

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

6 December 2023

To: MEMBERS OF THE HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Planning Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 14th December, 2023 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

7 - 10

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 11 - 12
4. Declarations of interest 13 - 14

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 15 - 20

To confirm as a correct record the Notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 26 September 2023

Matters for Recommendation to the Cabinet

6. Review of the Planning Performance Agreement Protocol and Fee Charging Schedule 2024/25 21 - 60

Members' approval is sought to agree the amendment and publication of the Planning Performance Agreement Protocol [Annex 1], adopt the Inception meeting template [Annex 2] and adopt the updated Planning Performance Agreement Charging Schedule for 2024/25 [Annex 3] with effect from 1 April 2024.

7. Review of Fees and Charges 2024/25 for Pre-application Advice Service, Building Control Fees and for High Hedges and S106 Monitoring Fees 61 - 80

Members' approval is sought to adopt the updated Pre-application Charging and Building Control Fee Schedules 2024/25 [Annexes 1 and 2] and the updated charging fees for S106 monitoring and High Hedge, including an update to the Planning Obligations Protocol S106 (paragraph 9.5) with effect from 1 April 2024.

8. HMO and Caravan Site Licensing Fee Charges for 2024/25 81 - 84

Members' approval is sought to agree the fee charges for 2024/25 to process applications to license a house in multiple occupation (HMO) or caravan site for permanent residential use, with effect from 1 April 2024.

9. Sustainable Temporary Accommodation Options Report and Temporary Accommodation Provision Action Plan 85 - 134

Members' approval is sought to endorse the report by Altair [Annex 1] and to adopt the Temporary Accommodation Portfolio Action Plan [Annex 2].

10. Update on Local Plan Infrastructure Evidence 135 - 140

This report summarises the latest position in relation to the preparation of the Infrastructure Delivery Plan (IDP), with a specific emphasis on water resources and sewerage capacity and specific engagement with providers.

11. Infrastructure Funding Statement 2022/23 141 - 160

Approval is sought for the publication of the annual Infrastructure Funding Statement [Annex 1] and associated documents outlining S106 contributions secured, allocated and spent where appropriate over the monitoring period of 22/23.

12. Active Travel Strategy 161 - 178

This report provides an update on progress and next steps in the preparation of the Tonbridge and Malling Active Travel Strategy (ATS). This is being prepared in accordance with the DfT's published Local Cycling and Walking Infrastructure Plan (LCWIP) guidance. Once adopted this will replace the current borough [Cycling Strategy](#).

Matters submitted for Information

13. Key Performance Indicators 179 - 186

A number of Key Performance Indicators (KPIs) are presented to enable the Overview and Scrutiny Committee to assess and scrutinise performance.

If there are any questions regarding the KPIs provided, these should be submitted to the relevant Director/Chief Executive at least 2 days in advance of the Scrutiny Select Committee meeting in order to ensure that a suitable response can be provided at the meeting. If additional queries are raised at the Scrutiny Select Committee meeting, these will be responded to within 5 working days.

14. Work Programme 2024/25 187 - 188

The Work Programme setting out matters to be scrutinised during 2024/25 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

15. Urgent Items 189 - 190

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

Matters for consideration in Private

16. Exclusion of Press and Public 191 - 192

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

17. Urgent Items

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr D A S Davis (Chair)
Cllr D W King (Vice-Chair)

Cllr L Athwal
Cllr Mrs S Bell
Cllr G C Bridge
Cllr R W Dalton
Cllr D Harman
Cllr P M Hickmott

Cllr M A J Hood
Cllr A Mehmet
Cllr W E Palmer
Cllr R V Roud
Cllr D Thornewell

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Housing and Planning Scrutiny Select Committee – Substitute Members (if required)

| | Conservative | Liberal Democratic | Green | Ind. Kent Alliance | Labour |
|---|---------------------|---------------------------|--------------|---------------------------|----------------|
| 1 | Robert Cannon | Bill Banks | Kath Barton | | Angus Bennison |
| 2 | Sarah Hudson | Tim Bishop | Anna Cope | | Wayne Mallard |
| 3 | Alex McDermott | Frani Hoskins | Steve Crisp | | |
| 4 | Mark Rhodes | Anita Oakley | George Hines | | |
| 5 | Keith Tunstall | Michelle Tatton | Bethan Parry | | |

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 26th September, 2023

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr W E Palmer, Cllr R V Roud, Cllr D Thornewell and Cllr S A Hudson (substitute)

In attendance: Cllr A G Bennison was also present pursuant to Council Procedure Rule No 15.21.

Virtual Cllrs M D Boughton, M A Coffin, D Keers, M R Rhodes, K B Tanner and M Taylor participated via MS Teams and joined the discussion when invited by the Chair in accordance with Council Procedure Rule No 15.1.

An apology for absence was received from Councillor A Mehmet

(Note: Cllr Mehmet submitted apologies for in-person attendance and participated via MS Teams when invited to so. However, he was unable to vote on or propose any motions)

HP 23/24 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr S Hudson substitute for Cllr A Mehmet

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

HP 23/25 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

HP 23/26 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 18 July 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/27 BIODIVERSITY NET GAIN PROTOCOL

The report of the Director of Planning, Housing and Environmental Health presented a Protocol to provide guidance for applicants, agents and decision makers on how biodiversity net gain would be taken into account within the development process.

Biodiversity Net Gain (BNG) was an approach to development and/or land management that aimed to leave the natural environment in a measurably better state than it was beforehand. Under the Environment Act 2021 all major planning permissions granted in England would have to deliver 10% BNG from November 2023. However, applying BNG to smaller sites had been delayed until April 2024. Further detailed guidance from Government was expected to clarify a range of outstanding issues.

