planning decisions compared with Option A but would require informal and formal consultation, SEA and potentially further adaptation as a result, delaying the point at which the Guidance could be applied in practice. Further, the Council will soon embark on the preparation of a dedicated Air Quality Development Plan Document (DPD) which will itself supersede Policy DM6 and the Guidance in due course.
- 3.3 The Local Plan Inspector wrote to the Council on 14<sup>th</sup> July on air quality matters. In his letter (available here: [http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0018/145800/ED156-Letter-from-Inspector-Air-Quality-14.7.17-.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0018/145800/ED156-Letter-from-Inspector-Air-Quality-14.7.17-.pdf)), he emphasised the importance of modal shift in securing air quality improvements and underlined that progress with the Air Quality DPD is urgent. In their response, officers set out an indicative timetable for the DPD's preparation which would see the DPD adopted by September 2019 ([http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0018/150723/ED-157-Our-response-to-Inspectors-letter-ED-156-21-June-2017.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0018/150723/ED-157-Our-response-to-Inspectors-letter-ED-156-21-June-2017.pdf)). The precise timetable will be confirmed in the refreshed Local Development Scheme which will be considered by this Committee in December.
- 3.4 In these circumstances, approval of the Guidance is intended as an interim measure to cover the period whilst the Air Quality DPD is being prepared. This understood, **Option A** is recommended as the most pragmatic option,

striking a reasonable balance between weight and prompt confirmation of the 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.
- 

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

- 5.1 The Committee instructed officers to prepare Air Quality Guidance for Maidstone at its April meeting.
- 

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

- 6.1 Development Management and Environmental Health colleagues have been involved in the adaptation of the Guidance to make it Maidstone specific.
- 6.2 If approved, the Guidance will become a material consideration in development management decisions for applications validated from 1<sup>st</sup> January 2018 onwards. The document will be published on the 'Planning Guidance' section of the Council's website and a notification and brief explanation of the document will be sent to the contacts on the Local Plan database which includes agents, developers and landowners.
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#### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The introduction of the Guidance will assist in the implementation of wider objectives set out in the emerging Local Plan, Integrated Transport Strategy and the emerging LES.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	Already covered in the risk section above.	Rob Jarman, Head of Planning &

		Development
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman, Head of Planning & Development
<b>Legal</b>	No legal implications arise as a result of this report.	[Legal Team]
<b>Privacy and Data Protection</b>	No specific data protection implications arise as a result of this report.	[Legal Team]
<b>Equalities</b>	Improvements in air quality will have positive effects for all equality groups.	[Policy & Information Manager]
<b>Crime and Disorder</b>	No specific implications arise as a result of this report.	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	No specific implications arise as a result of this report.	Rob Jarman, Head of Planning & Development

## 8. REPORT APPENDICES

**Delete once read:** List all appendices to your report in this section, the numbering convention we use is 1,2, 3 etc. (not letters or roman numerals). Please ensure your appendices have the same title in your report and on modern.gov, if not then the names will not appear correctly in the digital report pack. This will cause problems for those reading the agenda pack online.

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

- Appendix 1: Air Quality Planning Guidance Maidstone Borough Council
- Appendix 2: Extract from the emerging Maidstone Borough Local Plan : Policy DM6 – Air Quality

## 9. BACKGROUND PAPERS

Nil

# Air Quality Planning Guidance

Maidstone Borough Council

[add date]

## Executive Summary

This Air Quality Planning Guidance for Maidstone borough has been adapted from guidance prepared by the Kent and Medway Air Quality Partnership. The KMAQP guidance aims to improve air quality and encourage emissions reduction through the planning process and also to provide a consistent approach across the Kent and Medway area as far as is practicable.

The Guidance provides developers and the wider community with clear information about Maidstone Borough Council's information requirements and its overall approach to determining planning applications in respect of air quality.

Key aspects of the guidance are;

- It sets out the process to be followed for assessing and addressing the air quality impacts of new development;
- It clarifies that quantifying the scale of mitigation measures needed is an important component of the air quality impact assessment process. Mitigation measures should be incorporated into the development's design;
- It supports Local Plan Policies DM6 – Air Quality and SP23 – Sustainable Transport.
- It emphasises that the pre-application advice stage should be used to highlight where development could have significant air quality impacts;

The guidance sets out the following staged process for the assessment of air quality impacts;

1. Use the 'Screening checklist' to screen out proposals which are unlikely to have a negative impact on air quality (Section 2, Checklists 1 &2)
2. For developments which are not screened out, use the 'Air quality and emission mitigation assessment checklist' to identify what further action and/or assessment is required. (Section 4)
3. Act on the outcomes of the assessment to ensure sufficient mitigation measures are delivered in conjunction with the development. (Sections 3 & 5)

The document is also available to download from the Council's website <INSERT LINK>. The template document on which this guidance has been based on is available on the Kent and Medway Air Quality Partnership website [www.kentair.org.uk](http://www.kentair.org.uk).

## Maidstone Borough Council Contacts

MBC Pre-application advice:  Website: <a href="http://www.maidstone.gov.uk/residents/planning/planning-for-residents/pre-application-advice">http://www.maidstone.gov.uk/residents/planning/planning-for-residents/pre-application-advice</a>  Email: <a href="mailto:planningtechnicalteam@maidstone.gov.uk">planningtechnicalteam@maidstone.gov.uk</a>	MBC Environmental Protection: Website: <a href="http://www.maidstone.gov.uk/residents/pollution,-safety-and-air-quality/air-quality">http://www.maidstone.gov.uk/residents/pollution,-safety-and-air-quality/air-quality</a>  Email: <a href="mailto:EPTeamMBC-TWBC@Midkent.gov.uk">EPTeamMBC-TWBC@Midkent.gov.uk</a>
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**Acknowledgements:**

The Kent & Medway Air Quality Planning Guidance, upon which this Maidstone guidance is based, has been developed by using guidance documents produced by the Forest of Dean District Council, Sussex Air Quality Partnership and West Yorkshire Low Emissions Strategy Group with their permission

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## **1. Policy Context**

### **Planning Policies**

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

- 1.1 The National Planning Policy Framework (NPPF) places a general presumption in favour of sustainable development, stressing the importance of local development plans. One of its 12 Core Planning Principles states that planning should:

“contribute to conserving and enhancing the natural environment and reducing pollution”, by: (paragraph 109) “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

- 1.2 It goes on to state (paragraphs 120 and 124) that:

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans”.

#### ***Maidstone Borough Local Plan***

- 1.3 In the Maidstone Borough Local Plan (2011-31), Policy DM6 – Air Quality sets out the triggers for an Air Quality Impact Assessment and requires the adverse air quality impacts resulting from development to be mitigated to acceptable levels. The policy takes a risk-based, sequential approach to assessing and addressing the air quality impacts of development.
- 1.4 The fact that a proposed development is within or close to an AQMA does not mean that it will necessarily impact negatively on air quality in the AQMA although it is important to recognise when such development might introduce additional people into an area of poor air quality. Conversely, development outside an AQMA could be of such a scale or nature that the air quality impacts could be significant if these are not sufficiently mitigated. Policy DM6 – Air Quality recognises these circumstances.
- 1.5 Addressing the air quality impacts of transport is an objective of Strategic Policy SP23 – Sustainable Transport whilst Policy DM21 – Assessing the Transport Impacts of Development requires mitigation measures to prevent the trips generated by a development having severe residual impacts.
- 1.6 This guidance will support the application of these Local Plan policies in the development management process.

#### **Local Air Quality Management**

- 1.7 The Kent & Medway Air Quality Partnership is funded by the Kent borough and district councils, Kent County Council and Medway Council and has the purpose of promoting air quality improvement in the county.
- 1.8 The Environment Act 1995 established the Local Air Quality Management (LAQM) regime. LAQM requires local authorities to review and assess ambient air quality in their areas against

health-based standards for a number of specific pollutants prescribed in the Air Quality Regulations 2000 and Air Quality (Amendment) Regulations 2002. If there is a risk that levels of air pollution in any part of the authority's area will be higher than the [National Objectives](#) , the authority is required to designate an Air Quality Management Area (AQMA). It is then required to produce an Air Quality Action Plan, which sets out the measures it intends to take in pursuit of the objectives. The boundary of an AQMA does not necessarily define the limit of the area of poor air quality. The only constraint on the boundary definition is that it should be at least as large as the area of exceedance, where there is relevant exposure.

### ***Maidstone Air Quality Management Area***

- 1.9 Maidstone Borough Council monitors the air quality across its area to identify if there are any breaches of the [National Objectives](#). This has resulted in the declaration of an Air Quality Management Area (AQMA) covering the urban area of Maidstone town (Appendix 1) based on high nitrogen dioxide (NO<sub>2</sub>) levels. The boundaries of the AQMA are currently under review as part of the Council's draft Low Emissions Strategy (June 2017) which will incorporate its Air Quality Action Plan. The proposed revised boundary of the AQMA is also included in Appendix 1.

## 2. Is my development likely to have air quality impacts?

- 2.1. This guidance sets out a process to be followed to;
- 1) Identify whether the proposed development is likely to have a negative effect on air quality (Section 2 - checklist 1 and checklist 2) ;
  - 2) Measure the air quality impacts (Section 4 - Air Quality Impact Assessment incorporating Emissions Mitigation assessment)
  - 3) Secure mitigation measures which will address the measured air quality impacts (Section 3 – Standard Mitigation Requirements and Section 5 – Further Mitigation Measures)
- 2.2. At the outset, the pre-application process should be used to flag where a proposed development potentially could have significant air quality impacts. The Screening Checklist below should be used to exclude developments which are unlikely to have such negative effects and so do not require further air quality assessment.
- 2.3. The assessment is quick, simple and can be carried out by a developer or their agent. If you need any help in completing the checklists, then please contact MBC's Air Quality Officer.

### Checklist 1: Screening checklist

Questions	Outcome
Q1. Is the proposed development categorised as a major development <sup>1</sup> ?	<b>If Yes, go to Checklist 2</b> <b>If No, go to Q2.</b>
Q2. Is the proposed development within an Air Quality Management Area (AQMA) <sup>2</sup> or within the Maidstone Urban Area <sup>3</sup>	<b>If Yes, go to Checklist 2</b> <b>If No, go to Q3.</b>
Q3 Is the proposed development for a use which has the potential to have negative impacts on air quality? ('nature' in Policy DM6 <sup>4</sup> )	<b>If Yes, go to Checklist 2.</b> <b>If No, no mitigation required.</b>

- 2.4. Proposed developments which are not screened out through Checklist 1 should be considered against the questions in Checklist 2 below. Checklist 2 helps establish whether an Air Quality Impact Assessment (AQIA) and/or mitigation measures will be required by asking specific questions about where the scale, type and location of the proposed development. For reference, the boundaries of the Air Quality Management area and the Exceedance areas are shown in Appendix 1.
- 2.5. Note: Checklist 2 does not substitute for the requirements of the Environmental Impact Assessment (EIA) process which are set out in the relevant regulations<sup>5</sup>.

### Checklist 2: Air quality and emissions mitigation assessment checklist

Questions	Outcome
<b><i>Development located in an Exceedance Area</i></b>	

<sup>1</sup> 10+ dwellings/500+sqm commercial floorspace

<sup>2</sup> See Appendix 1

<sup>3</sup> Defined in the Maidstone Borough Local Plan <ADD LINK TO POLICIES MAP>

<sup>4</sup> Maidstone Borough Local Plan 2011-31

<sup>5</sup> Town & Country Planning (Environmental Impact Assessment) Regulations 2017

Questions	Outcome
<p>Q4. The development is located in the Exceedance Area <b>AND</b></p> <ul style="list-style-type: none"> <li>• it will generate additional traffic movements in the Exceedance Area or AQMA; <b>OR</b></li> <li>• it creates additional dwelling/s;</li> </ul>	<p>If <b>YES</b> to <b>ANY</b> of the criteria, AQIA (incorporating Emissions Mitigation Assessment) will be required.</p> <p>If <b>NO</b>, apply the standard mitigation requirements on page 8. [householder development excluded]</p>
<b><i>Development located in the AQMA</i></b>	
<p>Q5. The development is in the AQMA <b>AND</b></p> <ul style="list-style-type: none"> <li>• It requires an Environmental Impact Assessment (EIA); <b>OR</b></li> <li>• The development is major sized development<sup>6</sup>; <b>OR</b></li> <li>• There is vehicle parking in the development &gt;50 spaces; <b>OR</b></li> <li>• For existing roads with &gt;10,000 Annual Average Daily Traffic (AADT) the development introduces extra vehicle movements (&gt;5%)<sup>7</sup>, the development is it likely to cause congestion or introduce &gt; 15 extra HGV movements per day; <b>OR</b></li> <li>• The development will introduce new sensitive receptors<sup>8</sup> into an AQMA; <b>OR</b></li> <li>• The development could result in a significant cumulative effect on air quality in the AQMA when considered in combination with other consented or allocated developments in the vicinity; <b>OR</b></li> <li>• The development would introduce biomass energy/heating plant; <b>OR</b></li> <li>• The development is likely to impact on sensitive environments (e.g. SSSIs, SAC)</li> </ul>	<p>If <b>YES</b> to <b>ANY</b> of the criteria, AQIA (incorporating Emissions Mitigation Assessment) will be required.</p> <p>If <b>NO</b> to <b>ALL</b> of the criteria <b>AND</b> the development will;</p> <ul style="list-style-type: none"> <li>• generate additional traffic movements in the AQMA; <b>OR</b></li> <li>• create additional dwelling/s;</li> </ul> <p>apply the standard mitigation requirements on page 8.</p>
<b><i>Development outside the AQMA but within Maidstone Urban area</i></b>	
<p>Q6 The development lies outside the AQMA but within Maidstone Urban Area <b>AND</b></p> <ul style="list-style-type: none"> <li>• It requires an Environmental Impact Assessment (EIA); <b>OR</b></li> <li>• The development is major sized development<sup>9</sup>; <b>OR</b></li> <li>• There is vehicle parking in the development &gt;100 spaces; <b>OR</b></li> <li>• For existing roads with &gt;10,000 Annual Average Daily Traffic (AADT) the development introduces extra vehicle movements (&gt;5%)<sup>10</sup>, the development is it likely to cause congestion or introduce &gt; 15 extra HGV movements per day; <b>OR</b></li> <li>• The development could result in a significant cumulative effect on air quality in the AQMA when considered in combination with other consented or allocated developments in the vicinity; <b>OR</b></li> <li>• The development would introduce biomass energy/heating plant; <b>OR</b></li> </ul>	<p>If <b>YES</b>, contact MBC's Air Quality Officer to confirm whether an AQIA (incorporating Emissions Mitigation Assessment) is required.</p> <p>If <b>NO</b> to <b>ALL</b> the criteria <b>AND</b> the development will generate additional traffic movements in the AQMA, apply the standard mitigation requirements on page 8.</p>

<sup>6</sup> Major sized category defined by Department of Transport indicative thresholds for transport assessments (see Appendix 2)

<sup>7</sup> From Transport Impact Assessment

<sup>8</sup> For example the elderly, children and people with health conditions which could be exacerbated by poor air quality

<sup>9</sup> Major sized category defined by Department of Transport indicative thresholds for transport assessments (see Appendix 2)

<sup>10</sup> From Transport Impact Assessment

Questions	Outcome
<ul style="list-style-type: none"> <li>The development is likely to impact on sensitive environments (e.g. SSSIs, SAC)</li> </ul>	
<b>Development outside Maidstone Urban Area</b>	
<p>Q7 The development is outside Maidstone Urban Area <b>AND</b></p> <ul style="list-style-type: none"> <li>It requires an Environmental Impact Assessment (EIA); <b>OR</b></li> <li>The development is a large scale major sized development<sup>11</sup>; <b>OR</b></li> <li>There are other consented or allocated developments in the vicinity of this development which could have a cumulative effect on air quality in the AQMA; <b>OR</b></li> <li>There is vehicle parking in the development &gt;100 spaces; <b>OR</b></li> <li>For existing roads with &gt;10,000 Annual Average Daily Traffic (AADT) the development introduces extra vehicle movements (&gt;5%)<sup>12</sup>, the development is likely to cause congestion or introduce &gt; 15 extra heavy duty vehicle movements per day in the AQMA; <b>OR</b></li> <li>The development would introduce biomass energy/heating plant; <b>OR</b></li> <li>The development is likely to impact on sensitive environments (e.g. SSSIs, SAC)</li> </ul>	<p>If <b>YES</b>, contact MBC's Air Quality Officer to confirm whether an AQIA (incorporating Emissions Mitigation Assessment) is required.</p> <p>If <b>NO</b> to <b>ALL</b> the criteria <b>AND</b> the development will generate additional traffic movements in the AQMA, apply the standard mitigation requirements on page 8.</p>

### 3. Standard Mitigation Requirements

- 3.1. As set out in Checklist 2, standard mitigation will be required for certain types of development, including developments within the AQMA which will create new dwellings and/or create additional traffic movements in the AQMA. Developers will also be required to minimise dust emissions during the construction phase in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.

**Table 1: Standard Mitigation Requirements**

<p>Residential: 1 Electric Vehicle charging point* per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)</p> <p>Commercial/Retail/Industrial: 10% of parking spaces to be provided with Electric Vehicle charge points* which may be phased with 5% initial provision and the remainder at an agreed trigger level</p> <p>Demolition/Construction: Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction</p>
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<sup>11</sup> Large scale major development is one where the number of residential units to be constructed is 200 or more or 1,000 square metres of industrial, commercial or retail floor space. Where the number of residential units or floor space to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition.<sup>11</sup>

<sup>12</sup> From Transport Impact Assessment

Notes:

\* this shall be the best technology available at the time of planning approval. See Appendix 4 for a EV charging point specification.

#### **4. Air Quality Impact Assessment incorporating Emissions Mitigation Assessment**

- 4.1. An Air Quality Impact Assessment (AQIA) is used to demonstrate whether the predicted air quality impacts of a development will be adverse for public health and/or the local environment and also the significance of that impact. All developments requiring an AQIA should also demonstrate how air quality impacts will be mitigated to acceptable levels. This is done by incorporating an Emissions Mitigation Assessment (EMA) into the AQIA.
- 4.2. The assessment should be carried out by a developer's air quality consultant. Applicants should always seek the latest information available on local air quality from MBC's Air Quality Officer.
- 4.3. There are key areas where the **magnitude** of change as well as the concentration of pollutants resulting from the proposed development could be a concern. In some cases, any additional contribution of emissions may worsen air quality and cause the creation of a new AQMA and, therefore, a small change in pollutant concentration can be as much a cause for concern as a large one. The areas of particular concern to consider are:
  - AQMAs
  - *Areas near to or adjacent to an AQMA and/or a candidate AQMA*
  - *Developments that require an EIA*

##### **AQIA methodology.**

- 4.4. An AQIA should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It should take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission and Local Plan allocations).
- 4.5. For consistency, air quality assessments for developments should, where possible, follow similar methodologies. Guidance on the methodologies to be used for air quality assessments is available in the Department for Environment, Food and Rural Affairs (DEFRA) Technical Guidance LAQM TG(09). Further detail on the content of air quality assessments is also included in Appendix 3.
- 4.6. In overview;
  - The AQIA provides modelled predicted concentrations for scenarios (for the year of application and an agreed year of opening): 'without development (the baseline)', 'with development'; and 'with development including mitigation measures' to demonstrate predicted health exposure.
  - A comparison of the scenarios should be presented in the report. This will include comparison of the scenario 'without development (the baseline)' with the scenario 'with development including mitigation measures'
  - The difference in the compared scenarios is used to determine the classification of the change in air quality concentration. The scale or "magnitude" of change in pollutant concentration can be used to determine the significance of the air quality impact from a development.

- 4.7. The scale of air quality impact due to changes of concentration or if the additional concentration causes local exposure to approach or breach air quality objectives, determines the likely recommendations from the Air Quality Officer. The increase in pollutant concentration is compared to National Air Quality Objective (AQO) levels and pollutant increases are expressed as percentages in Table 2 to set the classification of impact to determine their significance.

**Table 2 Classification of impacts due to changes in pollutant concentration.**

Classification of impact	Concentration change due to development:	Or if development contribution causes:
Very High	Increase > 10%	Worsening of air quality within an existing AQMA Creation of a new AQMA Introduction of new receptors within an existing AQMA
High	Increase > 5 – 10%	Levels to be within 5% AQO
Medium	Increase >1 <5 %	Levels to be within 10% AQO
Low/Imperceptible	Increase < 1%	-

*Note: Concentrations are relative to national air quality objective levels (AQO).*

### **Emissions Mitigation Assessment**

- 4.8. An Emissions Mitigation Assessment (EMA) is part of the AQIA and should be used to demonstrate how the air quality impacts of a development will be mitigated to acceptable levels as required by Policy DM6. In an EMA, the emissions resulting from the development are calculated using a standard formula (the 'Emissions Mitigation Calculation'). The result is an 'exposure cost value' (expressed in £) to be spent on mitigation measures. The applicant should specify the mitigation measures which will be incorporated in the development to the value of the 'exposure cost value'.
- 4.9. Developers will also be required to minimise dust emissions during the construction phase in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.
- 4.10. The assessment should be carried out by a developer's air quality consultant. Please contact the Air Quality Officer for assistance.

### **Emissions Mitigation Calculation**

- 4.11. The emissions mitigation calculation inputs the additional number of trips generated by the development into the latest DEFRA Emissions Factor Toolkit (EFT)<sup>13</sup> which calculates the amount of transport related pollutant emissions a development is likely to produce. If the proposal is to include alternative fuels or technology i.e. LPG, EV etc, then there are "advanced options" within the EFT to accommodate this. The output is given in kg of specified pollutant per year and requires converting to tonnes per year. The output is then multiplied by the Interdepartmental Group on Costs and Benefits (IGCB) damage costs<sup>14</sup> for the key pollutants nitrogen oxides (NOx) and particulates (PM10). Finally the emissions total is then multiplied by 5 to provide a 5 year exposure cost value which is the amount (value) of mitigation that is expected to be spent on measures to mitigate those impacts. This value is used for costing the required emissions mitigation for the development.

<sup>13</sup> <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>

<sup>14</sup> <http://www.gov.uk/guidance/air-quality-economic-analysis>

**Table 3 Formula for Emissions Mitigation Calculation**

<p><b>Emissions Mitigation Calculation</b></p> <p>EFT output x Damage costs x 5 years = 5 year exposure cost value (in £)</p>
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- 4.12. The result of the calculation is a monetary value which the developer should spend on air quality mitigation measures. The measures should be incorporated into the scheme design.

