

Respondent No.:

Date Received:

Ack. Date:



RESPONSE FORM

DEVELOPMENT AND INFRASTRUCTURE – CREATING QUALITY PLACES

Please use BLOCK CAPITALS and complete in dark ink. Copies of this form may be obtained by telephoning (01622) 221927, from the website at www.kent.gov.uk/kentdeveloperguide or this form may be photocopied.

1. YOUR CONTACT DETAILS	
Are you acting on behalf of another organisation, for example as an agent? If YES, please complete parts 1.a) and 1.b). If NO, just complete part 1.b)	No
Part 1.a) Name of the organisation you or your company are representing:	
Part 1.b) Name and address to which correspondence should be sent:	
Your Name: Ian Bailey	
Your Position: Planning Policy Manager	
Your Company/Organisation: Tonbridge & Malling Borough Council	
Your Address: Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent	
	Postcode: ME19 4DX
Daytime Telephone: 01732 876061	E-mail: ian.bailey@tmbc.gov.uk

2. YOUR COMMENTS		
Section of the document your comment refers to:	Page number:	Your comment:
The whole document	All	<p>The document acknowledges that it is a framework which KCC will use to work with Districts and developers to deliver community infrastructure and emphasises the importance of developing joint innovative and pragmatic solutions during challenging economic circumstances (p.5). It also recognises that the community infrastructure addressed in the document is that delivered by KCC (i.e. schools, adult social care, community learning, libraries and youth) (p.4).</p> <p>This response therefore recognises that the draft framework is written in the form of a bidding document for those elements of infrastructure that KCC is responsible for delivering and should be seen as a starting point for more detailed discussions and negotiations with Districts, other service providers and developers to ensure that <u>all</u> infrastructure needs are addressed. Full account also needs to be taken of the economic viability of future developments and importantly ensuring that development itself properly addresses policy requirements, particularly on matters such as affordable housing which may have an impact on such assessments.</p> <p>The more specific comments made below are made in the context of this general point.</p>

The whole document	All	The document does not take into account the implications of the Localism Act insofar as local communities have been empowered to bid to run services, own existing (and build new) facilities. It is too early to say whether any of the local communities in Kent will exercise these new powers, nor what the consequences may be for overall service delivery if they do, but there should be some recognition that future of infrastructure delivery will tend to be driven from a 'bottom up' rather than a 'top down' approach, or as a minimum, that local communities will have more influence in future. There needs to be recognition also that a 'meaningful proportion' of CIL will be passported directly to local communities and will therefore not be part of the disposable spend on wider community infrastructure.
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Comments Box is continued..

2. YOUR COMMENTS contd.		
Section of the document your comment refers to:	Page number:	Your comment:
Omission	N/A	<p>The document is silent on the need for infrastructure contributions for Highways. The Executive Summary at page 4 notes that the document is intended to replace the KCC Developer's Guide (2007, updated 2008), which noted in respect of Highways that:</p> <p>'..however , in line with other County Councils the Kent Highways Service is developing a simpler tariff approach for development contributions that will apply to all developments....Details of this tariff scheme will be consulted on as soon as possible. Until the tariff has been consulted upon please contact KHS to discuss your proposals.'</p> <p>The legislation introducing the Community Infrastructure Levy (CIL) negates a tariff approach, so this advice may now be out of date. Whatever the favoured approach, the document should make clear what the County's proposals are in respect of Highways infrastructure?</p>
Executive Summary	4	The framework looks to a time horizon of 20-25 years. The National Planning Policy Framework suggests that Local Plans should cover a period of 15 years. Perhaps for consistency the Framework should adopt the same?
Part 1: Vision, Section 2	5	The first paragraph refers to the scale of expected development in Kent by using housing targets set out in the South East Plan as an illustration. Although only an illustration, the following text should explain that the South East Plan is to be revoked following the publication of the Localism Act and that it will be for Districts to decide their housing targets in future, which could be significantly different to those set out in the SEP.
Provision	6	<p>References are made to the community hub concept offering shared space for services in the same buildings. While the concept may remain sound but defined on a locality basis, the cost of delivering facilities such as the Bridge Community Campus at Dartford (completed in 2009 for approx £8m) does raise questions of viability. Importantly, to secure contributions a specific project must be identified.</p> <p>Ongoing reviews of the way in which services will be delivered in future, such as the Library and Youth Services, bring into question whether the space requirements of these services are still justified in terms of a hub model.</p>
Funding Sources	6	<p>Eight potential funding sources are listed as bullet points, but only four are accompanied by supporting text on the following pages. This should be expanded if only to highlight the practical constraints that exist in accessing such funding.</p> <p>In particular, some of these funding sources will be managed by Districts and allocated according to local priorities across the whole range of local community infrastructure needs. . In addition, the Government is considering measures to allocate a proportion of CIL to the communities in which developments are located. These constraints are not clear from the wording of the document, which suggests a greater level of discretion at the County level</p>

		than might prove to be the case in practice.
CIL	7	<p>The first paragraph states that where introduced, CIL will effectively replace S106. Although this is effectively true in regard to infrastructure provision, the supporting text should make clear that S106 agreements, while scaled down, will remain for site specific matters (such as the remediation of contaminated land and/or affordable housing).</p> <p>The last paragraph states that the models being developed by Ashford and Dover are intended to be adopted across all Kent Districts. This is misleading. T&MBC is monitoring emerging guidance, the CIL frontrunners as well as the work being carried out by Ashford and Dover and will take decisions regarding CIL based on the best practice available and local circumstances. It is presumptuous to say that this Council will adopt the models being devised by Ashford and Dover. In fact the emerging work suggests that may not be entirely appropriate for the diverse range of Districts in the County. In any event the model is simply a proposed device to test different policy scenarios and viability levels in ascertaining possible CIL contributions to strategic infrastructure projects and does not automatically lead to conclusions about expenditure. Until individual Districts are in a position to develop a CIL Charging Schedule and a consequent Regulation 123 List it is not possible to be specific as to the relative roles of CIL and S106 (see below).</p>
Part 2: Primary and Secondary Education and Appendix 2	13	Whilst appreciating the need for sufficient school places to meet the needs of a growing population and the significant cost of doing so the way the document is currently worded would suggest that developments triggering the requirement for a new school may fail on economic viability grounds. It would assist Districts and developers in planning future growth if the supporting text could offer some guidance as to how this situation could be resolved, should it arise.
Appendix 1: CIL	21	The section on CIL as written is misleading. The sole basis for the development of CIL rates in the charging schedule is the viability assessment(s). Whilst local planning authorities need to understand the likely amount and approximate cost of significant infrastructure to support proposed development strategies, this is only for the purpose of identifying the funding gap – the Government is very clear that CIL is not meant to bridge the gap but provide a source of funding to top-up existing mainstream sources.

Please use a continuation sheet if necessary and attach to this form.

SIGNATURE: Ian Bailey	DATE: 20.4.12
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When you have filled in this form, signed and dated it, please send it, along with any attached sheets, to:

**Theresa Warford, Economic Development Unit, Kent County Council
Invicta House 2nd floor, County Hall, Maidstone, Kent ME14 1XX**



It is important to note that the information you provide will be recorded for strategic planning purposes only and that copies of your objection or representation will be made available for public inspection.

RESPONSES MUST BE RECEIVED BY 5.00PM, TUESDAY 24 APRIL 2012