The Borough Council's adopted Development Plan did not contain a policy on BNG and although the emerging Local Plan would include a policy setting out its approach this would not be adopted by November 2023.

Members attention was drawn to the Kent BNG Register developed by the Kent Wildlife Trust, in collaboration with Kent County Council and District Councils, to establish an online forum where landowners could identify local land available for purchase for BNG units and where applicants could search for available opportunities. This was currently being test and was due to be operational from November 2023. Whilst other habitat banks were available the aim of the Kent BNG Register was to identify local opportunities.

Finally, it was reported that DEFRA had allocated a series of grants to allow local authorities to prepare for BNG. Between 2021/22 and 2023/24 the Borough Council had been awarded £63,661 of which £53,614 was ring fenced for BNG.

Consideration was given to the Protocol attached at Annex 1, the financial and value for money and legal implications and it was noted that not having an adopted local approach to BNG represented a higher risk that off site measures associated with development within Tonbridge and Malling could be delivered outside of the borough.

Members welcomed the principle of a BNG Protocol and noted that a number of inconsistencies had been raised with DEFRA for clarification and/or correction; noted the potential for the Borough Council to 'land bank' sites for BNG and recognised that better management of habitat types would improve biodiversity net gain. Officers also addressed points related to legal agreements, monitoring and enforcement and

advised that the Protocol would be kept under review pending further guidance from Government.

The Cabinet Member for Planning indicated that bio-diversity net gain and green infrastructure remained very important and the introduction of a Protocol started to address these issues. There was also some reassurance around allocating land for BNG use which offered some protection for 30 years.

RECOMMENDED:* That

- (1) the Biodiversity Net Gain Protocol (attached at Annex 1) be approved for decision making purposes; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Planning, to make any minor amendments or updates to the Protocol in response to updates from Government.

***Referred to Cabinet**

HP 23/28 RESPONSE TO THE PLAN MAKING REFORMS IMPLEMENTATION CONSULTATION

(Decision Notice D230082MEM)

Consideration was given to the Borough Council's response to the Government's latest consultation on plan-making reforms. A proposed response to be submitted by the deadline of 18 October 2023 was set out at Annex 1.

The consultation provided further detail around the proposed 30 month plan-making process, including new proposals for a 4 month period prior to commencement, 2 set periods of consultation and engagement and a 3 staged gateway assessment process for local plans.

Attention was drawn to the confirmation of the transitional arrangements for plan-making as proposed within the December 2022 consultation, subject to the Levelling Up and Regeneration Bill receiving Royal Assent in Spring 2024. The Government had not yet published the NPPF reforms so amendments to the approach to housing numbers and the Green Belt remained unconfirmed. However, as the Government were proposing the same transitional arrangements the Borough Council would need to undertake Regulation 18B and Regulation 19 consultation and submit its Local Plan before June 2025.

Members supported the proposed response to the Consultation, particularly in respect of question 41 related to transitional arrangements

and expressed disappointment that final guidance had still not been provided.

RECOMMENDED*: That

- (1) the proposed response to the plan-making reforms consultation, set out at Annex 1 be approved and submitted by the 18 October 2023;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Planning, to approve any necessary further minor changes to the proposed consultation response that might be required for reasons of clarity or presentation.
- (3) the position regarding transitional arrangements for plan-making be noted.

***Decision taken by Cabinet Member**

HP 23/29 RESPONSE TO THE 'FREIGHT, LOGISTICS AND THE PLANNING SYSTEM: CALL FOR EVIDENCE' CONSULTATION

(Decision Notice D230083MEM)

Consideration was given to the Borough Council's response to the Government's 'Freight, Logistics and the Planning System: Call for Evidence' consultation. A proposed response to be submitted by the deadline of 6 October was set out at Annex 1.

The consultation sought views of the efficacy of local plans and planning policies in relation to planning for freight and logistics. Questions were also posed in relation to engagement between these sectors and local planning authorities and the decision making process.

RECOMMENDED*: that:

- (1) the proposed response to the Freight and Logistics Call for Evidence, as set out at Annex 1, be approved and submitted by 6 October; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in liaison with Cabinet Member for Planning, to approve any necessary further minor changes to the consultation response that might be required for reasons of clarity or presentation.

***Decision taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 23/30 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the most up-to-date available statistics. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

In advance of receiving the KPIs, which identified an improving trend in development management (as set out in 1.1.3), the Cabinet Member for Finance and Housing provided an update on the implementation of Agile software which would replace Uniform. The new system would streamline service delivery and provide an improved experience for residents. The 'go live' date for Agile was Wednesday 3 October and Members were advised that there would be a delay in processing and managing applications whilst the new system bedded in. It was also noted that the use of Uniform would finish on Thursday 28 September.

As a result of the new system there would be changes to internal processes as there were issues around GDPR, redaction and publishing comments of 3rd party consultees. Concern was expressed that parish councils would not receive sufficient information or notice in a timely manner due to the new system. However, it was hoped that these could be addressed by implementing minor changes to existing protocols. The Cabinet Member for Finance and Housing committed to circulating a more detailed update in advance of the 'go live' date.

HP 23/31 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information and Cllr Mehmet was thanked for suggesting the item in respect of appeals and costs awards.

Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 23/32 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.45 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE

1.1 Introduction

1.1.1 Planning Performance Agreements (PPA) are useful tools in setting out an efficient and transparent process from inception and pre-application to planning application decision and post reserved details and condition discharge. This voluntary process encourages joint working between applicant/developer and the local planning authority whilst potentially involving the community and bringing together other experts and statutory consultees. They are undertaken in the spirit of a 'memorandum of understanding' rather than a legal binding document with statutory sanctions.