***Example emissions mitigation calculation***

- 4.13. The following example demonstrates the calculation based on a development with 10 domestic properties within an AQMA using version 7 of the EFT.

**Table 4 Example emissions mitigation calculation**

<p><b>EFT input factors:</b></p> <p>10 Household (urban not London) (2015) (NOx and PM10)</p> <p>27 (trip/traffic ratio for 10 houses)</p> <p>cars only (0% HGV)</p> <p>50 kph (average speed)</p> <p>10km (NTS UK average.)</p> <p><b>EFT output = 34.74 kg/annum (NOx) and 3.39 kg/annum (PM10)</b></p> <p>= 0.03474 tonnes/annum (NOx) and 0.00339 tonnes/annum (PM10)</p> <p>x Damage cost £21,044/tonne (NOx) and £58,125/tonne (PM10)</p> <p>=£731.07 + £197.04</p> <p>x 5 (years)</p> <p>= £3655.34 +£985.21</p> <p>Total = £4,640</p>
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Notes:

- Trip rates can be sourced from transport assessment or local authority/transport authority.
- Trip length uses the 2014 National Travel Survey (NTS)<sup>15</sup>UK average = 7.3miles/10km
- The IGCB damage costs used are the IGCB Air Quality Damage Costs per tonne, 2015 prices (Central estimate: NOx = £21,044/tonne and PM10 £58,125/tonne Transport Average).

<sup>15</sup> <https://www.gov.uk/government/collections/national-travel-survey-statistics>

## **Emissions Mitigation Statement**

- 4.14. The results of the EMA should be presented in the form of an Emissions Mitigation Statement.

**Table 5 Content of Emissions Mitigation Statement**

<b>Emissions Mitigation Statement</b>
<p>The statement must include:</p> <ul style="list-style-type: none"><li>• Development traffic input data for emissions mitigation calculation</li><li>• Emissions calculation and totals</li><li>• Details of the mitigation proposed which should be equivalent to the value of emissions calculation (see Section 5)</li><li>• Statement of provision required to minimise dust emissions in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.</li></ul>

- 4.15. Mitigation measures should be incorporated into the design of the development. If this is not achieved, the Council will secure the mitigation measures through a planning condition(s). If sufficient on-site mitigation is demonstrably not possible then the Council may seek contribution to wider air quality mitigation measures through a section 106 agreement.

## **5. Further Mitigation Measures**

- 5.1. Table 6 lists mitigation measures to be considered. The list is not exhaustive and further options may be suggested by MBC's Air Quality Officer which are appropriate to the scale and nature of development and local air quality issues with the aim of maximising the effectiveness of the measures which are secured. The developer may also suggest alternative mitigation options not listed above provided that they clearly show the air quality benefits.
- 5.2. The mitigation measures selected should be relevant and appropriate to:
- Any local policies and strategies, including measures in the Air Quality Action Plan/Low Emissions Strategy, which may help determine the mitigation priorities which should be incorporated within a particular scheme.
  - Any local air quality concerns; to assist in the mitigation of potential cumulative air pollution impacts of the development on the local community.
  - The type, size and activity of the development.
- 5.3. Scheme mitigation should be provided within the design of the development where possible.

**Table 6 Mitigation measures**

<p><b>Standard mitigation</b> (Table 1) plus: -</p> <p><b>All development</b></p> <ul style="list-style-type: none"><li>• Site layout adaptations to increase the separation between development and the sources of air pollution</li><li>• Using green infrastructure, in particular trees* to absorb dust and other pollutants</li></ul> <p><b>Residential</b></p> <ul style="list-style-type: none"><li>• Travel plan (where required) including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies</li><li>• A Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers</li><li>• EV recharging infrastructure** within the development (wall mounted or free standing in-garage or off-street points)</li><li>• Renewable energy technologies</li><li>• Car club provision within development or support given to local car club/eV car clubs</li><li>• Designation of parking spaces for low emission vehicles</li><li>• Improved cycle paths to link cycle network</li><li>• Adequate provision of secure cycle storage</li></ul> <p><b>Commercial/Industrial</b></p> <p>As above plus: -</p> <ul style="list-style-type: none"><li>• Public transport subsidy for employees</li><li>• Support local walking and cycling initiatives</li><li>• On-street EV recharging**</li><li>• Contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development</li></ul> <p><b>Additional mitigation</b></p> <ul style="list-style-type: none"><li>• Contribution to low emission vehicle refuelling infrastructure</li><li>• Low emission bus service provision or waste collection services</li><li>• Bike/e-bike hire schemes</li><li>• Contribution to renewable fuel and energy generation projects</li><li>• Incentives for the take-up of low emission technologies and fuels</li></ul> <p>*For guidance on selecting the best air quality species please refer to the Urban Air Quality 2012 Woodland Trust document</p>
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Notes

\*\* this shall be the best technology available at the time of planning approval. See Appendix 4 for an EV charging point specification.

## 6. Planning considerations

- 6.1. The AQIA process, incorporating the Emissions Mitigation Assessment, should be used to evidence the specific changes in air quality due to a single development or from the cumulative effect of several developments and to confirm the mitigation measures which will be put in place to address the impacts.

- 6.2. In determining a planning application, the objective will be to ensure that the air quality in existing AQMAs does not worsen by the introduction of a development and/or that there is no additional air pollution burden from a development(s) which could create new AQMAs.
- 6.3. The decision on a planning application must be a balance of all material considerations depending upon the individual merits and circumstances. The weight to be given to the impact on air quality in the consideration of a planning application and the acceptability of proposed mitigation measures lies with Maidstone Borough Council as the local planning authority.
- 6.4. Refusal of a planning application may still result if air quality impacts from a development remain, even after all reasonable means to mitigate the impacts on air quality have been exhausted having regard to the relevant Local Plan policies and national planning policy requirements.
- 6.5. The following table summarises the potential planning requirements and outcomes

**Table 7 Planning requirements and outcomes.**

Magnitude of change in air quality	Likely requirements	Likely outcomes
Very High	Require evidence to show that mitigation will address air quality impacts. If impact of development on air quality still very high = strong presumption for recommendation for refusal on air quality grounds.	Air Quality Officer (AQO) to recommend refusal
High	Seek mitigation to significantly reduce air quality impacts. Mitigation to include reducing exposure through various measures, emissions reduction technologies and/or development redesign.	AQO to recommend refusal unless significant mitigation measures are secured.
Medium	Seek mitigation to reduce air quality impacts. Mitigation to include reducing exposure through various measures, emissions reduction technologies and/or development redesign.	Ensure mitigation is secured as part of a planning consent.
Low/Imperceptible	Recommend the minimum mitigation for development scheme type.	Ensure mitigation is secured as part of a planning consent.

## References

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The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)

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Guidance on the assessment of dust from demolition and construction – IAQM (2014)

<http://www.iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

DEFRA Emissions Factor Toolkit

<http://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>

DEFRA Impact pathway guidance for valuing changes in air quality (2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197900/pb13913-impact-pathway-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197900/pb13913-impact-pathway-guidance.pdf)

DEFRA Interdepartmental Group on Costs and Benefits

<https://www.gov.uk/air-quality-economic-analysis>

DEFRA Technical Guidance Note LAQM TG (09)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69334/pb13081-tech-guidance-laqm-tg-09-090218.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69334/pb13081-tech-guidance-laqm-tg-09-090218.pdf)

Environmental Impact Assessment Directive

<http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

European Union Limit Values

<http://ec.europa.eu/environment/air/quality/standards.htm>

Electric Vehicle (EV) Network

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HM Treasury, Valuing impacts on air quality – Supplementary Green Book Guidance (2013)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf)

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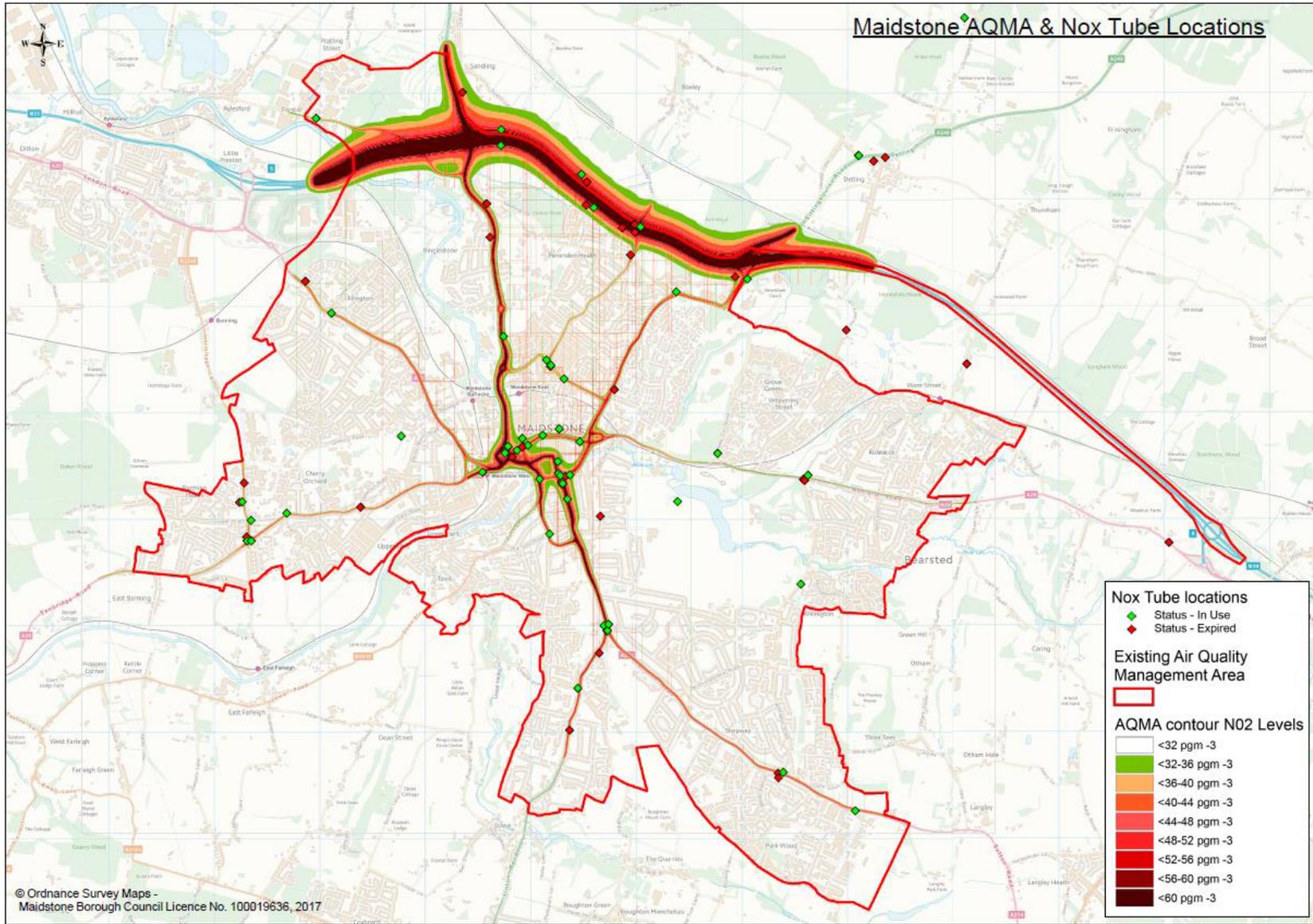
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**Appendix 1 – Map of Maidstone AQMA (existing and proposed)**

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## Appendix 2 - Criteria for Development Classification

The major sized category is determined using criteria from the Department for Transport indicative thresholds for transport assessments<sup>4</sup>.

Table 1: Criteria for Development Classification

Land Use	Description	Further Assessment Required
Food Retail (A1)	Retail sale of food goods to the public - supermarkets, superstore, convenience food store	>800m <sup>2</sup>
Non-Food Retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars or other cold food purchased and consumed off site	>1500m <sup>2</sup>
Financial and professional services (A2)	Banks, building societies and bureaux de change, professional services, estate agents, employment agencies, betting shops	>2500m <sup>2</sup>
Restaurants and Cafes (A3)	Use for the sale of food consumption on the premises	>2500m <sup>2</sup>
Drinking Establishments (A4)	Use as a public house, wine-bar for consumption on or off the premises	>600m <sup>2</sup>
Hot Food Takeaway (A5)	Use for the sale of hot food for consumption on or off the premises	>500m <sup>2</sup>
Business (B1)	(a) Offices other than in use within Class A2 (financial & professional) (b) Research & Development - laboratories, studios (c) Light industry	>2500m <sup>2</sup>
General Industrial (B2)	General industry (other than B1)	>4000m <sup>2</sup>
Storage and Distribution (B8)	Storage and distribution centres - wholesale warehouses, distribution centres and repositories	>5000m <sup>2</sup>
Hotels (C1)	Hotels, boarding houses and guest houses	>100 bedrooms
Residential Institutions (C2)	Hospitals, nursing homes used for residential accommodation and care	>50 beds
Residential Institutions (C2)	Boarding schools and training centres	>150 students
Residential Institutions (C2)	Institutional hostels, homeless centres	>400 residents
Dwelling houses (C3)	Dwellings for individuals, families or not more than six people in a single household	>50 units
Non-Residential Institutions (D1)	Medical & health services, museums, public libraries, art galleries, non-residential education, places of worship and church halls	>1000m <sup>2</sup>
Assembly and Leisure (D2)	Cinemas, dance and concert halls, sports halls, swimming, skating, gym, bingo, and other facilities not involving motorised vehicles or firearms.	>1500m <sup>2</sup>

<sup>4</sup> <http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/adobepdf/165237/202657/guidanceontaappendixb>

Other
1. Any development generating 30 or more two-way vehicle movements in any hour
2. Any development generating 100 or more two-way vehicle movements per day
3. Any development proposing 100 or more parking spaces
4. Any relevant development proposed in a location where the local transport infrastructure is inadequate
5. Any relevant development proposed in a location adjacent to an Air Quality Management Area (AQMA)

## **Appendix 3 - Air Quality Assessment Protocol to Determine the Impact of Vehicle Emissions from Development Proposals**

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission and Local Plan allocations).

### Key Components of an Air Quality Assessment

The assessment will require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data. The modelling should be undertaken using recognised, verified local scale models by technically competent personnel and in accordance with LAQM TG.09. The study will comprise of:

1. The assessment of the existing air quality in the study area for the baseline year with agreed receptor points and validation of any dispersion model;
2. The prediction of future air quality without the development in place (future baseline or do nothing);
3. The prediction of future road transport emissions and air quality with the development in place (with development or do-something).
4. The prediction of future road transport emissions and air quality with the development (with development or do-something) and with identified mitigation measures in place.

The assessment report should include the following details:

A. A detailed description of the proposed development, including:

- Identify any on-site sources of pollutants;
- Overview of the expected traffic changes;
- The sensitivity of the area in terms of objective concentrations;
- Local receptors likely to be exposed;
- Pollutants to be considered and those scoped out of the process.

B. The relevant planning and other policy context for the assessment.

C. Description of the relevant air quality standards and objectives.

D. The assessment method details including model, input data and assumptions:

For traffic assessment;

- Traffic data used for the assessment;
- Emission data source;
- Meteorological data source and representation of area;
- Baseline pollutant concentration including any monitoring undertaken;
- Background pollutant concentration;
- Choice of base year;
- Basis for NO<sub>x</sub>:NO<sub>2</sub> calculations;
- A modelling sensitivity test for future emissions with and without reductions;

For point source assessments:

- Type of plant;
- Source of emission data and emission assumptions;
- Stack parameters – height, diameter, emission velocity and exit temperature;
- Meteorological data source and representation of area;

- Baseline pollutant concentrations;
- Background pollutant concentrations;
- Choice of baseline year;
- Basis for deriving NO<sub>2</sub> from NO<sub>x</sub>.

E. Model verification for all traffic modelling following DEFRA guidance LAQM.TG (09):

F. Identification of sensitive locations:

G. Description of baseline conditions:

H. Description of demolition/construction phase impacts:

I. Summary of the assessment results:

- Impacts during the demolition/construction phase;
- Impacts during the operation phase;
- The estimated emissions change of local air pollutants;
- Identified breach or worsening of exceedences of objectives (geographical extent)
- Whether Air Quality Action Plan is compromised;
- Apparent conflicts with planning policy and how they will be mitigated.

J. Mitigation measures [by using Emissions Mitigation Assessment]

#### Air Quality Monitoring

In some case it will be appropriate to carry out a short period of air quality monitoring as part of the assessment work. This will help where new exposure is proposed in a location with complex road layout and/or topography, which will be difficult to model or where no data is available to verify the model. Monitoring should be undertaken for a minimum of six months using agreed techniques and locations with any adjustments made following Defra Technical Guidance LAQM.TG (09).

#### Assessing Demolition/Construction Impacts

The demolition and construction phases of development proposals can lead to both nuisance dust and elevated fine particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations. Modelling is not appropriate for this type of assessment, as emission rates vary depending on a combination of the construction activity and meteorological conditions, which cannot be reliably predicted. The assessment should focus on the distance and duration over which there is a risk that impacts may occur. The Institute of Air Quality Management (IAQM)<sup>5</sup> has produced a number of definitive guidance documents to which this guidance refers. The document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance' should be the reference for reporting the construction assessment.

#### Cumulative Impacts

The NPPF (paragraph 124) recognises that a number of individual development proposals within close proximity of each other require planning policies and decisions to consider the cumulative impact of them. Difficulties arise when developments are permitted sequentially, with each individually having only a relatively low polluting potential, but which cumulatively result in a significant worsening of air quality. This will occur where:

- A single large site is divided up into a series of units, such as an industrial estate or retail park;
- A major development is broken down into a series of smaller planning applications for administrative ease; and
- There are cumulative air quality impacts from a series of unrelated developments in the same area.



In the first two cases, the cumulative impact will be addressed by the likelihood that a single developer will bring forward an outline application for the whole site which should include an air quality assessment as part of an Environmental Impact Assessment. For major developments that are broken down into a series of smaller planning applications, the use of a 'Master or Parameter Plan' that includes an air quality assessment will address the cumulative impact.

## Appendix 4 - Electric Vehicle Charging Point Specification:

This shall be the best technology available at the time of planning approval.

### EV ready domestic installations

- Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).
- A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point for future connection to an external charge point
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require an additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

### EV ready commercial installations

Commercial and industrial installations may have private 11,000/400 V substations where a TN-S supply may be available, simplifying the vehicle charging installation design and risk analysis. It is, therefore, essential for developers to determine a building's earthing arrangements before installation. Commercial vehicles have a range of charge rates and it is appropriate to consider a 3-phase and neutral supply on a dedicated circuit emanating from a distribution board. More than one EV charging station can be derived from a source circuit, but each outlet should be rated for a continuous demand of 63Amps. No diversity should be applied throughout the EV circuitry. 3 phase RCBOs should be installed and the supply terminated in a switched lockable enclosure. If an external application (for example car park or goods yard) is selected, the supply should be terminated in a feeder pillar equipped with a multi-pole isolation switch, typically a 300mA RCD, a sub-distribution board (if more than one outlet is fed from the pillar). If an additional earthing solution is required, the earth stake can be terminated within this pillar. See IET guideline risk assessment<sup>6</sup>.

<sup>6</sup> [www.theiet.org/resources/standards/ev-charging-cop.cfm](http://www.theiet.org/resources/standards/ev-charging-cop.cfm)

## **Appendix 2: Local Plan Policy DM6 - Air Quality**

The National Planning Policy Framework requires planning policies to sustain compliance with EU limit values or national objectives for pollutants and the cumulative impacts on air quality from individual sites in local areas. The council has a responsibility to work towards achieving these targets and does this through the Local Air Quality Management (LAQM) regime. Through this function the council has identified 6 areas currently exceeding EU guideline values (exceedance areas) and has an Air Quality Action Plan (AQAP) in place in order to identify measures aimed at reducing air pollution at these locations.

The significance of any air quality impact arising from development can be affected by a number of factors, including the scale, nature and location of development. For instance, a large housing development located outside of the AQMA may still have significant negative impacts on air quality within the AQMA, whereas a small scale residential extension within the AQMA may not have any perceptible impact on air quality. Similarly, a single additional dwelling may have a negative impact on an exceedance area whilst major development located elsewhere in the borough may not impact the AQMA itself, but may generate significant negative impacts in other locations. The council will review the potential significance of the air quality impacts from new proposals taking account of these factors and in line with national guidance.

Where an Air Quality Impact Assessment (AQIA) is required, development proposals will be required to assess the existing air quality in the study areas, to predict the future air quality without the development in place and to predict the future air quality with the development, and mitigation, in place. As part of this process, the assessment should consider the potential cumulative impacts of development. The AQIA should also take into account how the impacts from the development relate to the principles and measures contained within the council's Air Quality Action Plan and other relevant strategic guidance documents. Where the need for mitigation measures is identified through an AQIA, the delivery of these measures will be secured through planning condition or through s106 planning obligations.

It is recognised that planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants. Whilst planning cannot solve existing air quality issues, it can ensure that any likely impacts are effectively mitigated.

It is also important to ensure however that these existing air quality issues, and the cumulative impacts of developments, are responded to in a proactive and effective fair and proportionate way. In order to achieve this, the Council is in the process of updating the AQMA Action Plan and is currently preparing a Low Emission Strategy. These documents provide a timely opportunity to address these long-standing issues, and the council will consider a wide range of options and measures, including further support for sustainable transport measures and

the possibility of establishing Low Emission/Clean Air Zones, as part of this process. As well as the AQMA Action Plan and the Low Emission Strategy, forthcoming national policy changes are likely to have implications for the local plan policy. The Council is therefore committed to preparing a DPD on the subject of air quality to ensure the local policy framework is both effective and up to date.