1.1.2 A Planning Performance Agreement protocol and charging schedule was adopted and implemented by the Council in April 2020. The protocol objectives and fees were then reviewed in November 2020 and again in 2021 when the current fee schedule was adopted.

1.1.3 We have signed and received fees for five PPA's in 2023 with three currently awaiting additional fees to be validated. These are mostly for large scale developments. The applications relating to these PPA's are currently being assessed by officers.

1.2 The Existing Protocol

1.2.1 The protocol and fee structure, introduced identifies four main development types, as follows including the current fees set in April 2022. These were not increased during 2023/24.

- **Small** development: under 50 dwellings or up to 2,500 sq. m of commercial floor space. (£3,500)
- **Medium** development: between 50 and 99 dwellings or 2,500 – 4,999 sq. m of commercial floor space. (£5,000)

- **Large** development: between 100 and 249 dwellings or 5,000 – 9,999 sq. m of commercial floor space. (£7,500)
- **Strategic** development: over 250 dwellings or 10,000 sq. m of commercial floor space. (£13,800)

1.2.2 The schedule then goes on to set out expectations for the number of meetings with officers and Member briefings provided for within the PPA. These vary depending on the size of the development.

1.3 Review of Current Protocol

1.3.1 The Council continues to promote PPAs as a key project management tool to promote sustainable and positive outcomes with particular regard to large and strategic housing and commercial developments. Fees received for this service, which are on a cost recovery basis, are then used to assist in resourcing the Development Management Team. PPA fees currently mostly fund one Senior Planning Officer role in the Major Projects team. However, it has become clear that the current fee schedule, associated with PPAs, does not recover the full costs of the service.

1.3.2 A review of the protocol and template agreement by officers alongside benchmarking against other Kent authorities has identified several key issues which require addressing to ensure PPAs can continue to be valuable tools for the service. (The revised Protocol & Template is attached at **Annex 1**). This review has also been informed by work carried out by the Planning Advisory Service.

Inception Meeting prior to PPA

1.3.3 It has been noted in the current system there are delays on the part of some applicants in completing the PPA and paying the associated fee. The PPA should be completed and paid for prior to the formal submission is made, but habitually this does not happen in good time. There are examples when developers are submitting PPAs just prior to the submission of the application for the only reason to allow them to submit a series of reactive amendments during the planning application stage, without having first undertaking meaningful pre-app and/or undertaking engagement before the application was submitted. Such behaviour places an unnecessary administrative burden on the team along with delays to the initial registration, consultation and assessment processes. It is therefore now recommended as part of the initial engagement and prior to a PPA, that it becomes a requirement that an **Inception meeting** will need to take place between the Council and the developer before a PPA can progress. This will prevent a late request for a PPA at the time a planning application is submitted.

The **Inception meeting** will set out the following “road map” to the PPA:

- Develop structure and content of PPA.

- Agree project vision and objectives.
- A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted; the agreed date will be incorporated into the PPA.
- Identifying key issues for consideration to follow through into individual **topic area meetings** in the PPA.
- Scope the requirements and cost to the developer of external advice.

Inception Meeting template

The table below to be used as the basis of the Council written response to the developer setting out the outcomes of the meeting. Also produced as **Annex 2** to this report

| Topic for discussion | Minute | Agreed Actions |
|--|---------------|-----------------------|
| Develop structure and content of PPA. | | |
| Agree project vision and objectives. | | |
| A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted; the agreed date will be incorporated into the PPA | | |
| Identifying key issues for consideration to follow through into individual topic area meetings in the PPA. | | |
| Scope the requirements and cost to the developer of external advice | | |

| | | |
|---------------------------------------|--|--|
| Decision on whether to pursue the PPA | | |
|---------------------------------------|--|--|

1.3.4 There is a separate fee for the Inception meeting, which is deducted from the resultant PPA. If the PPA is not progressed the Inception meeting fee is non-refundable. It is also worth stating that the **final decision** to progress a PPA sits with the Council.

1.3.5 The Inception Meeting will ensure that the signed and dated PPA and the associated fees paid along with the required milestones identified in the PPA are achieved before any application is submitted.

External Advice – Developer Payment

1.3.6 Furthermore, on occasion applicants have disputed making additional payments to commission reports during the application stage, particularly around viability work. To avoid any ambiguity around the Council's expectations in this regard, the PPA protocol and associated template agreement shall make it clear that the applicant will need to pay for the following:

- Any external specialist advice not covered by statutory consultee pre-app protocols shall be paid for by the developer at **pre-app** and **during the planning application and discharge of conditions**. For example, viability testing, conservation/urban design, ecology & EIA assessment.
- Highways, Environment Agency, and other consultee advice at **pre-app** will need to be paid by the applicant separately to this PPA under the relevant agency's pre-app charging schedule. These charges are in addition to the PPA charges.

1.3.7 It is also important that officers understand that they have the flexibility to negotiate these clauses should they consider it to be necessary. This will be dependent on the parameters set out in the **Inception Meeting** on the scale and nature of individual schemes and will become clear at the first meeting of the PPA (Introduction meeting).

1.3.8 The Inception meeting and the PPA will set out the timelines throughout the process and in particular the pre-application process, taking a development from inception through engagement with Council professional advisors (Planning, Housing, Environmental Health) to external consultees (Highways, Environment Agency) to bespoke commissioned external advice on viability, design, conservation EIA etc to engagement with communities and potentially Members of the Council. Once the proposal has been positively shaped to reflect this engagement further officer/developer discussions can take place during the progression of the planning application usually after a full round of formal/statutory consultee responses allowing for the submission of amended plans.