### **Policy DM6 Air Quality**

- 1. Proposals that have an impact on air quality will be permitted, subject to the following criteria being met:**
  - i. Proposals for development which have the potential, by virtue of their scale, nature and/or location, to have a negative impact on air quality at identified exceedance areas, as defined through the Local Air Quality Management process, will be required to submit an Air Quality Impact Assessment (AQIA) to consider the potential impacts of pollution from individual and cumulative development, and to demonstrate how the air quality impacts of the development will be mitigated to acceptable levels;**
  - ii. Proposals for development which have the potential, by virtue of their scale, nature and/or location, to have a significant negative impact on air quality within identified Air Quality Management Areas will be required to submit an AQIA to consider the potential impacts of pollution from individual and cumulative development, and to demonstrate how the air quality impacts of the development will be mitigated to acceptable levels, even where there will be no negative impact at identified exceedance areas;**
  - iii. Other development proposals, where criteria 1 and 2 do not apply, but which by virtue of their scale, nature and/or location have the potential to generate a negative impact on air quality within identified Air Quality Management Areas will not be required to submit an AQIA, but should demonstrate how the air quality impacts of the development will be minimised.**
  - iv. Development proposals which have the potential, by virtue of their scale, nature and/or location, to have a significant negative impact on air quality outside of identified Air Quality Management Areas will submit an AQIA to consider the potential impacts of pollution from individual and cumulative development, and to demonstrate how the air quality impacts of the development will be mitigated to acceptable levels.**
- 2. The Council will prepare an Air Quality DPD which will take account of the AQMA Action Plan, the Low Emission Strategy and national requirements to address air quality.**

**STRATEGIC PLANNING,  
SUSTAINABILITY AND  
TRANSPORTATION COMMITTEE**

**7 November 2017**

**CIL Administrative and Governance Arrangements**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transportation Committee
<b>Lead Head of Service/Lead Director</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Andrew Thompson, Principal Planning Officer, Strategic Planning
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report introduces the key issues which will need to be addressed as the Council establishes its administrative and governance arrangements for the implementation of the CIL in Maidstone Borough. The report provides an opportunity for this Committee to consider and discuss these issues, and to agree how to take the arrangements forward, with a view to a subsequent report setting out the scope and timing of stakeholder engagement.

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

1. That this Committee considers the key issues identified in this report and (a) instructs officers to commence preparatory work for the development and delivery of the administrative arrangements, and (b) requests a subsequent report setting out the scope and timing of stakeholder engagement.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	7 November 2017

# CIL Administrative and Governance Arrangements

## 1. INTRODUCTION AND BACKGROUND

### Context

- 1.1 Following consideration of the Examiner's Report and the modified Charging Schedule at this Committee's 12 September meeting, Council decided to approve the Maidstone Borough CIL Charging Schedule at the meeting on 25 October 2017. The Charging Schedule will come into effect on 1 October 2018.
- 1.2 As regards the development of arrangements for the administration and governance of CIL, this Committee also resolved on 12 September:  
  
*That a report to set out key issues for consideration be brought back to this Committee in November, including the involvement of Parish Councils and whether establishing a member working group or sub-committee may be appropriate given the range of issues to be addressed.*
- 1.3 The Council's constitution sets out that this Committee is responsible for the development and implementation of the Council's CIL Charging Schedule, subject to the approval of Full Council. This report therefore marks the first stage in the process of developing proposed arrangements for the implementation of the CIL in Maidstone, which will ultimately be subject to the approval of Council.
- 1.4 Whilst there is clearly some potential for elements of administration and governance to overlap from time to time, the functions of the two sets of arrangements are manifestly distinct. In simple terms, administration relates to the collection of CIL receipts whilst governance relates to the spending of monies. More practically, administration will be required from the moment of CIL implementation (and in all likelihood in advance of this), whereas decisions on spend will only be required once a pot of monies is actually available for allocation.
- 1.5 Given this context, the operational complexities involved in establishing the administrative arrangements, and in view of the wider range of options and approaches available in respect of governance arrangements, it remains the view of officers that the Council's priority should be to develop effective administrative arrangements in time to facilitate a managed transition to the implementation of the CIL in Maidstone.
- 1.6 Section 1 of this report therefore outlines the key issues identified in respect of administrative and governance arrangements, as summarised in the table below, and provides some initial discussion of the key points for consideration within each of these issues.
- 1.7 Section 2 of the report sets out how it is considered these issues should be taken forward, with a view to a subsequent report setting out the scope and timing of stakeholder engagement

<b>Key administration issues</b>
<b>A1:</b> How responsibility for the day-to-day operational tasks of CIL implementation is distributed within Planning Department: whether to a single bespoke section, or whether some elements are allocated more widely for instance across validation, development management, enforcement or building control.
<b>A2:</b> Whether or not the CIL Additional Information Form should be added to Part 1 of the Local Validation List and whether the Assumption of Liability Form should be added to Part 2 of the List.
<b>A3:</b> How the Council should approach applications submitted during the transitional period, in the weeks and months leading up to 1 October 2018.
<b>A4:</b> How the Council should engage with infrastructure providers ahead of and during the transition, to ensure that requests for developer contributions are compliant with the CIL Regulations and the Council's Regulation 123 List.
<b>A5:</b> How the Council administers the neighbourhood portion within parish council areas.
<b>Key governance issues</b>
<b>G1:</b> The final decision making body, with responsibility for the allocation of CIL monies and the regularity of their decision making.
<b>G2:</b> The process by which recommendations on the allocation of CIL monies are reached, and the involvement of infrastructure providers, corporate leadership, members, officers and other stakeholders in this process.
<b>G3:</b> The extent to which the overall CIL "pot" is sub-divided in some predetermined manner, either between infrastructure types/projects, between geographical areas or between large/long term infrastructure and smaller/short term infrastructure.
<b>G4:</b> The nature of the delivery agreement with an infrastructure provider, on allocation, and the extent to which conditions and clawback mechanisms are imposed.
<b>G5:</b> How the Council works with Parish Councils to develop local infrastructure priorities for neighbourhood portion spend.
<b>G6:</b> How the Council works with local communities in non-parished areas to develop local infrastructure priorities for neighbourhood portion spend.

### *Administration Arrangements*

- 1.8 It is well established that the administration of the CIL is complex and bureaucratic in nature. The Government commissioned CIL Review (December 2016) identified this as one of the key weaknesses of the system, and officers have discussed this with counterparts at other authorities who have emphasised the resource-intensive nature of CIL administration. To ameliorate this, CIL Regulations provide for Charging Authorities to retain up to 5% of receipts to cover such costs.
- 1.9 In regards to the collection of the Levy, the CIL Regulations and Planning Practice Guidance are highly prescriptive. Specific forms must be submitted to the Council at certain stages of the process. These must be processed by the Council and acknowledged where appropriate. The Council must send series of Notices at the appropriate times and monitor the commencement of development and payments. Failure to adhere to these requirements can

lead to surcharges being applied, enforcement action being taken and non-payment can actually result in a prison sentence. It is critical therefore that clear information is available to developers, landowners and Council officers to ensure that the requirements are understood and applied effectively.

1.10 The table below sets out the key stages in the process; the requirements for applicants (developers, landowners) and the Council in its new role as Charging Authority, and how this relates to the development management process.

<b>Application Stage</b>	<b>Applicant</b>	<b>Council</b>
Validation	Submit Additional Information Form; Or Notice of Chargeable Development (permitted development)	Process information as part of validation procedures; Send letter explaining that someone must assume CIL liability.
Determination	Submit Assumption of Liability Form	Request further information if required
Decision		Calculate liability and issue Liability Notice
Pre-commencement	Any withdrawal of assumption of liability must be received before commencement; Any claim for exemption or relief must be received before commencement.	Issue grant of exemption or relief where applicable.
Commencement	Submit Commencement Notice no later than the day before commencement.	Issue Default of Liability Notice if development has started and liability has not been assumed; Issue Deemed Commencement Date if applicable; Issue Demand Notice
Payment	Make payments in accordance with Demand Notice; Where Deemed Commencement Date has been issued the MBC Instalments Policy does not apply and immediate payment is required.	Issue receipts when payments are received
Appeal	Any written request to review chargeable amount must be received within 28 days of the Liability Notice	Issue decision within 14 days of the review start date.
Enforcement		Surcharges can be added to the liability in various instances where there is non-compliance

		with the CIL Regulations; In cases of non-payment, warning notices and then Stop Notices can be issued; If non-payment continues, the Council can apply to the Magistrates Court for a Liability Order; If recovery remains unsuccessful, the Council can apply to the Magistrates Court to send the liable party to prison for 3 months.
Reporting		Produce annual report setting out monitoring of CIL monies
Payment of Neighbourhood Portion		Payments made in accordance with locally agreed arrangements

**Key Issue A1:** How responsibility for the day-to-day operational tasks of CIL implementation is distributed across the Planning Department/Council: whether to a single bespoke section, or whether some elements are allocated more widely for instance across validation, development management, enforcement, building control or finance.

1.11 To deliver this wholly new regime will require new ways of working within the Planning Department, and with other parts of the Council, such as Legal and Finance. As set out in the September report, additional resources will be required and at least one additional officer will be recruited to deliver the day-to-day operational elements of the CIL. This is work over and above that which is currently undertaken within the Planning Department and it is anticipated that the Council will need to retain the full 5% of CIL receipts available to cover such costs.

1.12 With the overwhelming majority of tasks, and the timing of these, clearly prescribed in the CIL Regulations, there is little flexibility for the Council to determine any alternative methods of implementing CIL administration. How and by whom the various tasks are delivered by the Council as Charging Authority are however operational matters which will require further consideration.

**Key Issue A2:** Whether or not the CIL Additional Information Form should be added to Part 1 of the Local Validation List and whether the Assumption of Liability Form should be added to Part 2 of the List.

1.13 The Additional Information Form is the first step in the overall process of determining whether a development is liable for CIL. Due to its importance, national guidance enables Charging Authorities to refuse to validate a planning application if the information is not provided. To take advantage of this locally, the Council would need to add the Additional Information Form to the Local List. Any such amendment to the List would require public consultation for a six week period, so this would need to be factored into the timetable.

1.14 Before the Council can issue a Liability Notice, it is necessary for someone to assume liability by submitting an Assumption of Liability Form. If the form is not submitted at validation stage, the Council should write to the applicant to set out that someone must assume liability. Delays after the decision may affect the timing of commencement. Indeed, where the form is not submitted prior to commencement, the Council may need to serve a Default of Liability Notice on the landowner(s) which may lead to further complications. Clearly, the process can be expedited by the early submission of the Form and so the Council could also include the Assumption of Liability Form within Part 2 of the Local Validation List in cases where the Additional Information Form shows that the development will be CIL liable.

**Key Issue A3:** How the Council should approach applications submitted during the transitional period, in the weeks and months leading up to 1 October 2018.

1.15 On 1 October, planning applications which remain undetermined may become liable for the CIL. This could include modest proposals of one or two dwellings which, under the existing s106 regime, would not contribute towards strategic infrastructure provision, but could from 1 October face a liability of around £10,000 per dwelling. This would also include major applications either pending, or which have been considered by Planning Committee, with a resolution to grant and agreed Heads of Terms, but where the s106 has not been signed and the decision not yet issued. In these cases, the Heads of Terms may need to be revised to ensure compliance with the Regulation 123 List which would lead to further delays.

1.16 This is likely to create some pressure on the Council's development management function (and related teams such as Legal) to determine applications ahead of 1 October, and may see a peak in workload as some applicants may accelerate submissions to avoid being caught by the CIL charges.

1.17 Setting the 1 October date took account of this and is, in itself, a very reasonable measure which provides a substantive lead-in period to assist applicants in their decision making. For comparison, some authorities have provided as little as 2-3 weeks between CIL approval and implementation.

1.18 The Council may however adopt a more managed approach to the transition with a view to determining all applications within the statutory deadlines ahead of 1 October. Whilst this would clearly be preferable for applicants, it would further exacerbate the pressure on the development management function, which should also be seen against the wider context with the implementation of the Planning Review bringing new structures and ways of working within the team, and the clearing of the existing backlog in out-of-time applications.

1.19 In any event it is important that the Council takes a clear and early position on how it will approach applications submitted during this transitional period and that this is communicated effectively.

**Key Issue A4:** How the Council should engage with infrastructure providers ahead of and during the transition, to ensure that requests for developer contributions are compliant with the CIL Regulations and the Council's Regulation 123 List.

- 1.20 The introduction of the CIL will also have significant implications infrastructure providers, many of whom are also statutory consultees. Under the current s106 system, developer contributions towards strategic infrastructure projects such as highways, primary and secondary education, health and community infrastructure are sought via consultation responses to individual planning applications. In these responses, infrastructure providers will usually set out the total financial contribution requested, identify which projects the monies are to be applied to and confirm compliance with the CIL Regulations in terms of the statutory tests and pooling restrictions. Typically, these requests then form part of the Heads of Terms agreed by Planning Committee, for incorporation into the s106 agreement.
- 1.21 From 1 October however, infrastructure providers will no longer be able to seek funding through requests for s106 contributions for these types of projects. Strategic infrastructure measures are included within the Regulation 123 List to be funded wholly or partly through the CIL and it will not be lawful to secure new funding through s106 towards these projects. Where developments create the need for site specific mitigation such as transport measures or open space provision, such matters may still be addressed through s106 agreements.
- 1.22 It is therefore critical that infrastructure providers understand the implications of the CIL's implementation in advance of 1 October. Addressing this issue in an effective manner will also reduce the prospect of non-compliant s106 requests being made at application stage, which could create additional work for development management officers and lead to confusion at decision stage. It may also be prudent to seek alternative requests from infrastructure providers in the run up to 1 October, to provide both a pre- and post-CIL response to applications.

**Key Issue A5:** How the Council administers the neighbourhood portion within parish council areas.

- 1.23 The Council must allocate at least 15% (or max. £100 per existing council tax dwelling) of CIL monies to be spent on local infrastructure priorities. This rises to 25% (and no maximum cap) in areas where a Neighbourhood Development Plan is in place.
- 1.24 Charging authorities and parish councils are free to decide the timing and arrangements for any neighbourhood portion payments, which could include the Council holding the monies for neighbourhood portion purposes. Issues related to the spending of the neighbourhood monies are set out in the governance section of this report, however there is a clear overlap between the two sets of arrangements in respect of the neighbourhood portion.

## *Governance Arrangements*

- 1.25 In contrast to administration arrangements, the CIL Regulations and national guidance provide very little prescription, and no clear framework, for how Charging Authorities should make decisions on spending CIL monies. Guidance in this area is limited effectively to what types of infrastructure CIL monies may or may not be spent on.
- 1.26 CIL monies must be spent on infrastructure needed to support the delivery of the Local Plan. This is why the Council's Infrastructure Delivery Plan (IDP) is a key supporting document for both the Local Plan and the CIL, as the individual infrastructure schemes required to deliver the Local Plan are identified, costed and have been tested through independent examination.
- 1.27 Through the introduction of the CIL in Maidstone, the Council will take on the role of Charging Authority, and therein the added responsibility to ensure that the best use is made of the available CIL funding, to support and secure the delivery of the infrastructure on which the delivery of the MBLP depends.
- 1.28 It is critical therefore, that the Council makes effective decisions on the allocation of CIL monies, to facilitate the delivery of infrastructure in a timely manner to support planned growth, and to ensure that infrastructure delivery does not become a constraint to planned development, or adversely affect the Council's five year housing land supply position.
- 1.29 In common with most authorities, there is a "funding gap" between the cost of infrastructure required to support the MBLP, and the amount of money available to deliver it. The presence of the gap confirms that there will be "competition" for CIL funds, and emphasises both that the release of CIL monies will need to be carefully considered, and that the Council will need to look for alternative sources of funding to address the gap over the lifetime of the MBLP.
- 1.30 Further, the overwhelming majority of infrastructure schemes identified in the IDP and Regulation 123 List as eligible to be funded wholly or partly through the CIL, already benefit from developer contributions either secured or held through s106 agreements associated with planning permissions issued in the first years of the MBLP period. It is clear therefore that the allocation of CIL receipts will need to be considered in the context of the monies already secured, both in terms of the level of CIL funding required to "top-up" funding pots, and the timing of allocation, taking account of relevant s106 trigger points.

**Key Issue G1:** The final decision making body, with responsibility for the allocation of CIL monies and the regularity of their decision making.

- 1.31 Given the above considerations, it is of critical importance that an effective decision making framework is put in place to ensure that the Council makes the best use of the available CIL funding to assist in the delivery of the MBLP. The decision making body will determine both which infrastructure schemes the Council should allocate CIL monies to (and on what basis) and when any monies are to be released. The decision making body will, for

instance, need to determine whether or not it is appropriate to spend CIL monies in the short term, given the wider context of longer term/higher cost infrastructure items, on which the delivery of the MBLP may depend.

- 1.32 The Council's constitution sets out that the Strategic Planning, Sustainability and Transportation Committee are responsible for the implementation of the Council's CIL Charging Schedule, subject to the approval of Full Council. The current constitution therefore suggests that this Committee would make recommendations on spend for approval at Council.
- 1.33 Given that this Committee is also responsible for the Local Plan and the IDP, and that the allocation of CIL monies is intertwined with the delivery of these plans, it may prove more efficient to seek delegated powers from Council to this Committee to cover decisions on the allocation of CIL funds. This more streamlined approach could assist in cases where quick decisions need to be made on the release of CIL funds, for instance to provide match-funding as part of a wider bid process.
- 1.34 Some Charging Authorities have taken the approach of establishing a wholly new Committee or Spending Board, purely to oversee the spending of CIL receipts. Although this could be a departure from the current constitution, it is still necessary to consider whether such an approach may have merit in a Maidstone context. In any event, the decision making body would assume significant responsibility for the delivery of the infrastructure required to deliver the Local Plan, and would, over time, oversee a multi-million pound budget.

**Key Issue G2:** The process by which recommendations on the allocation of CIL monies are reached, and the involvement of infrastructure providers, corporate leadership, members, officers and other stakeholders in this process.

- 1.35 Given the lack of prescription in this area, it is open to the Council to design its own bespoke framework for reaching recommendations on CIL spend. The broad established approach in operation across the country is for the infrastructure providers, who will ultimately deliver the infrastructure, to "bid" for funds from the CIL pot; identifying the proposed project and how and when they intend to deliver it. Whether the Council seeks to influence these bids at an early stage, how it then assesses the bids, and what criteria it chooses to prioritise are however entirely at the Council's discretion.
- 1.36 It may be the case, for instance, that the weighting of criteria alone can encourage infrastructure providers to develop bids which will support the Council's own priorities. As part of the annual reporting process, the Council could make clear its priority projects for the next financial year and these priorities could form part of the assessment. The Council may however take a more proactive approach to work collaboratively with infrastructure providers to develop joint priorities for different infrastructure types.
- 1.37 The Council's IDP provides a starting point as it identifies the schemes required to support the Local Plan, and outlines how and when these will be delivered. In reaching decisions on the most effective use of CIL funds

however, there is a clear need for a more detailed understanding of the delivery prospects of individual schemes.

1.38 In particular, many of the schemes have 50% - 75% funding already committed through existing s106 agreements, and in these cases the CIL would act as a "top up" to secure delivery. This Committee is therefore due to consider a report on the Infrastructure Delivery Roadmap, later this municipal year. The Roadmap will set out:

- Funding already secured towards individual schemes (e.g. through s106, Local Growth Fund, Capital Budget);
- Monies held, and the forecast timing of future funds being paid (e.g. through s106 trigger points);
- The delivery window in cases where "spend-by" dates apply;
- The level of design work already undertaken, and the need for further refinement of designs and/or costings;
- The status of the scheme within the infrastructure providers' own plans and strategies;
- The relationship between the delivery of the scheme and development which is completed or within the 5 year supply (including any implications of non-delivery); and
- Projections of annual CIL receipts over the lifetime of the Local Plan.

1.39 The preparation of the Roadmap will therefore provide a baseline understanding of progress on infrastructure delivery to draw out how (and when) CIL monies could be used most effectively to support the delivery of the Local Plan. Importantly, it will also provide a comprehensive and long term picture of infrastructure delivery to support the overall strategy for use of CIL funds and the bid assessment process.

1.40 Given the potential significance of decisions on allocation, an additional layer of governance could be put in place through the establishment of a CIL Steering Group or Spending Board. The membership of such a group would need to be determined, but could comprise of members, corporate leadership and officers so as to provide a meaningful forum within which the Council could assess or sift bids, before recommendations are presented to Committee.

1.41 Should the Council opt to take a more collaborative approach, working with infrastructure providers to prioritise and develop bids at the early stages, it may be necessary to establish working groups (or to use existing groups) to provide a forum to work directly with infrastructure providers themselves through the bidding process.

**Key Issue G3:** The extent to which the overall CIL "pot" is sub-divided in some predetermined manner, either between infrastructure types/projects, between geographical areas or between large/long term infrastructure and smaller/short term infrastructure.

1.42 Some Charging Authorities have elected to sub-divide the overall CIL pot and often in very different ways. This can be done fairly crudely by, in effect, ring-fencing a certain percentage for "transport", "education" and "health" for instance. The benefits of this type of approach are seen

primarily on the infrastructure providers' side of the equation as it can provide some certainty that a pot of monies will be available for a specific type of infrastructure i.e. bids for education infrastructure would not be competing against bids for transport or health infrastructure.

- 1.43 Where there are one or more "big ticket" items within IDPs, a similar approach can be adopted to effectively ring-fence a proportion of receipts for large infrastructure items (e.g. £2m>). For infrastructure providers promoting such schemes, this approach can also provide some certainty that the Council is indeed taking a long term approach to the use of CIL funds. Although uncommon, the Council may wish to consider taking a similar approach based on geographical areas.
- 1.44 From a Charging Authority's perspective however, whilst the pre-determined approach may provide a clearer framework, it also limits flexibility on the use of the overall CIL pot where this might be required to support development. Given that the overriding purpose of the CIL is to assist in the delivery of the Local Plan, the flexibility to direct monies towards specific schemes which are urgent and critical to its delivery is widely seen as the key benefit of the CIL.
- 1.45 For instance, in a scenario where the non-delivery of a piece of infrastructure is affecting the delivery of development sites which contribute to the Council's 5 year housing land supply, such flexibility could be critical to maintaining that supply. Similarly, taking the earlier example of providing match funding for a bid to government to deliver a key infrastructure scheme, the flexibility to use the monies from outside that specific pot may be required to secure the delivery of that scheme.
- 1.46 Clearly these options should be considered in the context of how recommendations on spend are reached, and the baseline information provided by the Roadmap. It is important however that consideration is given to whether the Council should take such an approach, or a hybrid of these approaches, in developing its governance arrangements.

**Key Issue G4:** The nature of the delivery agreement with an infrastructure provider, on allocation, and the extent to which conditions and clawback mechanisms are imposed.