Planning Application stage and submission of amendments

1.3.9 The Council operates a non-amendments policy on live applications. However, the PPA process gives the developer the opportunity to submit at least one round of amendments (depending on the PPA category) during the application stage to address specific issues raised during the application that have not been highlighted during the pre-app engagement. The number of amendment rounds are set out as follows:

- Small/Medium PPA: 1
- Large PPA: 2
- Strategic PPA: 3

Pre-App Fees

1.3.10 The Council operates a standalone pre-app service separate to the PPA process, albeit the desired outcome of creating sustainable developments are linked. The pre-app fees paid by a developer on the standalone service will **not** be refunded. If at a later stage the developer wants to agree a PPA via the accepted route by first entering and paying for an Inception Meeting, then the Inception Meeting fee is deducted if this is progressed to a full PPA.

Expectations and timelines

1.3.11 Officers have, on occasion, indicated that applicants seek to impose unrealistic deadlines within PPA programmes which cannot be met due to the Council's own processes and committee structures and regardless of whether additional resources are brought in via PPA fees. Whilst it is recognised that there needs to be some flexibility on the Council's part, the protocol should manage developer expectations on what is realistically achievable. Equally, officers should be making this clear during their own negotiations with developers on the programme. It is also worth re-stating that the final decision to progress a PPA sits with the Council and not the developer.

1.3.12 In terms of managing the expectations of developers in dealing with PPA cases, the protocol should be amended to expand on what we require the developer to submit before meetings take place and how meetings will be arranged and conducted. It is the Council's experience that some applicants seek to utilise the PPA process to make unrealistic demands on time and resources.

PPA Fee Structure

1.3.13 It is fully accepted that for the Council to agree a PPA it must provide an agreed level of service which is achievable within the resources available. However, it is increasingly clear the current PPA fee structure does not cover the full cost of this service and while the PPA fee cannot create a profit for the Council, it should cover the full cost of providing the service. The proposed revised fee schedule has been reviewed using the Council's hourly charging rates and best estimate of timescales to cover all aspects of the PPA service. A baseline review has also been undertaken across the Kent authorities to review charging schedules for

these authorities. The fee schedule is reproduced in **Annex 3** and includes the revised number of meetings and member briefings together with the number of amendments permitted at application stage associated with the relevant size of the PPA. This is summarised below:

| Size | Existing fee £ | Proposed fee £ | Approx. % increase |
|-----------|----------------|----------------|--------------------|
| Small | 3,500 | 5,760 | 65 |
| Medium | 5,000 | 8,060 | 61 |
| Large | 7,500 | 11,200 | 49 |
| Strategic | 13,800 | 18,200 | 32 |

It will be noted that in percentage terms the greatest increase is at the lower end ie Small PPAs. It became clear through the review that for the smaller PPAs the existing fees fell well short of the resource required on a cost recovery basis when compared to the larger schemes.

1.3.14 There are also ways to improve the efficiency and maximise the benefit of the PPA service. This can include the following around meeting protocol/structure:

- Agree reasonable timelines for providing and exchanging information prior to an arranged meeting.
- Reasonable lead in times when creating a new scheduled meeting.
- Agree how meetings will be managed including agreement of the chair & agenda, production of draft minutes (and by who) and how are action points and outcomes agreed and taken forward.

1.3.15 The protocol and template agreement will be made clearer to reflect the above (see **Annex 1**). It should also make clear that the Council reserves the right to cancel pre-arranged meetings where such deadlines have not been met.

1.3.16 It is just as important to recognise not all development sizes are suitable to progress through a PPA, so existing resources can focus on more complex development proposals. Consequently, it is recommended that there be a minimum threshold cap on the scale and nature of developments that can be subject to a PPA ie. no fewer than 10 residential units and not less than 1,000 sq.m of non-residential floorspace. Please see the proposed fee schedule at **Annex 2**.

1.3.17 For a number of planning reasons not all proposals brought forward by developers are likely to be acceptable. In these instances, while applicants may wish to enter a PPA with a view to narrowing the issues/eventual grounds of refusal it does not necessarily reflect best practice or most suitable use of available resources for the Council. It also creates uncertainty amongst stakeholders and local communities if decisions are unnecessarily delayed. Consequently, it is recommended that the protocol be amended to make clear that through the **Inception Meeting** process

the **Council reserves the right not to enter into a PPA** where it is not considered constructive to do so, or where there are principle reasons why the Council consider the scheme should not progress. This decision on the Council's position would be a matter for the case officer in agreement with Development Manager.

1.4 Legal Implications

1.4.1 PPAs are intended to be agreed in the spirit of a 'memorandum of understanding'. They are not intended to be a legally binding contract unless the parties wish to approach it in this way. It is helpful to be clear about its status in the planning performance agreement itself. The parties are encouraged to make the existence and content of a planning performance agreement publicly available, so that the agreed process and timescale are transparent.

1.4.2 A PPA does not differ from other forms of pre-application engagement. It does not commit the local planning authority to a particular outcome. It is instead a commitment to a process and timetable for determining an application.

1.5 Financial And Value For Money Considerations

1.5.1 The Planning Practice Guidance (PPG) states that local planning authorities may make a charge for the administrative work involved in agreeing and implementing the planning performance agreement itself. As such, a fee schedule is produced as an annex to the protocol.

1.5.2 The fees to be charged should be subject to annual review.

1.5.3 The increase of fees as detailed above would generate additional income of £10,000 from 2024/25 onwards compared to the revised estimate.