- 1.47 Through assessment of submitted bids, the Council will be in a position to establish the delivery prospects of the proposals submitted by infrastructure providers. It may be the case for instance, that priority is afforded to proposals which are shown to be deliverable within a certain timeframe.
- 1.48 However, to ensure that any allocated CIL monies are indeed used for their intended purpose, the CIL Charging Schedule sets out that, on allocation of CIL funds, the Council will require an agreement, similar to a deed of obligation used with s106 agreements, setting out how the monies will be used.
- 1.49 It is important therefore to consider the scope and content of such agreements – whether these should impose conditions on the timing of delivery, on details of the scheme design or delivery and potentially whether

the monies can be recovered by the Charging Authority in the event of non-delivery. Such matters will also be of significance to infrastructure providers themselves and clearly the Council would not wish to discourage prospective bidders due to disproportionately restrictive or inflexible legal agreements.

1.50 Ultimately however, it is the Council's responsibility as Charging Authority to ensure that CIL funds are used effectively to support the delivery of the Local Plan and sufficient safeguards will be required to ensure that monies allocated are spent appropriately and in a timely manner to support planned development.

**Key Issue G5:** How the Council works with Parish Councils to develop local infrastructure priorities for neighbourhood portion spend.

1.51 As set out in the administration section, where CIL liable development takes place within a parished area, the Council must allocate either 15% (capped) or 25% (uncapped) of receipts for spend on local infrastructure priorities. It is important to recognise that the amount of neighbourhood portion raised in different parishes within the Borough will be affected by three key factors:

- The scale and type of growth allocated in the MBLP and any potential for windfall development;
- The level of planned growth which remains undetermined at 1 October 2018; and
- Whether or not a Neighbourhood Development Plan is in place.

1.52 Some parish areas are unlikely to see development of any significant scale over the lifetime of the Local Plan and therefore any neighbourhood portion monies are likely to be modest. Other areas are subject to higher levels of development however most or all of the residential development allocations have already received planning consent and have therefore made financial contributions towards strategic infrastructure provision through their section 106 agreements. Unless specific circumstances arise, such as the permission lapsing and subsequently being re-determined under the CIL regime, such sites will not provide funding through the CIL and therefore wouldn't provide neighbourhood portion funding.

1.53 In some areas however, and in particular at Lenham where the Broad Location for 1000 homes is due to commence after CIL implementation, the neighbourhood portion may provide a significant source of funding towards local infrastructure priorities.

1.54 The National Planning Practice Guidance sets out that charging authorities should work closely with parish councils to agree on local infrastructure spending priorities. Existing infrastructure schemes included within the IDP and any Neighbourhood Development Plans may provide a starting point in this respect. Through this process it is important that any schemes in the wider area are also considered: it may be the case that a primary school or GP surgery extension in one parish will support development in another parish.

1.55 The spending of neighbourhood portion monies must “support the development of the area” and it critical that a clear framework or protocol is in place to ensure that monies are spent in accordance with the legal requirements.

**Key Issue G6:** How the Council works with local communities in non-parished areas to develop local infrastructure priorities for neighbourhood portion spend.

1.56 In the absence of a town or parish council, Charging Authorities are required to engage with communities where development has taken place to develop local infrastructure priorities. Given that much of Maidstone Town falls outside of parish boundaries, and also that significant development is planned and expected in this area, the neighbourhood portion should provide a significant source of funding towards local infrastructure priorities in Maidstone Town.

1.57 Similarly to decisions on spending from the Charging Authority’s CIL pot however, the CIL Regulations and national guidance provide no clear framework or process by which Charging Authorities should undertake such engagement and reach decisions on spend.

1.58 One of the key issues to consider is the geography over which the “neighbourhood” is defined. The neighbourhood could be considered at the ward boundary level which would utilise existing boundaries and ensure that funding was indeed spent within an area local to the development itself. It may be the case however that some wards could work together to form a larger group with shared priorities and also larger pot of monies to deliver these. Indeed, this could be extended to cover the non-parished area as a whole. There is clearly a balance to be struck here between the benefits of pooling funding provided by the larger geographies and the need to ensure that the benefits of any spending are indeed felt at a local “neighbourhood” level.

1.59 Similarly to parished areas, infrastructure schemes in the IDP and in any Neighbourhood Development Plans may provide a starting point for identifying local infrastructure priorities. Where appropriate, this could be supplemented using established mechanisms such as the engagement undertaken for the Local Plan, Strategic Plan and Residents Survey. In some areas, specific groups may also provide valuable input such as town centre business groups and, of course, the role of Ward Members in the process will also need to be established.

1.60 The Council is required to set out clearly and transparently the approach to engaging with local communities and the framework by which decisions on spend will be reached. It is logical therefore, that this work is progressed as part of the overall CIL governance arrangements.

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## **2. AVAILABLE OPTIONS**

2.1 This report introduces the key issues which will need to be addressed as the Council establishes its administrative and governance arrangements for the implementation of the CIL in Maidstone Borough. As such, the report

provides an opportunity for this Committee to discuss these and any related issues and how to take the arrangements forward, ultimately for consideration at Council.

- 2.2 Given the complexity of the issues for consideration, and the relative urgency of the two sets of arrangements, it remains the view of officers that work to progress the administrative arrangements should be accelerated as the priority. The systems and resources required to facilitate the effective collection of the CIL must be developed, agreed by Council, and implemented, with any associated recruitment and training completed in time to facilitate the transition to the CIL system on 1 October 2018.
- 2.3 With the Charging Schedule now approved, it is therefore recommended that officers are instructed to commence preparatory work for the development and delivery of the administrative arrangements.
- 2.4 As referenced throughout the report, CIL implementation will have significant implications for a number of stakeholders. Whilst the statutory consultation requirements which relate to preparing the Charging Schedule do not extend to developing the administrative and governance arrangements, it is clear that effective stakeholder engagement must form a critical component of the process.
- 2.5 Following this Committee's consideration of the identified issues therefore, it is proposed to bring a subsequent report setting out the scope and timing of stakeholder engagement, and further consideration of the need and timing of the establishment of a member/officer working group to date the arrangements forward.
- 2.6 The following options have therefore been considered:

**Option 1:** Do nothing

- 2.7 The Committee could, in theory, decide not to develop administrative and governance arrangements to support the implementation of the CIL. There is however a clear and, in the case of administrative arrangements, urgent need to develop appropriate systems, approaches and frameworks to support the delivery of the CIL in Maidstone. The Council's constitution makes clear that this Committee is responsible for the implementation of the CIL and therefore this option is not recommended.

**Option 2:** That this Committee considers the key issues identified in this report and (a) instructs officers to commence preparatory work for the development and delivery of the administrative arrangements, and (b) requests a subsequent report setting out the scope and timing of stakeholder engagement.

- 2.8 As the first step in the process of developing administrative and governance arrangements, the Committee could consider the issues set out in this report. Given the largely operational nature of the administrative arrangements, and their urgency, this option would provide for officers to begin to develop the necessary systems and processes by which the prescribed elements of CIL administration will be delivered.

2.9 Following this Committee’s consideration of the identified issues, and any additional issues raised by Committee, this option would also provide for a subsequent report setting out the scope and timing of stakeholder engagement in order to progress both sets of arrangements. The need for and timing of any member/officer working group to support this process would also be addressed.

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

3.1 For the reasons set out in part 2 of this report, **Option 2** is recommended.

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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. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The CIL Charging Schedule and associated documents have been subject to statutory consultation and member decisions throughout their development.
- 5.2 This report responds to this Committee’s decision in September, as set out at paragraph 1.2. Committee has previously resolved that parish councils should be involved in the process of developing arrangements for the implementation of the CIL in Maidstone.
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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

6.1 If Option 2 is selected, officers will undertake the preparatory work related to the systems and processes necessary to deliver the prescribed elements of CIL administration. Any Committee feedback on the identified issues will be considered as part of the subsequent report to address the scope and timing of stakeholder engagement.

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### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Accepting the recommendation will materially improve the Council’s ability to achieve	Head of Service or Manager

	<p>corporate priorities for the local economy and transport networks by beginning the process of establishing effective arrangements for the implementation of the Council’s approved CIL Charging Schedule. We set out the reasons other choices will be less effective in section 2.</p>	
<b>Risk Management</b>	<p>Already covered in the risk section – para 4.1</p>	<p>Head of Service or Manager</p>
<b>Financial</b>	<p>The report identifies a number of administrative tasks associated with CIL for which there is currently no budgetary provision. Accordingly the Council will need to retain 5% of CIL receipts as permitted by the regulations to fund administrative costs.</p>	<p>Section 151 Officer &amp; Finance Team</p>
<b>Staffing</b>	<p>We will deliver the recommendations with our current staffing.</p> <p>The need to recruit at least one additional officer to ultimately deliver the arrangements is referenced within this report.</p>	<p>Head of Service</p>
<b>Legal</b>	<p>There are significant implications for MKLS in regard both administration and governance. MKLS should be involved from the outset in considering and determining legal mechanisms for clawback provisions to ensure these are robust as well as being included in discussion and/or consultation on administrative arrangements as these potentially impact resourcing.</p>	<p>Legal Team</p>

<b>Privacy and Data Protection</b>	Data will need to be managed in accordance with Data Protection procedures	Legal Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
<b>Crime and Disorder</b>	No implications	Head of Service or Manager
<b>Procurement</b>	No implications	Head of Service & Section 151 Officer

## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

None

## Strategic Planning, Sustainability and Transportation Committee

7 November 2017

### Government consultation - 'Planning for the right homes in the right places'

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

#### Executive Summary

The 'Planning for the right homes in the right places' Government consultation carries forward a number of proposals first signalled in the Housing White Paper. The proposed standardised method for calculating local plans' housing needs figure would result in a 40% increase in this borough's figure; from 883 dwellings/year in the Maidstone Borough Local Plan to 1,263 dwellings/year. The proposed response in Appendix 1 strongly objects to the new methodology which serves to perpetuate established patterns of household growth and to disproportionately load future requirements on authorities like Maidstone with the highest base populations and which have delivered good levels of housing in the past.

Other changes proposed in the consultation document are;

- Statements of Common Ground with partner authorities to be prepared throughout the plan-making process;
- Viability assessments to be simplified;
- Clarification of the housing numbers neighbourhood plans should plan for;
- Potential planning fees increase of 20%.

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

1. That the response included in Appendix 1 **be agreed** as Maidstone Borough Council's submission to the Government consultation 'Planning for the right homes in the right places'.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability and Transportation Committee	7 November 2017

# Government consultation - 'Planning for the right homes in the right places'

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The 'Planning for the right homes in the right places' consultation document was published by DCLG on 14<sup>th</sup> September. As part of the Government's drive to significantly boost the supply of new housing nationally, the consultation carries forward specific items signalled in the Housing White Paper (February 2017), namely;
- a. Proposing a standardised methodology for calculating the housing need figure for local plans;
  - b. Improving the way local authorities work together to plan for housing and other needs using Statements of Common Ground;
  - c. Helping local authorities plan for specific housing needs and support neighbourhood planning;
  - d. Simplifying the use of viability assessments in planning; and
  - e. Potential increases to planning application fees.
- 1.2 This report summarises key aspects of the consultation document and includes a proposed response to the consultation questions in Appendix 1. This response is recommended for agreement so that it can be submitted as MBC's formal response by the deadline of Thursday 9<sup>th</sup> November.
- 1.3 The consultation document is available here:  
<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

### Standardised calculation of housing need

- 1.4 **Government's proposals:** Currently, local plans' 'objectively assessed need for housing' (OAN) is established through a Strategic Housing Market Assessment (SHMA). The Government has identified that this can be complex, costly and time-consuming process and that considerable resources can be expended debating what the OAN figure should be. Indeed, this council's original SHMA (January 2014) had to be updated twice prior to the Local Plan's submission in response to revised population and household projections. Further, there was considerable debate about what the OAN figure should be, both before and during the Local Plan Examination.
- 1.5 The Government is looking to make the process much more straight-forward and transparent and it also wants the actual affordability of housing in the local area to be a specific input to the housing need figure. To achieve this, it proposes that the housing need figure should be established using a standardised calculation. The key components of the calculation are;

- a. **Projected household growth**: Average annual increase in the number of households (extracted from Office of National Statistics/CLG household projections); and
- b. **Local affordability ratio**: Ratio between median local house prices and median local earnings (published annually by the ONS).

1.6 The proposed calculation formula is as follows;

$$\text{Adjustment factor} = \frac{\text{Local affordability ratio} - 4}{4} \times 0.25$$

$$\text{Local Housing Need} = (1 + \text{adjustment factor}) \times \text{projected household growth}$$

1.7 The output from this calculation for Maidstone would be;

$$\begin{aligned} \text{Adjustment factor:} \\ \frac{10.03 - 4}{4} \times 0.25 = 0.3768 \end{aligned}$$

$$\begin{aligned} \text{Local Housing Need:} \\ (1 + 0.3768) \times 898 = \mathbf{1,263} \end{aligned}$$

1.8 At the government's 2016 base date, the housing need figure for Maidstone would be **1,263 dwellings/year**. If applied across the country, the formula generates in a total, national housing need figure of 266,000 dwellings/year.

1.9 The consultation proposes that the increase in housing need should be capped at 40% of the adopted local plan figure provided the Plan has been adopted in the last 5 years. This cap does not impact on Maidstone's figure; it would still be 1,263 dwellings/year<sup>1</sup>.

1.10 **Response**: Whilst simplifying the setting of the housing needs figure is welcomed in principle, the proposed approach has significant implications for boroughs like Maidstone. Maidstone already has a high resident population (165,800<sup>2</sup>), is projected to grow significantly according to the Government's household projections and suffers from a relatively significant gap between local house prices and local earnings. Conversely, areas which have historically had lower levels of growth, including because of their planning constraints, have lower levels of household growth projected. Maidstone, Medway and Swale and to a lesser extent Ashford and Tonbridge & Malling would see appreciably higher uplifts to their OAN figures compared with Tunbridge Wells and Sevenoaks where affordability issues are actually worse.

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<sup>1</sup> 883dpa x 1.4 = 1,236dpa

<sup>2</sup> 2016; ONS

	<b>Current OAN (homes/ year)</b>	<b>New formula OAN (homes/ year)</b>	<b>% increase</b>
<b>Maidstone</b>	883	<b>1,236</b>	40%
<b>Medway</b>	1,281	<b>1,665</b>	30%
<b>Ashford</b>	825	<b>989</b>	20%
<b>Swale</b>	776	<b>1,054</b>	36%
<b>Tonbridge &amp; Malling</b>	696	<b>859</b>	23%
<b>Tunbridge Wells</b>	648	<b>692</b>	7%
<b>Sevenoaks</b>	620	<b>698</b>	13%

1.11 The methodology serves to perpetuate established patterns of household growth and to disproportionately load requirements on authorities 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 SHMAs have shown needs to be higher. The proposed response includes a strong objection to this and identifies that a more strategic approach to achieve housing delivery at the scale of 266,000dpa at the national level is required.

1.12 The scale of uplift in Maidstone's figure would have significant implications for infrastructure provision. This scale of growth will require significant investment in new, strategic infrastructure to serve the new homes e.g. transportation, education, healthcare, recreation and sports facilities as well as affordable housing and there is the very real prospect that this could not be fully funded through development-generated income (s106 agreements, CIL, New Homes Bonus). This is particularly the case if house prices fall, which is the implicit intention of the Government's new approach, as this would impact on housebuilders' financial returns. In this scenario, as an authority which will have CIL in place the new approach could directly impact on the council's ability to secure a sufficient proportion of affordable housing on housing sites. In parallel with the new approach, Government should therefore prepare to provide substantial gap funding to fund strategic infrastructure.

1.13 Other matters included in the proposed response are;

- questioning the realism of achieving this rate of housebuilding on the grounds of the availability of sufficient labour, skills and materials coupled with housebuilders' incentive to keep house prices high;

- The consultation does not provide for any form of strategic approach to deal with London's unmet housing needs. The new standard calculation would see London's projected growth increase to 72,000 dwellings/year compared with current London Plan figure of 49,000 dwellings/year;
- The new approach does not take specific account of implications for local employment of an uplift of this scale. There would be an onus to correlate local employment opportunities to the above-trend increase in the resident population if a substantial increase in out-commuting is to be curtailed.

1.14 The proposed response supports the proposed transitional arrangements. For authorities with a recently adopted<sup>3</sup> local plan, like Maidstone, the new approach would only apply when the plan is being reviewed. The Maidstone Borough Local Plan's objectively assessed need figure of 883 dwellings/year (17,660 dwellings 2011-31) would be secured until then. It is considered that this approach is vital to ensure that the government's changes do not in any way undermine a plan-led system.

1.15 An informal Members' workshop was held on 10<sup>th</sup> October at which the proposed new methodology was discussed. One Member raised the case of a Cornwall authority which has been able to restrict the occupancy of new build homes through a planning policy. Officers have done some further investigation and it is understood that it refers to the 'made' St Ives Neighbourhood Plan which includes a policy which requires all new build housing to be occupied as a primary residence. The justification for this stems from the impact of tourism on the St Ives housing market where 25% of all homes are either second or holiday homes. In officers' view the exceptional justification for this approach would not apply in this borough where the proportion of second/vacant homes is 3.5%.

1.16 Other Members advocated a tax regime which would heavily penalise empty or second home owners. The Committee is invited to consider if it would like to incorporate this proposal into the consultation response.

### **Statements of Common Ground**

1.17 ***Government's proposals***: the Government has identified 3 problems with the Duty to Co-operate, namely a) there is insufficient certainty that authorities are co-operating effectively in the early stages of plan-making; b) the Examination of a plan is too late to remedy failures in the Duty; and c) local authorities are not legally required to reach agreement on issues. This can result in local planning authorities failing to make the difficult decisions needed to ensure needs are met which in turn "can push unfair and unrealistic burdens for delivering housing need on neighbouring authorities" (paragraph 62).

1.18 The Government's proposed solution is that every local planning authority must prepare a Statement of Common Ground (SCG) jointly with its partner authorities, for example those with whom it shares a housing market area.

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<sup>3</sup> Within the last 5 years and thereby NPPF-compliant

The SCG should record matters of agreement on cross-boundary strategic issues and set out the framework for how matters will be agreed in the future, for example how housing needs will be met across the housing market area (HMA), including any unmet needs. The consultation document specifies that signatories would include county councils in respect of their roles as highways authority and minerals & waste planning authority. All planning authorities will be required to have SCGs in place within 12 months of the introduction of the new requirement, irrespective of where they are in the plan-making process, and the statement must be updated at each key plan-making stage<sup>4</sup>. To underline that local planning authorities should be planning for wider needs, including unmet needs from elsewhere, the consultation proposes that Local Plans will be subject to two additional tests of soundness<sup>5</sup> to state that a plan's strategy should be informed by agreements over the wider area and be based on effective joint working.

1.19 **Response:** MBC considers that it is essential that local planning authorities do their utmost to plan positively with the clear intention that housing needs are met within their own boundaries. The government could use the opportunity of changes to the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) to further underline that this is the Government's clear expectation.

1.20 There are very real practical difficulties in preparing SCG with authorities at different stages in the Plan making process. Maidstone will have 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 neighbours with whom we share a HMA 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. In these circumstances, there is a real risk that SCGs will still not enable all cross-border issues to be fully concluded.

1.21 Also there is not always agreement between authorities on the definition of HMAs. For example the definition of the HMAs covering Maidstone, Ashford, Swale, Tonbridge & Malling and Tunbridge Wells boroughs and Sevenoaks district all align whereas Medway has taken a more expansive approach in its SHMA which identifies a single HMA covering Medway, Swale, Maidstone, Tonbridge & Malling and Gravesham. Guidance on what happens when there is not agreement on these technical matters would be worthwhile.

1.22 Amendments to NPPF/NPPG need to be clear that SCG replace other requirements to record the Duty to Co-operate between local authorities. The objective of introducing the SCG process should be to add clarity to how compliance with the Duty can be demonstrated and not be an additional burden.

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<sup>4</sup> Regulation 18, Regulation 19, submission, adoption

<sup>5</sup> Currently the tests of soundness are that plans should be 'positively prepared', 'justified', 'effective' and 'consistent with national policy'

## Neighbourhood planning

- 1.23 **Government's proposals:** The consultation paper proposes amendments to national policy which will require local planning authorities to provide neighbourhood planning bodies with a housing figure for their neighbourhood plan.
- 1.24 Where a local plan is sufficiently up-to-date, planning guidance will make clear that local authorities may derive housing figures by making a reasoned judgement based on the settlement strategy and housing sites allocated in their local plans. In this case, the resultant housing figure will not need to be tested through the neighbourhood plan process because it would be derived from the strategy and strategic priorities of the local plan, which neighbourhood plans must be in conformity with.
- 1.25 Where a local plan is out-of-date, guidance will set out a "simple formulae-based approach". This will apportion the overall housing need figure for the local authority area (based on the latest figures calculated under the new standard approach) according to the neighbourhood planning area's population as a percentage of the overall population of the local authority's area. This approach would be a starting point for neighbourhood planning bodies which can then objectively consider whether planning constraints would prevent the need being met. The approach does not seek to take account of unmet need from elsewhere, which should be determined at a strategic level.
- 1.26 **Response:** The Maidstone Borough Local Plan provides certainty for neighbourhood planning bodies through its development strategy, strategic policies and strategic site policies for land allocations.
- 1.27 Neighbourhood plans can indicate the future direction of development, allocate additional small sites, and include policies that allow for windfall development. Should national guidance require local authorities to set a housing figure for designated neighbourhood planning areas and parished areas in their local plans, the figure should be defined as a "minimum housing requirement" rather than a "housing need" to take account of inevitable windfall development. The location of windfall sites will always be unpredictable because, by definition, such sites are not identifiable in advance.
- 1.28 Neighbourhood planning bodies need guidance on their housing figures where an up-to-date local plan is not in place. The formulae-based approach to calculating a housing figure in these circumstances provides a starting point for neighbourhood plans but, whilst neighbourhood planning bodies can determine whether there are constraints to delivering their housing figure, unmet need from elsewhere is excluded. Guidance must make clear that a future local plan may allocate additional sites to meet the strategic housing needs arising for the local authority area. The formula-based approach would be clear and consistent but, like the proposed housing needs formula, is somewhat of a blunt tool as it cannot take account of the need to redistribute housing requirements based on the sustainability of different locations and their capacity to accommodate development.