1.6 Risk Assessment

1.6.1 Encouraging the use of PPAs at the early stages of engagement with applicants, agents and developers will create greater certainty in the decision making process in terms of expectations placed on each of the parties and in particular timescales for determination. This should assist in ensuring appeals against non-determination are avoided because the existence of a PPA means that the statutory time limits for determining the application no longer apply (to the extent that the agreement specifies a longer period for the decision, in which case the agreement will count in the same way as an agreed extension of time). If an authority fails to determine the application by the agreed date, then the applicant may appeal.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** to **APPROVE** the following amendment with effect from 01 April 2024:
- 1.8.2 It be **AGREED** that amendment and publication of the Planning Performance Agreement Protocol at Annex 1
- 1.8.3 Adopt the Inception meeting template as attached at Annex 2
- 1.8.4 Adopt the updated Planning Performance Agreement Charging Schedule for 2024/25 as attached at Annex 3.

Background papers:

- Annex 1 – PPA Revised Protocol
- Annex 2 – Inception meeting template
- Annex 3 – Inception and PPA Fees 2024/25

contact: James Bailey
Head of Planning

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Annex 1

Planning Performance Agreement Protocol

Contents:

- 1 Introduction and Context
- 2 Aims and Scope
- 3 Benefits
- 4 Types of development
- 5 Community Engagement
- 6 Member Involvement
- 7 TMBC responsibilities and commitments
- 8 Developer responsibilities and commitments
- 9 Funding

Appendices

Appendix 1: Suggested Agreement Template

1. Introduction and Context

- 1.1 A planning performance agreement (PPA) is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage, such as the discharge of planning conditions.
- 1.2 They can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees. A PPA is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed.
- 1.3 They allow for both the developer and the local planning authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application or pre-application master planning within a defined timetable.

2. Aims and Scope

- 2.1 Tonbridge and Malling BC want to ensure that planning applications are dealt with in a timely and effective way. We recognise that the successful delivery of development of all scales requires good communications with developers, the community and other agencies. This can reduce delays, conflicting advice and increase certainty for all involved in the planning process. We will work in partnership with the development industry and communities enabling us to work more efficiently and transparently to achieve this and the use of PPAs is an important tool in facilitating such practices.

3. Benefits

- 3.1 There are many benefits and advantages of a PPA between the Council and a developer, including:
 - Better overall management of advice and post application stages.
 - Identification of key issues at an early stage.
 - More realistic and predictable timetables.
 - Greater accountability and transparency.
 - Improved partnership working.

3.2 It should be noted that the PPA agreement and the process of PPAs is in no way prejudicing or pre-judging the outcome of the application or the Council's impartiality or its discretion as local planning authority.

4. Types of development

4.1 PPAs can be used for any application, although whether an agreement is justified will depend on the size and complexity of the proposal. However, developments that are likely to qualify for this approach would generally fall within the category of large-scale major applications or significant developments, which are unique, complex schemes. This is further detailed in the Fee Schedule.

4.2 Not all developments that fall within these criteria are necessarily suitable for planning performance agreements. Equally, other developments may also be suitable for the PPA approach such as:

- Individual developments and development programmes of major strategic importance to Tonbridge and Malling in terms of housing delivery, job creation or investment.
- Individual developments which may raise significant issues needing environmental assessment, where particularly challenging constraints are present or where matters relating to conservation of the built environment and/or urban design or heritage apply, for example.
- Developments which are a corporate priority which may have a wider Council involvement.
- Developments eligible for limited public funding.
- Individual development parcels of larger strategic sites to ensure consistency and timely delivery of the wider scheme and any associated infrastructure.

4.3 Officers will advise developers at the Inception Meeting if a scheme is considered appropriate for progression via a PPA. In the event that this opportunity is not taken up (i.e. an application is subsequently submitted without engagement through the Inception Meeting process and a subsequent PPA is not activated), it will be handled as a routine application within the existing workload of the team, without dedicated resource or priority, regardless of its particular nature.

5. Community Engagement

5.1 As part of its ongoing pledge to community engagement and consultation the Council is committed to consulting local residents and businesses to inform it's decisions so they have a meaningful opportunity to influence the development of Tonbridge and Malling. The type of consultation that is

appropriate before applications are made will vary depending upon the scheme and will be agreed via the PPA but could include public exhibitions and meetings, surveys of opinion and consultation with other key local groups. The Council will expect the developer to carry out the consultation but can provide advice on the most appropriate methods for doing so and the groups they may wish to consult.

6. Member Involvement

- 6.1 Councillors should be involved so they can gain an understanding of the project and other relevant issues. The Council consider that this engagement is important, this is reflected in the inclusion of remote member briefings(s) within the fee schedule. Any such involvement will always be led by the Council. They may ask questions and raise issues but will not be expected to offer personal opinions on a scheme. All Councillors will need to adhere to the Code of Conduct for Members in this respect and cannot predetermine their view on a scheme that will subsequently be the subject of a planning application.
- 6.2 Applicants should not engage privately with councillors. There will be occasions when briefings may be held with relevant councillors particularly those whose electoral ward the PPA scheme is situated. This will be agreed on a case by case basis between the two project teams.

7. TMBC responsibilities and commitments

- 7.1 TMBC will identify a lead case officer who will manage the process and take on the responsibility of project delivery. This will be a council officer with experience relevant to the nature and scale of development proposed. The Council, via the lead case officer will:
- Act as the primary point of contact with the developer's project team and where necessary arrange meetings between the project teams in a timely manner.
 - Progress the project through all key stages in accordance with the agreed project plan through ongoing review and communication.
 - Ensure delivery of tasks within the agreed timetable through regular review of the programme, provision of feedback on key stages where necessary and identification of early key issues.
 - Coordinate the Council's project team.
 - Manage all public consultation including the coordination of all external statutory or specialist advisers and liaise with all necessary stakeholders.
- 7.2 All case officers will work on behalf of TMBC in the wider public interest to ensure delivery of the optimum scheme that meets the Council's strategic objectives and accordance with all relevant planning policy. Officers in meeting

their responsibilities will express their own professional judgment that will form the basis for the negotiations with the developer. Such judgements will not, however, bind the Council to a final recommendation nor will they override the requirements for a planning application to be determined without prejudice and within the statutory requirements.