## **Proposed approach to viability assessment**

- 1.29 **Government's proposals:** The Government is concerned that the use of viability assessments for planning applications and in plan-making is complex, lacks transparency and causes uncertainty. The Government is asking for views on how the use of viability assessments could be improved. The Government is also proposing that there should be a more standardised approach to monitoring and reporting on what infrastructure and affordable housing has been secured and delivered through developer contributions.
- 1.30 **Response:** Particular issues experienced by MBC with respect to viability assessments include;
- Delay to decisions on planning applications whilst viability assessments are independently audited;
  - Cost associated with commissioning an independent audit and, in some instances, debate about whether the planning authority or the developer should meet these costs;
  - In some cases, disagreement between the applicant and MBC about whether a viability assessment is required; and
  - The specialist and complex nature of viability assessments can make their findings difficult to present concisely in planning committee reports and detail may need to be withheld because of commercial confidentiality.
- 1.31 MBC would welcome measures which simplify this process including, potentially, the Government setting out a more standardised approach to viability assessment in guidance. This could prescribe the data sources to be used and/or set parameters for the inputs and assumptions underpinning viability assessments.
- 1.32 Other matters included in the proposed response are;
- Some further guidance on the viability testing of non-residential uses for plan-making would be welcome. Viability data for retail, employment or leisure uses is often based on a limited number of schemes which means that the outputs are more often open to challenge.
  - It would be useful if viability studies supporting Local Plans could be relied upon for an extended period of time, say 2 years. These are expensive pieces of evidence to undertake and it would be helpful to be able to rely on them for Local Plan and CIL examination purposes for a confirmed period of time.
  - A more standardised approach to the monitoring of the collection and use of developer contributions would be welcomed.

## **Planning fees**

- 1.33 **Government's proposals:** the Housing White paper suggested that an increase of 20% on the current fee level could be applied "to those authorities who are delivering the homes their communities need". The

Government is now asking how compliance with this requirement should be judged.

- 1.34 **Response:** The intention to increase fees to recover a greater proportion of the cost of determining a planning application is supported. To support a plan-led system, and to ensure consistency across authorities, the qualifying criteria should be limited to the numerical housing targets in an up to date, adopted local plan and not those generated by the new methodology.
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## **2. AVAILABLE OPTIONS**

- 2.1 Option A: the Committee could decide that no consultation response should be submitted.
- 2.2 Option B: the Committee could decide to submit a response to the Government consultation 'Planning for the right homes in the right places'.
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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. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 An informal Members briefing was held on 10<sup>th</sup> October to provide early insight and consideration of the Government's emerging proposals.
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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

6.1 Subject the Committee's agreement, the consultation response will be submitted on-line by the deadline of 9<sup>th</sup> November. Thereafter the Government has indicated that changes to the NPPF will be published for a brief period of consultation in early 2018. The Government intends to implement the changes to the NPPF and the Guidance in April 2018.

## 7. 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. The consultation provides us with a good opportunity to highlight the financial implications of further housing developments in the borough.	Section 151 Officer & Finance Team
<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 recommended in this report.	[Legal Team] Cheryl Parks, Mid Kent Legal Services (Planning Team)
<b>Privacy and Data Protection</b>	Responding to this consultation as recommended would not	Cheryl Parks, Mid Kent Legal

	have specific implications for privacy and data protection.	Services (Planning Team)
<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 [ & Section 151 Officer]

## 8. REPORT APPENDICES

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

- Appendix 1: Response to the Government consultation 'Planning for the right homes in the right places'.

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## 9. BACKGROUND PAPERS

'Planning for the right homes in the right places': consultation proposals (DCLG, September 2017) <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

## Appendix 1 – MBC response to ‘Planning for the right homes in the right places’

### HOUSING NEED CALCULATION

#### Question 1:

**a) do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?**

**b) how can information on local housing need be made more transparent?**

1a) Maidstone Borough Council (MBC) welcomes in principle the Government’s intention to streamline the process of establishing the housing need figure for a local authority area. MBC has very recently gone through the process of establishing its objectively assessed need for housing (OAN) by means of a Strategic Housing Market Assessment and of having it tested through a Local Plan Examination. In MBC’s case, this evidence required updating three times during the plan preparation process using external consultants in response to updated population and household projections. The assessment has been subject to substantial debate and external challenge throughout the plan’s preparation and Examination. It has been costly and time-consuming as the Government consultation identifies.

The proposed standard methodology appears, however, to be a very blunt tool for calculating needs and fails to take account of the implications for locations such as Maidstone as follows.

MBC has got an up to date Local Plan in place as required by Government. The Plan’s OAN is 17,660 (883dpa) (2011-31). This in itself is a substantial 59% uplift compared with the previous requirement of 11,080 (554dpa) established in the South East Plan in which Maidstone was identified as a Growth Point location. The proposed methodology would see Maidstone’s requirement increase to 1,236dpa, a **further 40% increase** on the OAN so recently confirmed through the Inspector’s Report for the Maidstone Borough Local Plan Examination (July 2017).

As for SHMAs, household projections are the starting point for the calculation. As these are to a substantial extent based on past trends, boroughs which have successfully achieved good levels of growth in the past, such as Maidstone, are projected to grow at or above this rate in the future. Conversely, areas which have historically had lower levels of growth, including because of constraints, have lower levels of household growth projected. This is confirmed in the following table which shows how Maidstone, Medway and Swale and to a lesser extent Ashford and Tonbridge & Malling would see appreciably higher uplifts to their OAN figures compared with Tunbridge Wells and Sevenoaks where affordability issues are worse.

	Current OAN (homes/ year)	New formula OAN (homes/ year)	% increase
<b>Maidstone</b>	883	<b>1,236</b>	40%
<b>Medway</b>	1,281	<b>1,665</b>	30%
<b>Ashford</b>	825	<b>989</b>	20%
<b>Swale</b>	776	<b>1,054</b>	36%
<b>Tonbridge &amp; Malling</b>	696	<b>859</b>	23%
<b>Tunbridge Wells</b>	648	<b>692</b>	7%
<b>Sevenoaks</b>	620	<b>698</b>	13%

MBC **strongly objects** to this methodology which serves to perpetuate established patterns of household growth and to disproportionately load requirements on authorities with the highest base populations and which have delivered good levels of housing in the past.

At 1,236dpa, the standardised calculation results in a housing need figure which for this borough is a further **40%** above the Maidstone Borough Local Plan (October 2017). This scale of growth will require significant investment in new, strategic infrastructure to serve the new homes e.g. transportation, education, healthcare, recreation and sports facilities and there is the very real prospect that this could not be fully funded through development-generated income (s106 agreements, CIL, New Homes Bonus). This is particularly the case if house prices fall, which is the implicit intention of the Government's new approach, as this would impact on housebuilders' financial returns. As an authority which will have CIL in place (TBC), the new approach could directly impact on the council's ability to secure a sufficient proportion of affordable housing on housing sites. In parallel with the new approach, Government should therefore prepare to provide substantial gap funding to fund strategic infrastructure.

The new approach does not take specific account of implications for local employment. With an uplift of this scale, there would be an onus to correlate local employment opportunities to the above-trend increase in the resident population if a substantial increase in out-commuting is to be curtailed.

MBC also questions the realism of the approach in terms of actually achieving this rate of housebuilding on the ground in terms of the availability of sufficient labour, skills and materials. Also, it is not in the interests of housebuilders to increase the release of houses on to the market to such an extent that overall house prices will fall. Proposals that act on

the planning system must be matched with meaningful sanctions (possibly financial) directly on landowners/developers who fail to develop sites with planning permission promptly. Boosting the amount of land with planning permission will not, of itself, result in lower house prices unless there is action in other areas of the development process.

The consultation does not provide any form of strategic approach to deal with London's unmet housing needs. The new methodology would see London's projected growth increase to 72,000 compared with current London Plan figure of 49,000dpa.

In conclusion, the approach is considered to be demand-led with emphasis on increasing supply in areas where there is existing development pressure whilst reducing supply (principally in more northern authorities) where SHMAs have shown needs to be higher. A more nationally strategic approach to achieve housing delivery at the scale of 266,000dpa is required.

On a point of detail, the average household growth rate is proposed to be estimated using 10 years' worth of data. A 15 year period would align with Local Plan timeframes and ensure the projections reflect the average change over the whole Plan period.

1b) In MBC's view, whilst the proposed standard calculation is transparent because it is relatively simple and is to be applied nationwide, it fails to take proper account of the implications for authorities such as Maidstone as set out in response to Q1a.

**Question 2: do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?**

The consultation fixes housing need figure for 2 years from the date of submission of a Local Plan, even if updated household projections are issued. Based on MBC's experience, this should be extended to 1-2 years **before** submission to avoid the expense and delay of repeat evidence gathering/consultation during plan preparation stages. The housing need figure is a figure from which many other strands of evidence fall so it is generally helpful to establish a figure early in the Plan making process. Through its Local Development Scheme, a local planning authority commits to a date for submission and could fix the housing need figure for a period of 1 -2 years prior to this. If a local authority failed to meet the submission date, the updated household projection figures would need to be used.

**Question 3: do you agree that we should amend national planning policy so that a sound plan should identify local housing need using a clear and justified method?**

Yes – whilst it is considered that this is inherent within the current requirement that a Plan should be ‘justified’ based on proportionate evidence, MBC does not object to this being made explicit in the NPPF.

**Question 4: do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from Planning Inspectors?**

Yes – if a standard methodology is to be applied (subject to the concerns expressed in Q1a being addressed), it must result in the streamlining of the Plan preparation/Examination process. Using an alternative approach would need to be tested at Examination.

**Question 5:**

**a) do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?**

**b) do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?**

**c) do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?**

5a) – yes

5b) no response [not relevant for MBC]

5c) – no response [proposal is specific to National Park authorities and Urban Development Corporations]

**Question 6: do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?**

Yes – it is essential that local authorities which have made stringent efforts to get an up to date Local Plan in place are able to implement that Plan, and the housing targets within it, without the risk of premature challenge from developers/landowners. This is vital to support a Plan-led system and to provide certainty for all those with an interest in the development process.

## STATEMENT OF COMMON GROUND

### Question 7:

**a) do you agree with the proposed administrative arrangements for preparing the statement of common ground?**

**b) how do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?**

**c) do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?**

7a) – firstly MBC agrees with the sentiment in the consultation document that the current arrangements for Duty to Co-operate could result in local planning authorities failing to make the difficult decisions needed to ensure needs are met which in turn “can push unfair and unrealistic burdens for delivering housing need on neighbouring authorities” (paragraph 62). The Government could further underline its primary expectation that local authorities will meet their housing needs in full within their own boundaries as part of the proposed suite of revisions to the NPPF and NPPG.

Also there is not always agreement between authorities on the definition of HMAs. For example the definition of the HMAs covering Maidstone, Ashford, Swale, Tonbridge & Malling and Tunbridge Wells boroughs and Sevenoaks district all align whereas Medway has taken a more expansive approach in its SHMA which identifies a single HMA covering Medway, Swale, Maidstone, Tonbridge & Malling and Gravesham. Guidance on what happens when there is not agreement on these technical matters would be worthwhile. Amendments to NPPF/NPPG need to be clear that statements of common ground replace other requirements to record DtC between local authorities . The SCG should not be an additional burden.

7b) – no response [not relevant to MBC]

7c) – no response [not relevant to MBC]

**Question 8: do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?**

There are 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 neighbours with whom we share a HMA 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. In these circumstances, there is a real risk that SCGs will still not enable all cross-border issues to be fully concluded.

#### **Question 9**

- a) do you agree with the proposal to amend the tests of soundness to include that:**
- i) plans should be prepared based on a strategy informed by agreements over the wider area; and**
  - ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?**
- b) do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?**

As for Q8.

### **PLANNING FOR A MIX OF HOUSING NEEDS**

#### **Question 10:**

- a) do you have suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?**
- b) do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?**

10a) MBC welcomes the Government's intention to update guidance on how to assess housing needs of different groups in an efficient and proportionate way.

b) MBC does not have specific evidence to indicate that the current definition of older people is no longer fit for purpose.

### **NEIGHBOURHOOD PLANNING**

#### **Question 11:**

- a) should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?**

**b) do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?**

- a) An up-to-date local plan should offer sufficient guidance to neighbourhood planning bodies through the local authority area's development strategy and the allocation of key housing sites. Neighbourhood plans can indicate the future direction of development, allocate additional small sites, and include policies that allow for windfall development. Should national guidance require local authorities to set a housing figure for designated neighbourhood planning areas and parished areas in their local plans, the figure should be defined as a "minimum housing requirement" rather than a "housing need" to take account of inevitable windfall development.
- b) Neighbourhood planning bodies need guidance on their housing figures where an up-to-date local plan is not in place. The formulae-based approach to calculating a housing figure provides a starting point for neighbourhood plans but, whilst neighbourhood planning bodies can determine whether there are constraints to delivering their housing figure, unmet need from elsewhere in the borough/district is excluded. The formula based approach does not take account of how needs should be distributed at a more strategic level taking account of, for example, the relative sustainability of different locations within a local authority area. Guidance must make clear that a future local plan may allocate additional sites to meet the strategic housing needs for the local authority area. The formula-based approach would be clear and consistent but, like the proposed housing needs formula, is somewhat of a blunt tool as it cannot take account of the need to redistribute housing requirements based on the sustainability of different locations and their capacity to accommodate development.

## **PROPOSED APPROACH TO VIABILITY ASSESSMENT**

**Question 12: do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?**

In principle, yes – indeed the Maidstone Borough Local Plan specifies the site size threshold for affordable housing and tenure split. Site allocation policies specify where on-site infrastructure and contributions to strategic infrastructure will be required. The plan is accompanied by an Infrastructure Delivery Plan which costs and identifies funding sources for the infrastructure needed to support the Local Plan's proposals.

The detailed costing and, potentially, apportionment of developer contributions for strategic infrastructure can be subject to change over the extended timeframe of a local plan. In MBC's view, this means it is a matter better dealt with in a supporting, evidence document to the Local Plan (such as an Infrastructure Delivery Plan) and not for the Plan itself.

**Question 13: in reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?**

MBC's view is that, broadly, the guidance on Plan viability testing is working adequately.

Where there is particular scope for improvement in the guidance is in respect of the viability testing of non-residential uses such as retail, employment and care homes. Given how comparatively infrequent these types of schemes are, data is sourced from other boroughs or based on assumptions on a small number of example cases, which is then more open to challenge. Some further guidance in this area would certainly be helpful.

It would be useful if – like for the housing need figure – viability studies supporting Local Plans could be relied upon for an extended period of time, say 2 years. These are expensive pieces of evidence to undertake and it would be helpful to be able to rely on them for LP and CIL examination purposes for a period of time.

**Question 14: do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?**

In principle this is welcomed; where a Local Plan has been found sound, the starting point assumption for a planning application should always be that its policies, and in particular site allocations and associated developer contributions, are viable. Nonetheless there will be occasions where there will be a change in circumstances on a site and there may be some site-specific costs which it is not possible to identify at Local Plan stage (e.g. archaeological finds). There must continue to be some flexibility to enable changed circumstances to be a material consideration so that the planning system does not unreasonably restrict development. In these circumstances, a bespoke viability assessment would be required with the application.

**Question 15: how can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?**

MBC's response to the Housing White Paper advocated imposing a duty on statutory agencies to engage constructively and at an early stage in the Plan making process and to provide the required information to evidence the emerging Plan, including viability issues, would help to expedite the plan preparation process. Statutory agencies, including infrastructure providers, should be obligated to provide the evidence they hold which could impact on the preparation of a Plan as soon as it is available. This will help speed up the production of plans which in turn will hasten the delivery of housing and associated infrastructure.

**Question 16: what factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?**

In overall terms, MBC welcomes Government's analysis that viability assessments can be complex and at planning application stage it can be difficult for a local planning authority to objectively assess the validity of an applicant's viability assessment. Particular issues experienced by MBC include;

- Delay to the planning application determination whilst viability assessments are independently audited
- Cost associated with commissioning an independent audit and, in some instances, debate about whether the planning authority or the developer should meet these costs
- In some cases, disagreement between the applicant and MBC about whether a viability assessment is required
- The specialist and complex nature of viability assessments can make their findings difficult to present concisely in planning committee reports and detail may need to be withheld because of commercial confidentiality.

MBC would welcome measures which simplify this process including, potentially, the Government setting out a more standardised approach to viability assessment in guidance. This could prescribe the data sources to be used and/or set parameters for the inputs and assumptions underpinning viability assessments.

**Question 17:**

**a) do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?**

**b) what factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?**

**c) how can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?**

17a) In general, Local Plans already set out the monitoring indicators which will be measured over the Plan period through the Authority Monitoring Report (AMR). The NPPG highlights that the AMR can, in particular, be used to set out the S106 contributions, CIL, and New Homes Bonus payments made during the monitoring period and how these have been used. The Maidstone Borough Local Plan includes specific indicators relating to the collection of contributions and their use in the delivery of the identified infrastructure. In MBC's view, the AMR is the best vehicle for presenting progress on all the Local Plan indicators including those relating to infrastructure funding secured.

MBC is actively working to make information about the receipt and use of developer contributions more publically available. A new IT system is being implemented which will both internally manage the processing of developer contributions (including CIL) and will enable information on the receipt and spending of funds to be publically accessible via the MBC website.

For a complete picture, the publicity requirements could also be extended to developer funding paid to other agencies (in particular the highway authority).

b) The introduction of a more standardised approach to the monitoring and reporting of planning obligations is welcomed in principle.

c) Local authorities could make use of their own publicity channels, such as borough updates, to promote progress with key infrastructure projects linked to development.

## **PLANNING FEES**

### **Question 18:**

**a) do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?**

**b) do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?**

**c) should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?**

**d) are there any other issues we should consider in developing a framework for this additional fee increase?**

18a)& b) Support the intention that fees can be increased to recover a greater proportion of the cost of determining a planning application. Criteria must be based on delivery against the overall housing requirement figure in an adopted LP (provided it is NPPF compliant) to support a plan-led system, not the new methodology or other measures of wider housing needs.

c) should be able to be applied by an authority once it meets the qualifying criteria. There would be a significant delay if it is contingent on all authorities meeting the criteria.

d) Must be ringfenced for investment in the planning service to continue to deliver housing levels required in adopted Local Plan.

## **BUILD OUT**

**Question 19: having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?**

Proposals that act on the planning system should be matched with meaningful sanctions (possibly financial) on landowners/developers who fail to develop sites with planning permission promptly. This should avoid an onerous, administrative process for the local planning authority.

# Agenda Item 21

## **Strategic Planning, Sustainability and Transportation Committee**

**7 November 2017**

### **Housing Delivery Test Update**

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

#### **Executive Summary**

This report provides Councillors with an update on the issues and implications of the proposed housing delivery test within the Housing White Paper February 2017.

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

That the contents of the report be noted.

#### **Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning, Sustainability and Transportation Committee	7 November 2017

# Housing Delivery Test Update

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The Government published its Housing White Paper (HWP) 'Fixing our Broken Housing Market' on 7<sup>th</sup> February 2017. The White Paper proposed a housing delivery test which would measure completions in the local authority area. The intention was to bring the housing delivery test into force in November 2017. However, this is no longer the case and the exact date for introduction is currently unclear.
- 1.2 The test proposes that if the Local Planning Authority (LPA) has an up to date Local Plan then completions over the previous three years will be measured against the annual requirement set out in the Local Plan.
- 1.3 Where a LPA does not have an adopted Local Plan, completions will be measured against the new proposed standardised housing need methodology.
- 1.4 The HWP (based on the original introduction date of November 2017) proposed that where under-delivery is identified, a tiered approach would be applied across the country from November 2017 to November 2020 (Figure 1).

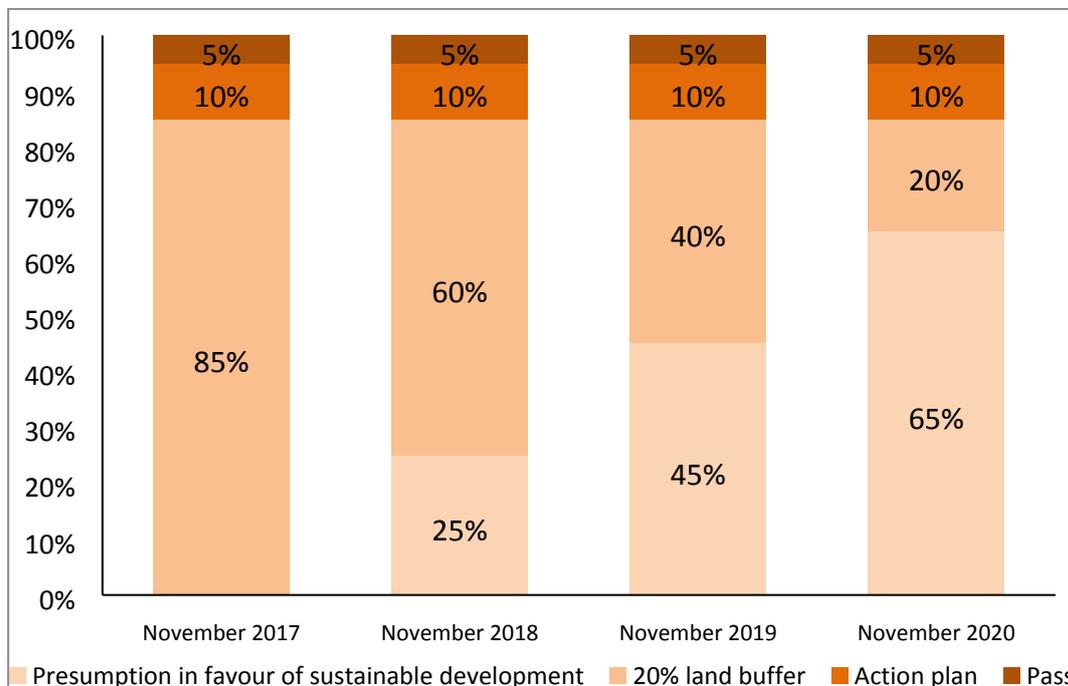


Figure 1. 3 years housing completions as a proportion of the housing delivery test target

- 1.5 From November 2017, if housing delivery fell below 95% of target, the Local Authority would be required to publish an action plan setting out the reasons for the situation and actions that it and other parties need to take. And if the delivery fell below 85% then authorities would in addition be expected to plan for a 20% land buffer on their 5 year supply.