8. Developer responsibilities and commitments

8.1 TMBC will expect the developer to approach any project in a collaborative manner and work cooperatively with the Council at all stages. The developer will be expected to use best endeavours to meet the agreed programme and to provide any information requested in a timely manner. They will also be expected to appoint the appropriate professional consultants with sufficient experience to reflect the complexity of any given project.

8.2 In particular, the developer will:

- Engage in meaningful pre-application discussions, with adequate time allowed for the preparation of essential information and assessment of proposals and as part of this progress with master planning work as necessary.
- Agree to a project plan, including the key stages and milestones, which take into account the need for discussion and review to take place.
- Pay the required fees.
- Submit a complete planning application with all of the requested supporting information as agreed with the Council, including a draft legal agreement where appropriate.
- Respond within the agreed timescales to requests for further information and/or revisions.
- Attend project meetings with relevant persons.
- Keep the Council informed of progress at all key stages of the project.
- Undertake public consultation prior to submission where agreed.

9. Funding

9.1 TMBC expects the developer entering into a PPA with the Borough Council to pay the agreed PPA fee before the PPA is activated. The PPA schedule of charges will be published on the Council's website and will be periodically reviewed.

Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Planning Performance Agreement

DATE

SITE ADDRESS

PLANNING REFERENCE

Between:

Tonbridge and Malling Borough Council
and

AGENT/APPLICANT

Planning Performance Agreements

Excerpt from the National Planning Practice Guidance, paragraph 016 Reference ID: 20-16-20150326 (revised 26 March 2015):

A planning performance agreement is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage.

Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees.

A planning performance agreement is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed.

Paragraph 018: Reference ID: 20-018-20150326

A planning performance agreement can extend to matters beyond the formal application process – such as programming the negotiation of any section 106 agreement and related non-planning consents. For very large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. The parties will want 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.

Contents:

1. Introduction and Purpose
2. General Principles
3. Form and Content of the Pre-application submission
4. Resources and Liaison
5. Application (Project) Programme
6. Appeals and Third Party Challenges
7. Nature of Agreement
8. Breach and Termination
9. Third Party Rights
10. Agreement

Appendix 1: Project Programme

Appendix 2: Project Team Contact List

Appendix 3: Documents

1. Introduction and Purpose

- 1.1 Tonbridge and Malling Borough Council is the local planning authority for development within the area in which the development site is located.
- 1.2 The applicant has submitted an Inception Meeting request to scope a PPA and seek advice regarding the DESCRIPTION OF PROPOSAL.
- 1.3 This Planning Performance Agreement is an agreement between TMBC and the Applicant to provide a project management framework for handling both the pre-application advice and the forthcoming planning application from receipt of a valid submission through to the determination stage. This framework seeks to appropriately resource these discussions and should improve and speed up the pre-application advice process by committing both parties to an agreed timetable containing “milestones” (as scoped at the Inception Meeting) that make clear what level of resources and actions are required, ensuring all key planning issues are properly considered through Topic Meetings and, wherever possible, resolved.
- 1.4 This agreement does not give a guarantee of planning permission. It relates to the process of considering development proposals and not the decision itself.
- 1.5 This agreement is made pursuant to Section 111 of the Local Government Act 1972 Section 93 of the Local Government Act 2003 and Section 1 of the Localism Act 2011.

1.6 Definitions

- 1.6.1 Terms in this agreement shall have the meanings assigned below unless the context requires otherwise:

| Party | Details |
|------------------------------|--|
| Applicant | |
| Applicant's Team | Those personnel employed or appointed by the Applicant in connection with the Project set out at Table 1 of Appendix 2 |
| Application Documents | The documents set out at Part 2 of Appendix 3 of this agreement |
| | |

| | |
|----------------------------------|--|
| Planning Counsel | Any of the following Barristers: |
| | |
| Pre Application Documents | The documents set out at Part 1 of Appendix 3 of this agreement |
| | |
| Project | DESCRIPTION |
| | |
| Site | SITE ADDRESS |
| | |
| Third Party Challenge | Any legal challenge against a decision made by TMBC in connection with the Project, including any appeal in the higher courts. |
| TMBC | Tonbridge and Malling Borough Council |
| TMBC's Team | Those TMBC personnel involved in the Project as set out at Table 2 of Appendix 2 |

2. General Principles

2.1 The objective of this Planning Performance Agreement is one of co-operation and consistency throughout the negotiation and discussion relating to the pre-application and application processes to provide a degree of certainty for the intended outcomes and to improve the quality of the Project and of the planning decision.

2.2 TMBC and the Applicant agree to be governed at all times by the following principles:

Principle 1: To work together 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 management process, in accordance with the Performance Standards contained in paragraph 4.4 of 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 help to facilitate (where appropriate) 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. However, nothing in this Principle shall fetter the TMBC's power as local planning authority to impose such conditions on any grant of planning permission in connection with the Project as it considers appropriate in its absolute discretion.

3. Form and Content of the Pre-Application Submission

3.1 The pre-application discussions relate to the Project's need for TYPE planning permission.

3.2 The greater the level of information provided by the applicant at the pre-application stage, the better and more detailed the response. With this in mind, key documents (relating to the specifics of the proposal) will be requested at the earliest opportunity during the pre-application discussions. The dates for the provision of such information shall be fed into the timetabling to help TMBC efficiently allocate time and resources.