- 1.6 From November 2018 if there was still no up-to-date plan in place then it proposed, subject to consultation, that delivery would be measured against the new proposed standardised housing need methodology. In addition, if housing delivery fell below 25% (November 2019 45%, November 2020 65%) then a presumption in favour of sustainable development would automatically be applied and relevant planning policies deemed out of date.

### **Potential implications for Maidstone**

- 1.7 A consultation on the HWP ran from the 7<sup>th</sup> February 2017 to 2<sup>nd</sup> May 2017. The Council, in its response to the consultation on the housing delivery test stated:

“There is some inevitable time lag before the housing site allocations in an up to date Local Plan generate an uplift in housing completions. It is unreasonable that an authority with a very up to date Local Plan could potentially be required to apply a 20% buffer (with a resulting risk to its 5 year land supply position) because the test relies on completion rates from earlier years. This could be particularly the case for authorities such as Maidstone where the Objectively Assessed Need for housing (OAN), which the Local Plan provides for in full, is substantially higher than the targets that previously applied.

This aspect of the delivery test could run counter to the Government’s clear intention that that the planning system is plan-led and that an up to date local plan is the key way by which authorities have full control over the scale, nature and location of development in their areas. This could be addressed with the introduction of a transition period of up to 3 years from a Plan’s adoption before the 20% buffer could be required.”

- 1.8 The 'Planning for the right homes in the right places' consultation states that the government now intends to publish the revised NPPF, including the introduction of the standardised methodology for calculating housing need, in the Spring 2018. It is possible that the housing delivery test will be introduced at the same time.
- 1.9 In the event that the test had been introduced this November, the Council would have been in a difficult position regarding delivery over the previous 3 years (Figure 2). A 20% buffer would have had to be applied to the future housing target. However, with a 5 year supply of 6.3 years, the Council would still have been able demonstrate 5.52 years regarding its 5 year housing supply, even with the 20% buffer applied.

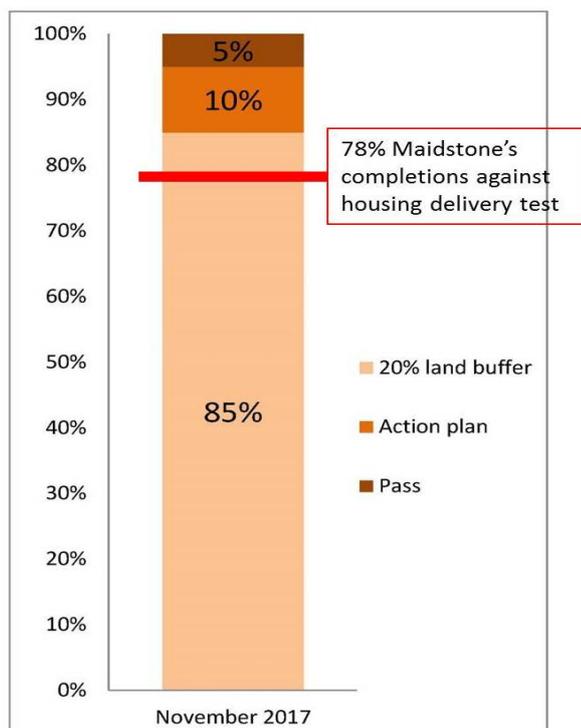


Figure 2. Maidstone's delivery rate measured against the housing delivery test

1.10 Furthermore, it is apparent from the housing land supply update 1 April 2017, matters improve in future years as the Council's delivery rates match the adopted Local Plan targets.

1.11 Rolling forward the housing delivery test introduction to April 2018, if the Council monitors in excess of 586 dwellings complete during the year 2017/18 then a 5% land buffer could be reapplied. Further, if the council monitors in excess of 851 dwellings then would be no requirement to produce an action plan (Figure 3).

	<b>Adopted Local Plan housing requirement</b>	<b>Completions, 5% buffer and action plan</b>	<b>Completions, 5% buffer</b>
2015/16	883	521	521
2016/17	883	1,145	1,145
2017/18	883	586(+)	851(+)
<b>Total</b>	<b>2,649</b>	<b>2,252</b>	<b>2,517</b>
<b>% achieved of test</b>		<b>85%</b>	<b>95%</b>

Figure 3. Completed dwellings required for a 5% buffer

1.12 The housing land supply survey April 2017 reported 1,458 dwellings monitored as under construction and this gives a good indication that completion rates during this monitoring year 2017/18 will be to a similar level of 2016/17 – a very good figure meaning that an action plan will unlikely be required.

1.13 A further indication of the Council's expected delivery rate for 2017/18 includes the monthly completion reports from Local Authority Building

Control (LABC), retrospective planning applications and lawful development certificates. From these sources there have already been 447 dwellings completed to 1 October 2017, accounting for 39% of the anticipated delivery of 1,147 dwellings for 2017/18 and 76% of the 586 dwellings required for a 5% buffer to be applied.

1.14 The housing land supply annually reviews anticipated future delivery rates, and a good indication can be attained that in future years the Council's completion rate should be in excess of 95% of the housing delivery test (Figure 4).

	<b>Requirement</b>	<b>Completions</b>	<b>Anticipated Completions</b>
2015/16	883	521	
2016/17	883	1,145	
2017/18	883		1,147
2018/19	883		1,253
2019/20	883		1,545

Figure 4. Anticipated completions measured against housing delivery test

1.15 In summary, if the housing delivery test does come into effect from April 2018 it is anticipated that completion rates will be of a high enough level that Maidstone will only be required to apply a 5% buffer.

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## 2. RISK

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

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

3.1 If there are any significant amendments to the housing delivery test as a result of the Housing White Paper and 'Planning for the right homes in the right places' consultations then the implications will reviewed and, if appropriate, reported back to this committee.

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## 4. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<ul style="list-style-type: none"> <li>No implications</li> </ul>	Rob Jarman, Planning Manager

<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Rob Jarman, Planning Manager
<b>Financial</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Section 151 Officer & Finance Team
<b>Staffing</b>	<ul style="list-style-type: none"> <li>• Production of the annual housing land supply can be accommodated within the existing staff structure</li> </ul>	Rob Jarman, Planning Manager
<b>Legal</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Cheryl Parks, Mid Kent Legal Services (Planning Team)
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Cheryl Parks, Mid Kent Legal Services (Planning Team)
<b>Equalities</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Anna Collier Policy & Information Manager
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Rob Jarman, Planning Manager
<b>Procurement</b>	<ul style="list-style-type: none"> <li>• No implications</li> </ul>	Rob Jarman, Planning Manager & Section 151 Officer

# Agenda Item 22

## Strategic Planning, Sustainability and Transport Committee

7 November 2017

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Public Art as a Planning Policy Guidance

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transport Committee
<b>Lead Head of Service</b>	Head of Regeneration and Economic Development
<b>Lead Officer and Report Author</b>	Fran Wallis, Local Economy Project Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. That the Public Art Planning Guidance attached as Appendix 1, be approved so that it may be used as a material consideration for planning purposes for planning applications validated from 1<sup>st</sup> January 2018 onwards.

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all – by encouraging art to be incorporated into new developments

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Transport and Sustainability Committee	7 <sup>th</sup> November 2017

# Public Art as a Planning Policy Guidance

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to present the Public Art Guidance document attached at Appendix 1, for it to be adopted by this committee so that it may be used as a material consideration for planning purposes.
  - 1.2 The document has been developed by FrancisKnight, public art consultants, working closely with officers from Strategic Planning and Development Management. The purpose of the document is to allow it to be applied to relevant planning applications, to ensure that public art is encouraged and incorporated within the planning process.
  - 1.3 In addition, once adopted, the document recommends review and monitoring a set of indicators by Strategic Planning, Sustainability and Transport Committee, to provide supporting evidence which can be used when the Maidstone Borough Local Plan is next reviewed, to consider the justification for the inclusion of public art policies.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 In the summer of 2016, FrancisKnight who are public art consultants, were appointed to carry out research and produce a Public Realm Design Guide for the town centre. This piece of work was required prior to work starting on the Phase 3 Public Realm project in the town centre. The purpose of the document was to ensure that when new phases of regeneration and development happen in the town centre, there is a reference document which designers can use, to ensure that the rich history and heritage of Maidstone is captured.
- 2.2 In November 2016 a report was presented to Heritage, Culture and Leisure Committee where the Public Realm Design Guide was adopted. In addition to this document, a reference document was produced regarding 'standardised' street furniture to ensure that as new furniture is put into the street-scene, it is all of a uniform stock, with the exception of larger scale public realm developments where distinct, bespoke designs are encouraged to help reflect the uniqueness of Maidstone. The Street Furniture Guidance document was therefore also adopted at the HCL Committee in November.
- 2.3 When FrancisKnight were carrying out their research which included workshops with Members and stakeholders, the subject of Public Art was increasingly being raised as a 'separate subject' to the more general public realm guidance. Additionally, the Public Realm Design Guide and Street Furniture Guidance refer only to the town centre, whereas Public Art was cited as being important across the whole borough. A document was consequently produced which was presented to the HCL Committee to ensure that that the Committee agreed with the principles. This document was fairly 'light-weight' at the time, however as the subject of Public Art came under Planning's remit, HCL Committee agreed that the document

should be further developed before being presented to Strategic Planning, Sustainability and Transport Committee for its adoption.

- 2.4 Since November of last year, FrancisKnight has been working closely with colleagues from Strategic Planning and Development Management, to develop the document and ensure that the document can be applied and 'hold weight'. The document has been developed to be used by Planning Officers but also by developers who are encouraged to consider incorporating art at an early stage in their own design and development process.
- 2.5 The Public Art Guidance document references National and Local Planning Policies and Guidance, emphasizing the importance of public art, particularly in new developments where art can be used to create a sense of place which helps develop strong and vibrant communities. The emerging Local Plan supports the incorporation of public art with reference to 'high quality design which responds to areas of heritage, townscape and landscape value'. It is recognised that this document will need to be regularly reviewed to ensure that it is working for all parties and that sufficient 'data' can be collected to allow art to be better incorporated into policies as they are reviewed.
- 2.6 Additionally the document provides numerous case studies from local and national examples, to highlight the varying forms which 'art' can take. And to assist both developers and Planning Officers, it details the categories that art can take, ranging from permanent sculptures, to embedded art in paving or a building façade, and temporary art such as exhibitions and performances.
- 2.7 The document gives developers a reference for themes which relate to Maidstone as a town and the wider borough. It explains how developers can produce an artist's brief that draws on the character of the place, and reiterates the importance of not only bringing an artist in early on in proposals, but encouraging art to be incorporated *into* a scheme, not as an 'add-on'.
- 2.8 By working closely with colleagues from Planning, detail on the thresholds for which this document applies have been agreed. These thresholds have been based on research from elsewhere in the country and in consultation with stakeholders to find a threshold which is appropriate but will also be sufficient to deliver meaningful art within a development.
- 2.9 The Public Art Guidance document gives details on the application process to ensure that both developers and planning officers are clear on the requirements at the pre-application, application and determination stages. Applicants are encouraged to develop a Public Art Delivery Plan at an early stage in the design and masterplanning of developments. Where this is not the case, a condition may be applied; an example of which has been provided within the document. It also suggests to developers the process of commissioning artists and what they should look for from an artist.

- 2.10 By adopting the Public Art Guidance as a material consideration, it will ensure that opportunities for art are not missed when new developments take place in the borough.
- 2.11 The document also provides indicators against which the delivery of public art can be measured and monitored. By gathering this information, it will provide supporting evidence for public art to be considered more fully when the Maidstone Borough Local Plan is next reviewed.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The available options are to either adopt the Public Art Guidance document so that it may be used as a material consideration, or to not adopt it.
- 

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

- 4.1 The preferred option is for this committee to adopt the Public Art Guidance so that it may be used as a material consideration, because by doing this, the Council will be able to encourage developers to incorporate art into designs of a scheme at an early stage. As mentioned in the Guidance document, public art has many benefits which should be encouraged, including contributing to local distinctiveness and a sense of place, encouraging people to value their surroundings and benefitting people's health and wellbeing. Maidstone has a wealth of history, heritage, nature and other factors which can all be incorporated into a scheme through art, ensuring that new developments are not bland, but have character and provide people with a sense of belonging.
- 4.2 By adopting the document now, the council can start to set a precedent on how art should be encouraged in any size development, not just the larger ones. By monitoring the delivery of art over the next few years, the Council can build up its evidence base, so that there will be 'real data' which can be used when the Local Plan is next reviewed, to encourage public art to be incorporated more formally into this document as well.
- 4.3 The alternative option is for this committee to not adopt the Public Art Guidance so that it cannot be used as a material consideration. This would mean that the numerous benefits of art are likely to be missed. Going forward, the Council would have little evidence to incorporate art into the Local Plan when it is next reviewed.
- 

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

- 5.1 FrancisKnight have worked closely throughout the process with officers from Strategic Planning and Development Management to ensure that the process is robust and sound. The proposal has also been presented to both One Maidstone and the Town Centre Strategic Advisory Board, to ensure that the proposal is something that is wanted by key stakeholders within Maidstone. Stakeholders from the Developers Forum were also consulted

and the views and comments received were taken into account in producing this document.

- 5.2 As mentioned previously, this document was first proposed by the Heritage Culture and Leisure Committee in November 2016 with the recommendation that it comes to this committee for approval.

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

- 6.1 If adopted, the document will be published on the Council’s website for reference by developers and other interested parties. The introduction of the guidance will form part of the Developers Forum agenda for November 2017 and will be included in the next Planning Viewpoint newsletter.
- 6.2 The guidance, if adopted, will apply to all qualifying developments validated the day after adoption. This will ensure that live applications are not ‘hit’ with an unexpected and unreasonable delay to their determination.

## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Keeping Maidstone Borough an attractive place for all – by encouraging art to be incorporated into new developments	Head of Regeneration and Economic Development
<b>Risk Management</b>	There is very low risk to the council as developers will be producing art within their own proposals	Head of Regeneration and Economic Development
<b>Financial</b>	There is no financial impact to the council in adopting the Public Art Guidance.	Section 151 Officer & Finance Team
<b>Staffing</b>	Day to day administration of this document will be part of the normal planning application process and therefore does not require additional staffing.	Head of Regeneration and Economic Development
<b>Legal</b>	The benefits of public art are acknowledged but this is one of a number of competing elements associated with development and which have more established policy requirements. By monitoring the success of the proposed guidance in securing public art,	Legal Team

	evidence can be gathered to support potential future policy development.	
<b>Equality Impact Needs Assessment</b>	There is no impact on equality	Head of Regeneration and Economic Development
<b>Environmental/Sustainable Development</b>	The document will have no impact on environmental or sustainable development since these issues are covered by other policies.	Head of Regeneration and Economic Development
<b>Community Safety</b>	Public Art encourages community cohesion.	Head of Regeneration and Economic Development
<b>Human Rights Act</b>	N/A	
<b>Procurement</b>	N/A	
<b>Asset Management</b>	N/A	

## 8. REPORT APPENDICES

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

- Appendix I: Public Art Planning Policy Guidance Nov 2017

## 9. BACKGROUND PAPERS

Minutes of Heritage, Culture and Leisure Committee 1<sup>st</sup> Nov 2016 – Item No. 83  
Report of the Head of Commercial and Economic Development – Public Realm Design Guide and Public Art Policy

(<https://services.maidstone.gov.uk/meetings/documents/g2591/Printed%20minutes%2001st-Nov-2016%2018.30%20Heritage%20Culture%20and%20Leisure%20Committee.pdf?T=1>)



# Maidstone Borough Council

## **Public Art Guidance**

**Adopted  
November 2017**

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# Maidstone Borough Council Public Art Guidance

## 1 Purpose

**1.1** Maidstone Borough Council has produced this Public Art Guidance; it is intended for applicants, agents and planning officers to assist with the commissioning of public art. It has a borough wide remit that acts as a material consideration, which supports Maidstone Borough Council's emerging Local Plan. It provides further detail about how national, regional and local planning policies will be applied in relation to the commissioning of Public Art on development and regeneration schemes (commercial and residential) across the borough.

**1.2** This material consideration is in place to ensure that opportunities are not missed regarding integrating art into a development or regeneration scheme to create a sense of place, and character. Public art has a significant role when creating distinctive places and helping to establish successful and vibrant communities. Public spaces provide the most appropriate setting for public art and can make us think about the places that we live.

**1.3** Maidstone Borough Council is ambitious in its aspirations for the borough and its people and recognises that public art can contribute to, emphasis and enhance Maidstone's unique heritage, cultural and natural assets.

**1.4** The incorporation of an artist within the process of designing the public realm means their contribution of creative thinking, interpreting the use, history or hidden meaning of a space can express the aspirations of the communities that use them or will be a part of its future.

**1.5** Maidstone Borough Council advocates that artist involvement must be considered at the early stages of a development scheme. Artists' contributions can be meaningfully and sustainably integrated within the physical infrastructure and as importantly across the communities that will be a part of a development's future.

## 2 Policy Context

### National Policy and Guidance

**2.1** In the context of the National Planning Policy Framework (NPPF), public art contributes to strong, vibrant communities through the creation of quality places and relating health, social and cultural well-being benefits. Planning Practice Guidance (PPG) provides further guidance in relation to the approach, which should be taken to the NPPF. The PPG refers to cultural wellbeing and cultural facilities generally in both urban and rural areas, and the need for the development control system to have regard to these issues and facilities in planning for sustainable development. Particular reference is made to the provision of public art within the PPG.

**2.2** In particular, in the guidance, which has been given in relation to well-designed public spaces the PPG observes as follows:

"A well designed public space is lively"

**2.3** Public spaces are available for everyone to see, use, enjoy, (e.g. streets, squares and parks). They help bring neighbourhoods together, and provide space for social activities and civic life. They also provide access, light, air and the setting for

buildings. The position, design and detailing of public space is central to how it provides benefits for the wider community. The most successful spaces exhibit functional and attractive hard and soft landscape elements, with well orientated and detailed routes and include facilities such as seats and play equipment. Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using."

Paragraph: 018 Reference ID: 26-018-20140306

"Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using." Planning Practice Guidance, Department for Communities and Local Government (2014)

## CASE STUDY

**Permanent artwork:** 'Trails with Tales' – Cobtree Manor Park, Maidstone Borough Council  
Commissioned artist Jason Mulligan

Sculpture  
Public realm

Site-specific stone sculptures as part of a sculpture trail for Cobtree Manor Park. The works reference the history of the park and the travels of Sir Garrard Tyrwhitt-Drakes menagerie of animals, locally referred to as Maidstone Zoo.



Images courtesy of Jason Mulligan



## Regional Guidance The Kent Design Guide

**2.4** Public art is encouraged in development proposals and planning for its provision should be an integral part of the design process. Works of art on existing and new buildings or within developments can be a potential means of improving the quality of the environment. Distinctive works of art can contribute to and enhance the creation of a sense of place and local identity.

*Successful public art will:*

- engage with the public and develop their understanding and appreciation of these works
- involve educational projects and promotional activities
- encourage collaboration and partnership with both public and private sector organisations, and between arts organisations.

**2.5** The provision of public art will vary according to the nature of the proposal and its location. There are layout and detail design implications in making provision for public art, which need to be embedded in the development process from the beginning rather than as an add-on.

Suitable locations for public art might include public open space, key gateways to districts, arrival points within towns and villages and integral parts of buildings and structures themselves.

*Public art might be found in:*

- new infrastructure - for example within the design of roads, viaducts, bridges and public utilities structures
- landmark buildings - with public access such as retail centres, civic buildings, stations, ports, schools
- new and existing public areas - enhancing streets, open spaces, cycle ways, bridleways and footpaths with, for example, signage, street furniture, paving and lighting
- new landscaping - using land form and planting
- temporary or moveable structures – for example on construction site hoardings or moveable light shows
- Development of larger sites that could accommodate a series of public art pieces should have a strategy for their location, design and commission. There are a number of ways to achieve this including art masterplans, public art strategies and policies included within local plans, local development frameworks, development briefs and community participation programmes. It is recommended that specialist public art consultants are engaged at an early stage to develop such strategies.

## **Local Policy**

### **Maidstone Borough Council Local Plan**

**2.6** The Maidstone Borough Local Plan will deliver sustainable growth and regeneration whilst protecting and enhancing the borough’s natural and built assets. Maidstone Borough Councils corporate priorities are:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Both priorities have a clear links to public art by:

- Creating a more coherent way of commissioning public art
- Creating a more attractive place

Maidstone Borough Council’s Local Plan supports public art through the **Policy DM**

**1: Principles of good design**, specifically:

- ii. Respond positively to and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;
- vi. Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;

**Policy SP4 Maidstone town centre** also sets out a number of policies directly relevant to the delivery of public realm improvements in the town centre, including:

1. The regeneration of Maidstone town centre is a priority. This will be achieved by:
- vii. The retention of the best environmental features, including the riverside, and delivery of schemes to improve the public realm and pedestrian environment as identified in the

Infrastructure Delivery Plan;

2. Development in the town centre should:
  - i. Demonstrate a quality of design that responds positively to the townscape, including ensuring the conservation and enhancement of the town centre's historic fabric;
  - ii. Contribute to the priority public realm and accessibility improvement schemes for the town centre identified in the Infrastructure Delivery Plan.

## CASE STUDY

**Temporary artwork:** Folkestone Triennial – Shepway District Council. Commissioned artists – various

Events, activities and installations

The Folkestone Triennial presented by the Creative Foundation exhibits newly commissioned artwork in public spaces around the town. Artists are invited to engage with the cultural history and built environment of the town with approx twenty major artworks commissioned for each Triennial. Temporary in nature some of the commissions remain in place permanently.

The Triennial supports local people and business and has had a positive impact on the economy as well as the perception and image of the town.

Folkestone Triennial 2014, images courtesy of the Creative Foundation



Jyll Bradley, Green/Light (for M.R)



Will Kwan, Apparatus #9 (The China Watchers: Oxford University, M16, HSBC)

## 3 Developing the Guidance

**3.1** This guide has been developed by consulting with key stakeholders, including Maidstone Borough Council Planning Officers, Heritage, Leisure and Culture Committee, Strategic Planning, Sustainability and Transportation Committee, One Maidstone, Maidstone Borough Council Developers Group and the Town Centre Strategic Advisory Board.

## 4 Status of the Guidance

**4.1** This Guidance is recognised as a material consideration by Maidstone Borough Council and was approved by Strategic Planning, Sustainability and Transport Committee in November 2017.

## 5 What is Public Art?

**5.1** Public art is art that is site-specific and made for public spaces. It can be understood as a variety of art forms and approaches that engage with the sites and situations of the public realm. Although it need not always be within public spaces, the term refers to work that is accessible or available for the public to see.

**5.2** Public art involves the commissioning of artists and craftspeople to make new work, which can be permanent, temporary, internal and external, embedded or freestanding. Public art includes work that is embedded into a scheme, through material or functional design. See table on page 8.

### CASE STUDY

**Permanent artwork:** 'The Louis Nolan Memorial' – Ophthalmic Hospital, Maidstone Higgins Homes, Maidstone Borough Council. Commissioned artist Meltdowns Art and Production Studio

Sculpture  
Public realm  
New build and re-development of Grade II Listed building.

Site specific bronze statue depicting Louise Edward Nolan on horseback. A British Army officer who trained as a riding master in the Cavalry Depot in Maidstone, best known for his role in the Charge of the Light Brigade during the Crimean War.  
Kentish Ragstone and Clipsham stone compliments the palette of public realm materials within the regenerated site and the grade II listed building.



Image courtesy of FrancisKnight

## 6 Benefits of Public Art

**6.1** Public art provides social, economic, environmental and cultural benefits that can be achieved by including public art in a scheme, these include:

- Contributing to local distinctiveness and a sense of place
- Engaging and interacting with the public
- Contributing to an attractive environment to live, work, invest or visit
- Creating a strong sense of local identity and community pride
- Encouraging people to value their surroundings
- Providing a focus and stimulus
- Health and well-being
- Targeted at specific age groups/family friendly focus

**6.2** For the purpose of this document, public art is considered to be:

Category	Type
<b>Permanent</b>	Sculpture
	Art Infrastructure e.g. artist studios or workshops, gallery space
<b>Embedded</b>	Lighting
	Paving
	Kerb detailing
	Street furniture
	Cladding/Facade
	Landscaping/open spaces
	<b>Temporary</b>
	Performance
	Exhibitions
	Installations
	Text based work
	Hoardings
	Moving image
	Digital
<b>Interior commissions in publicly accessible buildings</b>	Sculpture
	Lighting
	Floor treatments
	Architectural glass
	Vinyls/Manifestations
	Artwork such as paintings, textiles & photography
	Furnishings

**6.3** Public art can also be used to aid wayfinding and can work well in development sites:

<b>Gateways</b>	To emphasis a sense of arrival into the borough or development sites on foot or by transport
<b>Markers</b>	A way of encouraging pedestrian and cycle routes though a specific area, highlighting areas of interest, travel times or a specific location
<b>Landmarks</b>	To create focal points and aid way finding
<b>Linear Artworks</b>	Embedded into paving/kerb detailing to aid way finding for pedestrians and cyclists
<b>View Points</b>	To appreciate location and views, highlighting sights and sounds in the area

## CASE STUDY

### Community Engagement

Events and activities

IN-SITE – Medway Council  
Commissioned artists – various

IN-SITE was an engaging and interactive public art project along Rochester Riverside. Before development began the participating artists undertook community engagement activity, involving communities that lived by and used the Riverside location.



Images courtesy of FrancisKnight

## 7 Community Engagement

**7.1** Key to any public art process is community engagement. Where applicable Maidstone Borough Council advocates that public art can be a platform for engaging with communities both existing and future alongside the commissioning process. A sense of ownership, public access and contribution to content development can be harnessed through artist engagement. The community can be involved in the public art process in a variety of ways such as:

- Inviting local stakeholders with an interest in the project to be on a public art steering group. The steering group can act as ambassadors for the project and provide vital connections and resources to assist artists in creating the final work
- Holding workshops to share skills and artist's talks to widen the knowledge of how an artist works.
- Running artist led activity or events to highlight the changes that will take place as part of the development.
- Inviting people to participate in creating an artwork, by generating ideas, working with local school children or colleges.
- Animating a place before construction begins with temporary artworks such as the use of hoardings around a development site.
- Holding a celebratory event to open a development or announce the arrival of an artwork.

## 8 Commission Timeframes

**8.1** A permanent artwork will be designed to last indefinitely but not less than 10 years. Maintenance will have to be factored into the commissioning process to allow the artwork to withstand the timeframe. A semi-permanent commission will have a life span of up to 10 years and could be in place whilst construction takes place. Temporary commissions usually have a life span of less than 5 years. Commissioning temporary interventions before development begins is a good way of animating a site before or during construction. Temporary commissions can include activity and events as part of community engagement and is a successful way of engaging with existing or new communities

### CASE STUDY

**Permanent artwork:** 'Elements' St Peters and Broadway Bridges, part of the Walk of Art program, Maidstone Borough Council  
Commissioned artist Peter Freeman

Light installation

Site specific light installation along the structures of two bridges creates reflections that visually connect and animate the space between them.



Image courtesy of Maidstone Borough Council

## 9 Themes

**9.1** Maidstone is the county town of Kent, England, 32 miles (51 km) south-east of London. The River Medway runs through the centre of the town, linking it with Rochester and the Thames Estuary. Historically, the river was a source and route for much of the town's trade as the centre of the agricultural county of Kent.

## Maidstone Town Centre & Urban Areas

**9.2** Maidstone has a colourful history shaped by battles, revolts, witches, mad priests and later, industrialists, brewers and Victorian benefactors. Understanding the story of Maidstone's industrial, cultural and historic heritage is an important aspect in defining the character of Maidstone.

**9.3** Historically, Maidstone grew up as a transport hub, where the Roman road linking Rochester with the port of Lympne crossed the confluence of the River Len and the River Medway, and where these important waterways could be forded or bridged. The rivers became both sources of power for milling and other industrial processes and transport conduits to London and further afield.

**9.4** The Saxon village that grew upon the banks of the Medway became a prosperous medieval trading station and its historic wealth is reflected in the fine collection of heritage buildings that characterize the town centre.

**9.5** Key industries that have thrived in the town include: thread making, paper making, barge making, milling, distilling and brewing, all of which made use of the river. A good deal of trade also passed through the town, including corn, hops, fodder, fruit, stone and timber. The quarrying of building stone around Maidstone has always been important and continues even today.

**9.6** For more information on the history and heritage of Maidstone, visit:  
<http://www.visitmaidstone.com/inspire-me/maidstones-history-and-heritage>

**9.7** The local history and social history collections at Maidstone Museum document the history and people of the area and include local industries, photography, printed ephemera and numismatics.  
<http://museum.maidstone.gov.uk/explore/collections/local-history/>

**9.8** Access to Kent's archives and local history can be found at the History and Library Centre. Visit:  
<http://www.kent.gov.uk/leisure-and-community/history-and-heritage/kent-history-and-library-centre>

**9.9** There are opportunities to focus public art as part of public realm improvements ensuring they retain and build upon Maidstone's cultural history and distinct identity. This should be reinforced through wayfinding and where possible commissioned public art which has a dual functionality such as street furniture (please also refer to the [Maidstone Town Centre, Public Realm Design Guide](#)).

## Villages and Hamlets

**9.10** Outside of the town centre boundary Maidstone has grown to incorporate villages and hamlets within its boundaries. The Local Plan defines these areas as Rural Service Centres and Larger Villages

Rural Service Centres, include:

Harrietsham

Headcorn

Lenham

Marden

Staplehurst

Larger Villages include:

Boughton Monchelsea

Coxheath

Eythorne Street (Hollingbourne)

Sutton Valence

Yalding

**9.11** New developments in these areas should include public art and bespoke elements in the public realm drawing inspiration from the distinctive character of each area. Local history societies provide a good source of images, documents and archives to enable artists to respond to.

### Artist Research

**9.12** Artist research is integral to public art development and themes should be set within an artist brief that draw on the character of a place. Themes should also set the context for public events and engagement programmes. The cultural and historic heritage of the borough should be utilised and inform the commission process.

**9.13** Themes could include references to:

- Place, expanding on the heritage and culture of a site
- Ecology, enhancing positive and distinct characteristics
- Location, exploiting its unique setting, viewpoints and vistas
- Communities and their connection to the area
- Eminent people who have lived or worked in the borough and have had an impact on the local, national or world stage.
- Industries that have thrived in the borough and contributed to different stages of the borough's development.

## CASE STUDY

### Permanent artwork:

Embedded text, seating

Genesis Housing Association

Commissioned artist Christopher Tipping

York stone steps with inset granite text and timber seating.



Images courtesy of Chris Tipping



## 10 Implementation and Obligations

**10.1** There are a number of good practice principles to be followed in respect of commissioning public art for new developments. Proposals should be discussed as part of any pre-application discussions with officers from the Council and early involvement of the local community, ward members and parish councils where appropriate. Artists should be brought on as part of a team working collaboratively with other professionals in the project/design team where their work is integrated into the scheme as a whole. Public art should not be seen as an 'add-on' or as an afterthought. Please see guidance on commissioning artists for the public realm.

**10.2** When considering the potential for public art works Maidstone Borough Council advise that an artistic advisor should be engaged as early as possible into the process. By exploring the commission potential at an early planning stage, appropriate public art commissioning can be conceived, approved and managed as part of the development timeframe.

### CASE STUDY

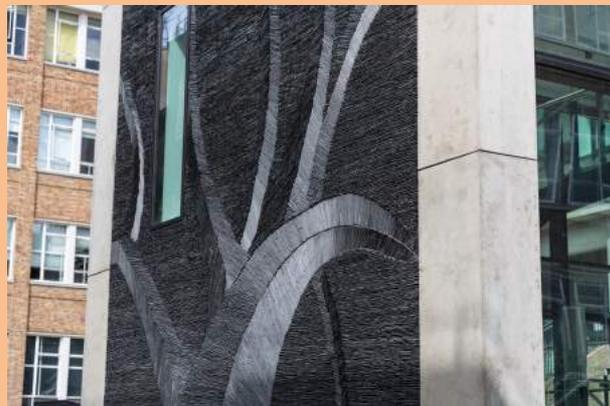
**Permanent artwork:** David Attenborough Building, Cambridge, 2016 – South Cambridge Authority. Commissioned artists Ackroyd & Harvey

New Build – Cladding and Entrance, embedded

The artwork is a cladding made up of slate and constructed from over thousands of layers of slate and built up to create an intense stratum visual effect, within the wall is discrete habitat spaces to attract a range of wildlife including bats, solitary bees, spiders and insects.

The artwork acknowledges both the history of the new Museums site as the original home to the botanical garden in the 18th century.

The material used in the artwork is a waste product from the roof tiling industry.



Images courtesy of Ackroyd & Harvey

## 11 Thresholds

**11.1** The provision of public art will be expected on site. If it is not practical to make provision for public art within the application site, a developer may be given the option of providing a contribution to public art in the vicinity of the application site or exceptionally, in another part of the Borough. Public art will generally be sought from development proposals that meet the following criteria:

Development Type	Proposal	Public Art Budget Calculation
Residential, office, retail, leisure, health and educational development and any other significant public building including <ul style="list-style-type: none"> <li>• New build</li> <li>• Redevelopment</li> <li>• Mixed use schemes</li> <li>• Changes of use</li> <li>• Conversions</li> </ul>	Net increase of 50 dwellings or more	A formula will be applied for developments. A budget for public art should be calculated at £3/m <sup>2</sup> of gross internal floor area. *
	Net increase of 2000 m <sup>2</sup> gross or more	
	Development where the site area is 1 ha or more	
	Significant public buildings in terms of visibility/landmark sites	

### 11.2 \* Rationale for Public Art Calculation

The principle of formulae was first advocated in the ODPM Circular on S106 Planning Obligations (2005)<sup>1</sup>. Since this time, various local planning authorities have introduced mechanisms to secure the delivery of public art through the development management process, including the London Borough of Croydon and Walsall Council. In setting the formula at £3m<sup>2</sup>, the Council has taken account of consultation responses received through the development of this guidance and the existing evidence on Local Plan viability. A further consideration, in setting both the formula and the thresholds, is the need for minimum budget to be sufficient to practically deliver meaningful public art measures.

## 12 Spending Public Art Contributions

**12.1** Once a budget for public art has been allocated it can cover the following:

- Advertising and selection costs
- Artist's design fees
- Exhibition costs
- Artist commission fee
- Materials and fabrication costs
- Travel
- Insurance and public liability
- Installation costs
- Transport and security costs
- Professional fees and legal costs
- Publicity, documentation and inauguration costs
- Contingency, possibly 10% of overall cost
- Evaluation costs.

<sup>1</sup>[Circular 05/2005 Planning Obligations](#)

## CASE STUDY

**Permanent artwork:** Frodsham Street, Chester and Chester West Local Authority  
Commissioned artist Katayoun Dowlatshahi  
Street Furniture, embedded artwork

Feature bollards referencing the surrounding buildings, heritage and canals.



Images courtesy of Katayoun Dowlatshahi

### 13 Public Art Provision

**13.1** Public art should be site specific and can be a cost effective way of adding value to existing budgets such as marketing, way finding and landscaping. When assessing a contribution, developers will be expected to demonstrate how public art will be incorporated into their scheme that reasonably relates to the scale, location and use of the site.

**13.2** Public art should form part of an holistic approach, with concepts being an integral part of a building or its setting. Where a site is expected to be delivered in phases, the developer will be expected to present a public art plan for the whole site.

**13.3** Artists, where appropriate, should work in consultation with the local community as outlined in community engagement.

**13.4** Commissioned artwork should be of a high quality and represent good value for money. Artists and crafts persons should be paid at professional rates, appropriate to the commission.

**13.5** Normal high standards of design and finish in the development should not be considered as an adequate substitute for unique pieces of work produced by professional artists.

**13.6** Commissioned artworks should be accessible to the whole community and in public view wherever feasible.

## 14 Application Process

### 14.1

Stage	Applicant	Maidstone Borough Council
<b>Pre-application</b>	<p>Consider the need for public art against the thresholds set out in this document.</p> <p>Consider an artist as part of the design team/masterplan stage.</p> <p>Scope content for Public Art Delivery Plan and potential public art.</p> <p>Note: A freestanding commission may require a separate planning permission.</p>	<p>During discussions, advise applicant of relevant guidance &amp; expectations.</p> <p>Advise applicant that specialist advice could help with briefing, selecting and appointing artists.</p> <p>Advise applicant to involve the local community, ward members and parish councils where appropriate.</p>
<b>Application submitted</b>	<p>Submit a Public Art Delivery Plan. This could be included as part of the Design and Access statement or as a separate document.</p> <p>Include full description of the commissioning process, detailed proposals for involving artists, budget and maintenance details. (See below for further details).</p>	<p>Advise applicant to submit a Public Art Delivery Plan as part of the planning application supporting information. The Plan will be considered as part of the application.</p>
<b>Application determined</b>	<p>Where a Public Art Delivery Plan has not been approved with the application, an acceptable Plan will need to be submitted and approved after the application is determined.</p>	<p>If an acceptable Public Art Delivery Plan has been submitted with the application, the Plan will be approved as part of the planning consent.</p> <p>If it is not included in the application, the requirement to prepare and submit a Public Art Delivery Plan will instead be subject to a condition* to discharge public art requirements.</p>
<b>Commission &amp; delivery</b>	<p>Start commissioning and selection process.</p> <p>Select and or commission artist/s for public art</p>	<p>For very significant / landmark sites, the Council will consider being included as part of any artist selection panel on a case-by-case basis</p>

### 14.2 \*Condition Example:

Prior to the commencement of development above DPC level, a written statement of public art to be provided on site in the form of a Public Art Delivery Plan shall be submitted to the local planning authority for approval. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

### 14.3 Reason;

In the interests of the good planning and place making/shaping in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

## 15 Public Art Delivery Plan

**15.1** A Public Art Delivery Plan should be submitted alongside planning applications. The following are details that applicants should consider including in a Public Art Plan. There may be some variation in detail depending on whether the application is in outline or in full.

### 15.2

- Description of the relationship between the public art plan and the relevant policies outlined in this guidance.
- Description of the site wide approach to be taken to public art including key locations, connectivity and information on form, themes and materials.
- Details of the selection and commissioning process for public art.
- Indicative timescales for the public art commissioning process.
- Indicative budget allocations for the delivery of public art
- Indicative details of ownership, maintenance and de-commissioning of public art.
- The artist brief
- Details of community/ward member engagement.

## CASE STUDY

**Permanent artwork:** Finberry Village, Ashford, Kent - Ashford Borough Council  
Commissioned artist Bruce Williams

Housing Development – Large-scale sculptural artwork

Finberry is a new village development by Crest Nicholson consisting of a mix of housing, community centre, sports facilities, play areas and a new primary school. Large-scale sculptural artworks create a sense of arrival for the developments approach. The work reflects on the rural environment and the wild life that inhabits the area.



Image courtesy of Bruce Williams

## 16 Developer Guidance

### Commissioning Artists for the Public Realm

**16.1** There are various ways to engage an artist. Writing a clear precise artist brief will help to attract the right artist. An artist brief should include, length of commission, material required, artist fee and budget, Maidstone Borough specific themes, background to the context of the commission, maintenance, insurance and decommissioning criteria. The artists brief should not be prescriptive, leaving the exact nature of the artwork to the artist's creative expertise, but having regard to any design guidance that is relevant. Where possible artists should be from Kent or the South East area.

### Open Call

**16.2** Placing an advert on specialist art websites can attract the right artist. Digital images or links to websites are submitted, with decision made on performance and quality of past and potential of work at interview. This can be a lengthy process and takes up a lot of management time but is a good way to discover artists based in the borough, Kent or the Southeast.

### Limited call out

**16.3** A number of artists are invited to respond directly to the brief in the form of a proposal. Artist are chosen on the strength of their work and approached to apply. This is a quicker process and more direct. Knowledge of artist work is vital when choosing this method. A decision is made on performance and quality of past and potential of work at interview.

### Direct approach

**16.4** An artist is approached directly through advice from specialist advisor. This is a quicker process and direct. Knowledge of the artist work and suitability for the project is vital when choosing this method.

### Interviewing

**16.5** When choosing artists for a commission it is recommended that interviewing will produce the right environment for an open and inclusive selection process.

### Stakeholder

**16.6** Involving others in the appointment of artists can be beneficial to the commission outcome. For example a steering group maybe appropriate for a large development at the higher end of the threshold. This could include members of the development team, local community representatives, council officers and specialist art advisor. Selection panels should be properly briefed and clear guidance be given on their responsibilities and the extent of their influence. At the lower end of the threshold the minimum requirement would be local community representatives, including parish councils where appropriate.

### Contracting

**16.7** On appointment of an artist/s a contract should be drawn up that includes agreed fees, budgets and timetable, defects and maintenance regimes, insurance and decommissioning agreements. This mutually agreed contract should also include details on the moral rights of the artists, attribution and acknowledgment, copyright and reproduction rights.

## CASE STUDY

**Permanent artwork:** 'The Double Helix', DNA, Millennium Park, Maidstone Borough Council  
Commissioned artist David Annand

Sculpture

Site specific steel sculpture 60 yards long and 10 feet high



Image courtesy of Maidstone Borough Council

## 17 General Artist Specification

**17.1** Artists should be considered from a range of disciplines with the following qualities:

- Competent with a track record of producing high quality original artwork in the public realm with a minimum 5 years experience.
- Experience of working with a wide range of audiences on community engagement or education and outreach as part of a project.
- Successfully devising public artworks considered by clients as fit for purpose, cost effective and free of maintenance complications and on deadline.
- Valid insurances including Artist Professional Indemnity and Public Liability
- DBS check (if applicable) or willingness to undertake this.

**17.2** The final choice of artist/s to be commissioned should be the responsibility of the commissioning agent or developer, but they should be encouraged to seek advice from public art experts and to involve and consult the local community.

## 18 Maintenance of Artwork

**18.1** Maintenance requirements for any artwork should be provided by the artist and agreed with the commissioner. A maintenance plan should include details on the type of care that the materials and design requires. Cleaning, wear of materials, specialist equipment or treatments such as anti vandalism requirements should be included. On completion of installation the maintenance and cleaning of the work falls under the responsibility of the commissioner, or their successor in title.

## 19 Insurance

**19.1** Through out the commission process the artist is required to have adequate insurance cover that includes public liability insurance with appropriate cover against risk of loss or damage to the work during research and development, consultation, production and installation. On completion of installation the insurance of the artwork falls under the responsibility of the commissioner. This should be budgeted as part of the overall commission.

## 20 Decommissioning

**20.1** The continued integrity with which an artwork has been commissioned can over time become compromised through changes in use, character or design of a site for which the artwork was commissioned. Physical deterioration of the artwork, costly repairs or damage beyond repair can also affect the work. If this cannot be resolved through restoration, removing the work maybe the best solution. Artist's contracts should include decommissioning agreements with criteria to be considered for decommissioning, detail life expectancy, review periods and maintenance agreement.

## CASE STUDY

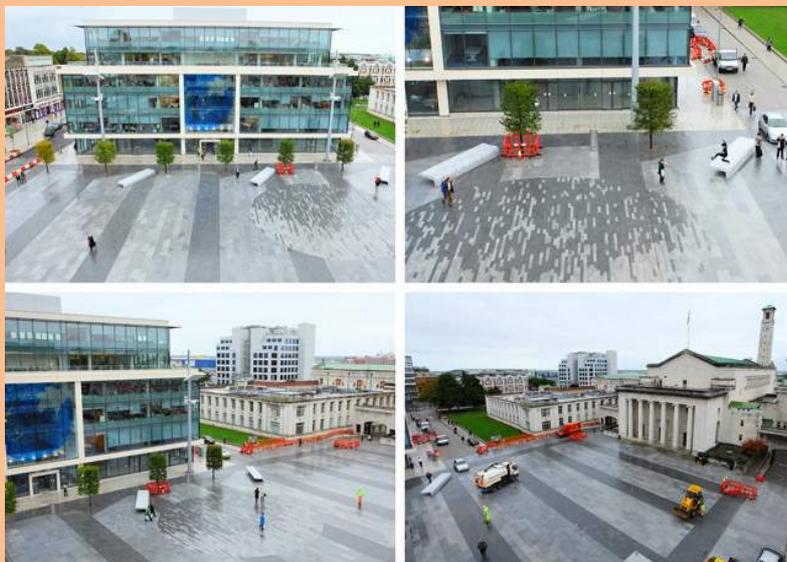
**Permanent artwork:** Guildhall Square, Southampton - Southampton Council  
Commissioned artist - Chris Tipping.

Public civic space, embedded art, street furniture

The artwork within the public realm focuses on movement, performance and light.