3.3 The Applicant shall provide TMBC with the Pre-Application Documentation (as a minimum) as part of the pre-application discussion process.

4. Resources and Liaison

4.1 The Project Team

The Project Team will comprise of the Applicant's Team and TMBC's Team, as defined within Appendix 2. The Project Team will be amended/expanded or reduced where necessary and the party amending its Team shall notify the other Team at the earliest opportunity. All personnel shall be suitably qualified and experienced to bring forward the Project.

4.2 Performance Standards

- 4.2.1 Communications, be it via email or hard copy correspondence shall be acknowledged within **5 working days** (AMEND AS NECESSARY) of receipt with a suitable response where possible.
- 4.2.2 Telephone messages shall be returned within **3 working days** (AMEND AS NECESSARY) of receipt.
- 4.2.3 Relevant information will be circulated by all parties no later than **3 working days** (AMEND AS NECESSARY) prior to a meeting.
- 4.2.4 The Applicant's Planning Agent to circulate meeting agendas, unless otherwise agreed, no later than **3 working days** (AMEND AS NECESSARY) prior to any meeting.
- 4.2.5 Unless otherwise agreed, the Applicant's Planning Agent will circulate minutes no later than **3 working days** (AMEND AS NECESSARY) after the meeting.
- 4.2.6 Unless otherwise agreed, actions arising from meetings shall be agreed no later than **5 working days** (AMEND AS NECESSARY) after the minutes of that meeting have been circulated.
- 4.2.7 If requested by the Applicant or Applicant's Planning Agent, TMBC shall provide informal feedback on information presented at a meeting within **10 working days** (AMEND AS NECESSARY) from that meeting.

4.3 Meetings

- 4.3.1 Meetings will be attended by the Project Team (unless specific attendance is not required due to meeting topic).
- 4.3.2 The Applicant's Planning Agent, in conjunction with the TMBC Case Officer, will act as PPA Project Managers and will convene meetings, organise agendas and produce minutes to be agreed by the Project Team.
- 4.3.3 Project Team meetings will be held at the times set out in the Project Programme (unless

otherwise agreed or cancelled).

- 4.3.4 **3 working days** (AMEND AS NECESSARY) in advance of any meeting the Project Team shall agree whether any specialist advice is required and seek to ensure the relevant personnel are available to attend.

4.4 Availability of People and Resources

- 4.4.1 The parties to this agreement will endeavour to make available members of the Project Team to facilitate meetings within **10 working days** (AMEND AS NECESSARY) from a formal written request, unless otherwise agreed.
- 4.4.2 The parties will also share with each other project tools (such as traffic models, visualisation models and development viability information) subject to protecting commercial confidentiality and Freedom of Information considerations.

4.5 Confidentiality

- 4.5.1 Confidentiality protocols will be agreed and applied to specific issues and/or information as they emerge.

4.6 Costs

- 4.6.1 The Applicant commits to cover all charges from DATE. (In the signed PPA)
- i) TMBC's costs incurred in the staffing and resourcing of necessary meetings between TMBC's Team and the Applicant's Team during the life of the PPA (FINF REFERENCE). T

Charges incurred as set out in the PPA charging schedule (to be paid on the date of this agreement):

- ii) Additional meetings will be charged as set out in the TMBC PPA charging schedule for additional meetings
- iii) In the event that it is agreed between the parties that legal representation is required at any meeting, the Applicant shall pay TMBC's costs in connection with its legal adviser.
- iv) TMBC's legal adviser shall be its internal planning lawyer (at the date of this agreement the post-holder designated as "Principal Solicitor (Litigation)") unless due to resourcing issues it is

necessary for TMBC to appoint an external solicitor to provide advice and representation.

- v) The costs of such representation shall be:
 - a. in the case of the internal solicitor the rates set by TMBC's Finance, Property and Innovation Board (as amended from time to time) which at the date of this agreement are FEE per hour, to a maximum of 5 (AMEND AS NECESSARY) hours. If additional work is required, this sum shall only increase with the written agreement of the Project Team.
 - b. in the case of external representation, the full costs of such representation.
- vi) In the event that TMBC deems necessary (in its reasonable opinion) to appoint external consultants to provide an independent review of any of the Application Documents or Pre-Application Documents (or to provide technical advice in connection with consultation responses), the Applicant shall pay the full costs of such external consultants. This shall relate to a maximum of 5 (AMEND AS NECESSARY) separate reports, including the Viability Report, at a cost of FEE per area of expertise. If additional work is required, this sum shall only increase with the written agreement of the Project Team.

- 4.6.2 If required by TMBC the Applicant will pay TMBC the costs of appointing an additional Planning Officer (not to be part of the Project Team) for the duration of the Project to enable TMBC to adequately resource the Project within the timescales set out in this agreement. This shall be at a cost of FEE per hour (for an agency planner of medium experience) for a 37 hour week.
- 4.6.3 The overall cost of the PPA will be paid on signing the agreement and then the PPA will be activated. TMBC will invoice the Applicant any additional fee payment due within 5 (AMEND AS NECESSARY) working days of a meeting taking place or receipt of commissioned work.
- 4.6.4 The Applicant will pay such invoices within 28 days. In the event the Applicant does not pay any invoice when it becomes due, TMBC reserve the right to refuse any additional meetings or commission any additional work unless and until outstanding invoices are paid.