Granite paving detail, bespoke polished cantilever concrete benches with inset text feature quotes relating to the history of the Guildhall.

Glass atrium artwork also compliments the adjacent building that fronts onto the Guildhall Square.



## 21 Review and Monitoring

**21.1** The Public Art Material Guidance was approved in 2017. To support the provision of public art within the borough, the delivery of high quality public art will need to be monitored and reviewed against a set of indicators. Delivery will be assessed using planning application information and reported as part of Strategic Planning on a biannual basis. Indicators will include:

- Number of qualifying developments;
- Number of qualifying applications where public art was delivered successfully;
- Sum allocated on successfully delivered public art schemes;
- Number of qualifying applications where public art was not successfully delivered

Information gathered as part of this process will provide supporting evidence for the consideration of a public art policy when the Maidstone Borough Local Plan is next reviewed.

## 22 Acknowledgements

**22.1** Further Information:

### **One Maidstone**

One Maidstone is a Community Interest Company that is dedicated to improving the trading environment in Maidstone and in so doing enhancing the town centre for residents and visitors.

### **Maidstone Borough Council Developers Group**

**22.2** The Maidstone Developers Group meet biannually to hear updates and share news with Maidstone Borough Council.

### **Town Centre Strategic Advisory Board**

**22.3** The Maidstone Town Centre Strategic Advisory Board is made up of representatives from the private and public sector. The board's role is to support partnership working, stimulate investment and bring forward development in Maidstone town centre.



**STRATEGIC PLANNING,  
SUSTAINABILITY &  
TRANSPORTATION COMMITTEE**

**7 NOVEMBER 2017**

**PLANNING REVIEW UPDATE REPORT**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability & Transportation Committee
<b>Lead Head of Service</b>	Director of Regeneration & Place
<b>Lead Officer and Report Author</b>	Director of Regeneration & Place
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. The contents of the Planning Review Update Report be noted.

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

**Timetable**

<b>Meeting</b>	<b>Date</b>
Committee – Strategic Planning, Sustainability & Transportation	7 November 2017

# PLANNING REVIEW UPDATE REPORT

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides the Strategic Planning, Sustainability and Transportation Committee (SPS&T Committee) with the findings of the IESE review (as set out in the Exempt Appendix to this report) that commenced in February 2017 and concluded in June 2017. This report also sets out the high level recommendations for improvement, as suggested by IESE, and also the progress that has been made to date with the implementation of these.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 In the summer of 2016, the CEO and Leader of the Council requested that this review be undertaken, and so a project team was created to prepare a brief to include the various lines of enquiry. This brief was approved by this Committee on 8th November 2016 (the report to SPS&T is provided as Annex 1), and at the same time gave authorisation for the review to be commissioned and undertaken.
- 2.2 A mini-tender was duly undertaken and the successful bidder was IESE, for a fee of £37,000 plus VAT and expenses, which was to be drawn from the Council's transition fund monies, which is set aside for projects such as this. The review was undertaken by IESE staff based at Maidstone House between February and April 2017. To form their opinions and recommendations, IESE undertook the following;
- Shadowing of some planning staff
  - Interviews with all planning staff
  - Interviews with local authority stakeholders (KCC and Swale)
  - Interviews with developers / service users
  - Member workshop
  - Parish Councillor interviews
- 2.3 IESE presented their initial findings to the Corporate Leadership team on 9th May 2017. Following this briefing sessions were held with the Chairs of SPS&T and Planning Committees on 19th June 2017 and then with the Vice Chairs of these Committees on 22nd June 2017. IESE issued their draft report on 25th June 2017, which contained findings and recommendations, and this was shared with all the staff by way of a presentation by the report author on 5th July 2017.
- 2.4 In simple terms the findings suggested improvements could be made to two key areas;
- Staffing structures.
  - System and processes.

2.5 In terms of improving the staffing structures, the preference from the department managers was that the staff should be presented with different options that they could explore within a workshop setting led by the managers with support from the Human Resources team, and ultimately then make a collective preferred choice for the managers to consider, refine and then implement. The workshop took place in July, with a new team structure within Development Management selected to best address the shortfalls identified by IESE, and this was followed by a short period of informal staff consultation whereby staff were invited to state their preferred team within which they would like to work, and any specific roles appropriate to their existing grade and title for which they would like to be considered. This process was completed during the first week of September and was fully implemented in week commencing 16th October 2017.

2.6 The summary findings report produced by IESE is included as an annex 2 to this report (within the yellow pages). Within the recommendations it set out three different scenarios;

- Option 1 – Status Quo.
- Option 2 – Improve.
- Option 3 – Transform.

2.7 The Corporate Leadership Team (CLT) preferred the Improve option, and so the ideas around how to improve have been jointly developed by IESE, the CLT, the department managers and the planning staff. Option 1 would obviously not have addressed the weaknesses identified whilst option 3 was considered to be overly disruptive at Head of Department level, effectively suggesting that three of our Head roles (Planning & Development, Housing & Communities and Regeneration & Economic Development) be consolidated into one. The CLT felt that such a loss of capacity at Head level would be an unacceptable risk, especially given the breadth of work that the three Heads all undertake.

2.8 Therefore, in terms of the recommendations from IESE, these are all set out within the summary report, and these will be followed up and implemented as appropriate. However, the whole process has been invaluable inasmuch that it has opened up a huge amount of dialogue between myself, the Head of Planning, Managers and the staff, as to how to shape and deliver the service and department, so as to maximise the resources that are at our disposal and service delivery that is technically sound, efficient and customer focussed. Therefore, the direction of travel can be summarised as follows;

<b>Strategic Planning</b>	<p>This was demonstrated as being a very strong team, buoyed by the successful progression of a number of key strategic projects including the Local Plan. Accordingly, the plan is to build upon these strengths and successes and to create a progressive agenda around the following;</p> <ul style="list-style-type: none"> <li>• The commissioning of design briefs and / or masterplans for allocated sites as well as other opportunity areas that could come forward as</li> </ul>
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	<p>part of the Local Plan review or the next plan period.</p> <ul style="list-style-type: none"> <li>• As part of the above, scope the merits and feasibility of a garden village settlement for the next Local Plan, post 2031, so that it can be evaluated against other possible delivery strategies.</li> <li>• To lead the introduction of the Community Infrastructure Levy with a focus upon strengthening relationships with a number of key partners, to include KCC, so as to maximise the delivery of new infrastructure for the borough.</li> <li>• Ongoing policy development.</li> <li>• Continuing to facilitate the creation and adoption of further Neighbourhood Plans.</li> <li>• Subsuming the Business Management unit, that until now has been a cross department support function comprising three staff. The Business Manager role will be retitled to "Planning Projects and Delivery Manager" and this resource will now be focussed upon delivering first class project management to support a number of place shaping projects, effectively bringing more front line expertise and resource to this part of the service. Accordingly most of the back office elements of the role will now transfer to Mid Kent Planning Support with the rest distributed amongst the remaining department Head and Managers. The Planning Technical officers will continue to be cross departmental, providing technical administrative support to all four teams.</li> </ul>
<p><b><u>Major Developments</u></b></p>	<p>Until now, Maidstone has just had a single Major Projects Officer, and so realistically this individual has not been able to take a lead on all the larger planning applications in the borough. Furthermore, the feedback from developers and housebuilders signalled a need for more resource and consistency in this area, so that applications can be processed faster, perhaps through Planning Performance Agreements (PPAs). Accordingly the Officer role has been retitled to that of Major Developments Manager, and will be supported by two Principal Planning Officers (from existing resource). The new team will be charged with working proactively and positively with developers and housebuilders, and will work exclusively on the following;</p> <ul style="list-style-type: none"> <li>• All major applications of &gt;40 residential units.</li> <li>• All major commercial property applications.</li> <li>• All associated pre-application work but with a focus upon developing the PPA offer.</li> <li>• All associated appeals.</li> </ul>

	<ul style="list-style-type: none"> <li>• Brownfield sites of 10+ residential units.</li> <li>• Line managing the Heritage, Landscaping &amp; Design service.</li> <li>• Supporting cross cutting corporate projects.</li> </ul>
<p><b><u>Development Management</u></b></p>	<p>Without doubt, Maidstone has incredible expertise in this area, not more so than at Manager level. However, the breadth of work across the area coupled with the volume of applications has meant that this area has become most stretched, with the manager having excessive line management responsibilities relative to the other managers in the planning service. Accordingly some of the work and staffing resource will transfer to the Major Developments team, and the Development Management will have a narrower brief, as follows;</p> <ul style="list-style-type: none"> <li>• All major applications of &lt;40 residential units.</li> <li>• All minor applications.</li> <li>• All miscellaneous applications (excluding trees)</li> <li>• All "Others" / Householder applications.</li> <li>• All associated appeals.</li> <li>• All planning enforcement work except that being handled through the Community Protection team.</li> </ul> <p>Within Development Management there will be three teams as follows;</p> <ul style="list-style-type: none"> <li>• Majors (&lt;40) and Minors team, led by Principal Planning Officer.</li> <li>• "Others" / Householder team, led by a Senior Planning Officer.</li> <li>• Enforcement, led by Senior Planning Officers.</li> </ul>
<p><b><u>Summary</u></b></p>	<p>Based on the evidence from IESE, particularly in terms of feedback from the developers and housebuilders, there is a need to separate the high value / low volume work from that of the low value / high volume work, giving more experienced and expert staffing resource to the former to effectively focus upon the delivery of the emerging Local Plan.</p> <p>The allocation of work between the Major Development and Development Management teams may of course need to flex from time to time, and it is probable that the Development Manager may retain a very small portfolio of larger applications reflecting his role in the Development Management process.</p> <p>The analysis from IESE identified dissatisfaction from both service users and planning staff about the use of extensions of time when processing planning</p>

applications. This reliance has in part arisen as more applications are being received than determined on a month to month basis, and on balance the introduction of more clearly defined specialist teams is seen as part of the solution to address this situation.

IESE were asked specifically to explore whether the staffing resource within the planning department was adequate for the work. They were clear that it was, but productivity was lower than it could be because of weak systems and processes in the main areas of Development Management, resulting in higher than necessary levels of failure demand, and associated levels of dissatisfaction from customers and staff alike. This fact came through strongly from staff feedback along with a clear appetite for change in terms of improved systems, procedures and staffing structures.

To help design and embed these improvements, a specialist change management consultant has been hired to support the Development Manager for a three month period, commencing at the beginning of October 17, and the report author will work closely with them too. The specific processes to be refined are all set out within the IESE report.

Furthermore, referring back to the past imbalance between applications received and determined, the CLT has authorised additional staffing funding to Development Management through to 31<sup>st</sup> March 18 to extend contracts, and review again at this point to be paid for from surpluses accrued from the planning service in years previous.

The resultant structure does not and is not intended to generate staff savings in the short term but rather make the best use of the staffing resource available so as to improve the quality of the services offered and to relieve the pressure on staff. However, it is possible that the changes could yield staffing savings in the long term, by improving the productivity of the planning officers, and also, the overall demands on the service may well start to reduce once the Local Plan is adopted.

It is also designed in such a way that the Head of Planning and Development will have more capacity to help shape and launch the new Major Developments team, and so that his role can be more outward facing, to developers and housebuilders, who we now know really expect and

	value this input at the front end of the process.
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2.9 To conclude, this has been a thorough and interesting process. The input from IESE has been invaluable, but the direction of travel set out has very much been developed collaboratively over the past three months, and has also been informed by discussions with peer organisations, stakeholders and Members too.

2.10 Realistically, given the finite resources at our disposal, there is a need to create more of commercially minded, creative, and possibly a more pragmatic approach to how we work, and as such there cannot be a fixed start and end to this project. However, the work undertaken by IESE showed clearly how our service is viewed by those who use it and by the staff that deliver it, and it is very much the intention to revisit these two simple perceptions in 12 months, to ensure that a positive journey of continuous improvement is underway. In the meantime, it should also be noted that all the staff have worked extremely hard to maintain performance throughout the review period, and have all contributed positively to the process.

2.11 Furthermore, positive progress has already been on a number of fronts, as follows;

- The speed at which S106 agreements are being processed has increased markedly, with what was once a considerable backlog of unsigned agreements now eradicated.
- The style and brevity of Planning Committee reports have been improved.
- A modest but consistent reduction in overdue applications.
- There have already been improvements in how MBC and KCC officers are collaborating on Highways and other infrastructure issues and this progress was cemented at an externally facilitated workshop held on 26th September 2017.
- A closer working relationship between Planning and Economic Development has been created, with both departments now co-located on the 5th floor at Maidstone House.
- A new Community Protection Team has been created within the Housing & Communities Department led by John Littlemore. This new team is drawn from existing resources within that department, as well as Planning and Environment & Street Scene. This new team was launched in July 2017 and is bolstering our approach to MATRIX type casework.
- The Strategic Planning Team led by Mark Egerton is already building their ambitious programme of place shaping projects, to include such initiatives as the Tri-Study (Parking, Bus Station and Park & Ride) and the Town Centre Study (looking for opportunity areas for housing and mixed use regeneration and growth).
- The Head of Planning & Development has already commenced a programme of engagement, to include a series of breakfast meetings with senior figures from the housebuilding and development sectors, exploring ideas as to how to improve the planning application process for larger developments.

- The notion of the more widespread use of Planning Performance Agreements is being developed, with a successful Member workshop on the topic having taken place in the summer.
- The exploration of putting in place a OJEU compliant framework of planning consultants that can be called upon to process applications on our behalf, during periods of high demand on the service.

### **3. AVAILABLE OPTIONS**

3.1 This report is for information only.

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

4.1 Not applicable.

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

5.1 None.

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

6.1 Following a mini tender exercise where proposals were invited from iESE, Solace and Samrai Management Ltd, the latter has been appointed to work with the report author and the Development Manager to implement the system and process improvements. Mandy Samrai commenced work with the team on 2<sup>nd</sup> October 2017 for a 3 month period to conclude this area of the iESE recommendations.

### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The best possible Planning service will underpin all the Corporate objectives and of course the delivery of the emerging Local Plan.	Chief Executive. Alison Broom
<b>Risk Management</b>	N/A	
<b>Financial</b>	The service review has evidenced best practice in getting value for money and identified opportunities for efficiencies within the service. The actions outlined in the report will help to address the factors that have led to	Section 151 Officer Mark Green

	overspends on staffing in Development Management and will indicate areas for further efficiency improvement.	
<b>Staffing</b>	It is important that the review is welcomed by all the Planning staff, and that it is handled sensitively, so that staff morale is maintained and that they will ultimately own and implement the deliverables.	Head of Planning. Rob Jarman
<b>Legal</b>	It will be important to involve the Legal team who deal with planning matters in any review of processes, such as s106 agreements, managing appeals and inquiries etc.	Interim Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	N/A	
<b>Environmental/Sustainable Development</b>	The review will build mechanisms into the planning process to embed high quality design, both in visual terms as well as in terms of sustainability.	Head of Planning. Rob Jarman
<b>Community Safety</b>	N/A	
<b>Human Rights Act</b>	N/A	
<b>Procurement</b>	The external consultant will be procured in accordance with the Council's standing orders.	Section 151 Officer. Mark Green
<b>Asset Management</b>	N/A	

## 8. REPORT APPENDICES

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

- Appendix I: Report to SPS&T of 8 November 2016.
- Exempt Appendix: Maidstone Borough Council High Level Planning Review: Findings and Recommendations – Summary Document

## Strategic Planning Sustainability & Transport Committee

## 8<sup>th</sup> November 2016

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Planning Service Review

<b>Final Decision-Maker</b>	Strategic Planning & Sustainability & Transport Committee
<b>Lead Head of Service</b>	N/A
<b>Lead Officer and Report Author</b>	William Cornall – Director of Regeneration & Place
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. The committee is requested to note that the review will commence in January 2017, to be completed with the recommendations implemented by 30<sup>th</sup> June 2017.

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all – An exemplar planning service is integral to this objective, by maintaining and enhancing the built environment and public realm.
- Securing a successful economy for Maidstone Borough – An exemplar planning service will ensure developers will choose Maidstone as a location in which to invest.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Committee – Strategic Planning Sustainability & Transport	8 <sup>th</sup> November 2016

## Planning Service Review

### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 A review of the Planning Service is required as a mechanism for continuous improvement for the Department, and also to ensure that the service provides ongoing value for money to the Council and the end user, as well as to ensure that customer expectations are met.

### 2. INTRODUCTION AND BACKGROUND

- 2.1 A small working group of Officers from the Corporate Leadership Team, Planning and the Business Transformation teams has been formed to scope the service review. Collectively, the working group felt that there were the following **drivers for change**;

- Costs of the service exceed income.
- High volumes of appeals and associated costs.
- A possible disconnect between Development Management & Planning Policy teams.
- A need to improve customer satisfaction and to manage expectations.
- A need to improve the overall quality of new completed developments.
- The Housing & Planning Act 2016, bringing private sector competition.
- The need to fund infrastructure to support growth.
- Difficulties in recruiting and retaining Planning staff.
- A low risk appetite in terms of decision making.

- 2.2 Furthermore, the working group felt that the **desired outcomes** from the review would be as follows;

- Value for Money, narrowing the gap between income and expenditure.
- Customer satisfaction (from service users) is increased.
- Planning is fully engaged with strategic corporate objectives.
- Applications are policy compliant upon receipt.
- More applications processed with consistency and certainty via Planning Performance Agreements.
- Appeal volumes are reduced.
- Infrastructure delivery is maximised through CIL, s106 & s278.
- Strategies / SPD's are concise, easily readable documents.
- High quality design and place shaping are embedded within the service.
- Planning staff are always proactive, collaborative and commercially astute.
- Planning is a trusted service for applicants, developers elected members and the public, with easy and effective engagement between stakeholders.
- Improved resilience across the department.
- Points of current service failure are removed.
- A coherent communication strategy around growth.
- Improved usage of IT / Customer Relationship Management systems.

2.3 The working group decided that the following service areas **should be within the scope of the review;**

- Fees and other income / business management.
- Pre-application service to include fee incentives.
- Planning Performance Agreements.
- Development management to include larger applications.
- Strategic Planning.
- Planning administration / shared services support.
- Enforcement.
- Section 106 / CIL management and maximisation.
- Specialisms - Heritage, Conservation, Trees.
- Public engagement and public relations.
- Style & content of reporting.
- Exploration of outsourcing / commissioning / shared service opportunities.
- Department staffing structure, to include management.

2.4 The working group decided that the following service areas **should be outside the scope of the review;**

- Land charges
- Building control
- Emergency Planning

2.5 The working group considered that the various **stakeholders** pertinent to the review would be as follows;

- Chair and Vice Chair of Strategic Planning, Sustainability & Transport Committee.
- Chair and Vice Chair of Planning Committee.
- Members.
- Parishes.
- Department Management Team.
- CEO.
- Kent Developers Group.
- Swale Borough Council (in the context of the Planning Registration shared service).

2.6 The author has already met with the Chairs and Vice Chairs of the Strategic Planning, Sustainability & Transport Committee and the Planning Committee, all of whom welcomed the review, and have input into the scope detailed in this report.

2.7 The other stakeholders detailed will be engaged through a number of mechanisms to include workshops, surveys or interviews.

2.8 The working group agreed a clear set of deliverables that they would desire from the review. Furthermore, of these deliverables, it was all agreed which could be undertaken by the Council's own Business Transformation team, and which we would require external expertise to complete. The external work will largely be undertaken by a specialist Planning advisor, but one that has a focus upon service innovation rather than a technical planning specialist. We have agreed that the following three firms will be invited to bid for this work:

- iESE
- Association for Public Service Excellence (Apse)
- Society of Local Authority Chief Executives (Solace)

2.9 Park Sims Training, a niche communications training firm who specialise in plain English will undertake the review of the reporting formats, contents and protocols, as this is only a relatively small part of the overall assignment. They have worked successfully with other council departments previously, with excellent results.

2.10 **Therefore, the deliverables will be as per the table below:**

<b>Deliverable</b>	<b>Undertaken by whom</b>
To undertake a stakeholder audit.	Business Improvement.
To undertake an exercise of stakeholder engagement / consultation.	External
Vision statement for the Planning Service.	External
Forecasting / analysis of future department workload.	Business Improvement
High level process maps for all key service areas.	Business Improvement
Recommended staffing structure to effect changes.	External & Business Improvement
Recommended areas for commissioning/ procurement type approach.	External
Recommended commissioning protocols.	Procurement team
Recommended fee and time scales.	External & Business Improvement
Recommended reporting formats, content and protocols.	Park Sims Training

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### **3. AVAILABLE OPTIONS**

**3.1** The committee is requested to note that the review will commence in January 2017, and that the procurement of the external consultant will be undertaken before then. The review will be completed with the recommendations implemented by 30th June 2017.

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

4.1 The only option is 3.1.

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

5.1 As discussed previously, the Chairs and Vice Chairs of the two planning committees have been consulted with, as well as the Leader of the Council and the Chief Executive.

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

- 6.1 All Members of both planning committees will be involved in the workshop/s that will be held and the progress made with the review will be formally reported to both committees at the midpoint.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The best possible Planning service will underpin all the Corporate objectives and of course the delivery of the emerging Local Plan.	Chief Executive. Alison Broom
<b>Risk Management</b>	N/A	
<b>Financial</b>	The service review will evidence best practice in getting value for money and could identify opportunities for efficiencies within the service. It may therefore help to mitigate the factors that are currently leading to overspends within Development Management.	Section 151 Officer Mark Green
<b>Staffing</b>	It is important that the review is welcomed by all the Planning staff, and that it is handled sensitively, so that staff morale is maintained and that they will ultimately own and implement the deliverables.	Head of Planning. Rob Jarman
<b>Legal</b>	It will be important to involve the Legal team who deal with planning matters in any review of processes, such as s106 agreements, managing appeals and inquiries etc.	Interim Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	N/A	
<b>Environmental/Sustainable Development</b>	The review will build mechanisms into the planning process to embed high quality	Head of Planning. Rob Jarman

	design, both in visual terms as well as in terms of sustainability.	
<b>Community Safety</b>	N/A	
<b>Human Rights Act</b>	N/A	
<b>Procurement</b>	The external consultant will be procured in accordance with the Council's standing orders.	Section 151 Officer. Mark Green
<b>Asset Management</b>	N/A	

## 8. REPORT APPENDICES

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

None.

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## 9. BACKGROUND PAPERS

None.

# Agenda Item 24

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

Document is Restricted

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

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