5. Application (Project) Programme

- 5.1 The applicant will not submit the planning application to TMBC until the Inception meeting has taken place, the subsequent PPA has been signed and paid for (activated), any additional fees are paid for and the project programme timeline (as agreed in the PPA) has been adhered to.
- 5.2 When the Applicant submits the planning application for the Project, the planning application will include the Application Documentation listed in Appendix 3. The submission shall be made online and also provide a CD or DVD and 2 paper copies.
- 5.3 The PPA Programme is devised to provide a realistic timeframe for planning and resourcing the pre-application discussions, with the aim of agreeing a submission date. The Applicant acknowledges that the timetable may be subject to change which will be kept under review moving forward. The Project Programme is detailed in **Appendix 1** of this document.
- 5.4 In determining the application there are **two agreed stages** which in combination set out the agreed **date for determination** of the application (which will replace the statutory 13 week). Firstly a ?? (AMEND AS NECESSARY) week timeframe for the Project programme is appropriate for consideration of the planning application and a resolution from Full Council/Area Planning Committee. Secondly the subsequent negotiation of the S106 agreement will be undertaken and agreed in ?? (AMEND AS NECESSARY) weeks after the resolution to grant planning permission. Ideally this should be completed within 4 months of the Committee resolution. This combination of both these dates will provide the date to determine the application.
- 5.5 Within the agreed timeframe, meetings will be arranged as above and when considered necessary by agreement, with suggestions of appropriate meetings set out within the Project Programme (**Appendix 1**).
- 5.6 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 TMBC.
- 5.7 At the request of any party to this agreement, the parties shall as soon as is reasonably practicable [after the expiry of xx weeks from the date of this agreement] in good faith discuss the progress of the consideration of the planning application (or Pre-Application Documents as may be the case) against the project programme as set out at Appendix 1 and review whether any extension of any period will be necessary in order to enable TMBC to discharge its

planning functions in respect of the Project and ensure compliance with the project programme.

6. Appeals and Third Party Challenges

- 6.1 Nothing in this agreement shall restrict or inhibit the Applicant from exercising their right of appeal under Section 78 of the Town and Country Planning Act 1990. In the event of such an appeal, this agreement shall terminate immediately without further notice to either party, save in respect of the invoicing arrangements at clause 4.6 for any outstanding payments.
- 6.2 In the event of a Third Party Challenge, the Developer and TMBC shall jointly appoint such expert legal representation from Planning Counsel as shall be agreed between them, and upon such appointment shall request a legal opinion as to the merits of the challenge and the likelihood of a successful defence. The parties shall bear the costs of such instruction equally.
- 6.3 In the event that Planning Counsel's opinion is that the Third Party Challenge has a reasonable prospect of success, TMBC shall consider whether to revoke or modify the relevant planning permission, or to consent to judgement.
- 6.4 Should TMBC decide to revoke or modify planning permission in relation to the Project on the advice of Planning Counsel, and such a determination would ordinarily attract the payment of compensation under s.107 of the Town and Country Planning Act 1990 (or otherwise), the Applicant shall not pursue the payment of any such compensation.
- 6.5 If TMBC decides to proceed with the defence of a Third Party Challenge against the advice of Planning Counsel, it shall do so at its own cost.
- 6.6 In the event that Planning Counsel's opinion is that the Third Party Challenge does not have a reasonable prospect of success, or more generally gives a positive opinion that the decision under challenge is suitably robust, the parties agree to joint instruction of Planning Counsel for the purposes of defending the Third Party Challenge and will bear the costs of such instruction equally.
- 6.7 Nothing in this agreement affects the ability of TMBC or the Applicant to instruct their own solicitors to provide advice and assistance in connection with any Third Party Challenge.

7. Nature of Agreement

- 7.1 Nothing in this Agreement shall operate or be construed as any fetter on TMBC's discretion

either as the local planning authority in connection with the Project or more generally as a local authority. For the avoidance of doubt, nothing in this agreement is intended to commit TMBC to the delivery of an approval of any planning application.

7.2 If any provision of this agreement is held by any court or other competent body to be void or unenforceable in whole or in part, then the other unaffected remaining provisions of the agreement shall continue.

7.3 Nothing in this agreement shall create or be deemed to create a partnership between the parties.

8. Breach and Termination

If any party shall commit any breach of its obligations under this agreement and shall not remedy the breach within 10 working days of written notice from the other party to do so, then the other party may notify the party in breach that it wishes to terminate this agreement forthwith and the agreement shall be terminated immediately upon the giving of written notice to this effect to the party in breach provided always that the breach is within the control of the party that is in breach and capable of being remedied.

9. Third Party Rights

9.1 Nothing in this agreement creates or is intended to create any right for any third party to enforce its provisions by virtue of the Contracts (Rights of Third Parties) Act 1999.

9.2 Without prejudice to clause 9.1, this agreement may be varied, revoked, modified or supplemented without the consent of any third party.

10. Agreement

TMBC and the Applicant hereby agree to the content of this Planning Performance Agreement.

Tonbridge and Malling Borough Council

Name:

Signature:

Position:

On Behalf Of:

Date:

Applicant

Name:

Signature:

Position:

On Behalf Of:

Date:

APPENDIX 1 – PROJECT PROGRAMME

TMBC and the Applicant shall work to ensure that the consideration of the proposal is progressed in accordance with the Pre-application programme set out below (unless a variation to the Pre-application programme is agreed in writing in by both the Applicant and TMBC).

Project Programme - Pre-application Phase

| PPA Task | Parties | Week Number | Date |
|--|--|-------------|------|
| Signing & payment of Planning Performance Agreement (Activation) | Council & Applicant | | |
| Introduction Meeting & Topic Area Meeting(s) | Planning Officer(s) & Applicant Co-ordinator | | |
| Public Consultation & Exhibition | Applicant Co-ordinator | | |
| Member Briefing (s) | Planning Officer(s) & Applicant Co-ordinator | | |
| Submission of all outstanding pre-application documents and material | Applicant Co-ordinator | | |
| Consideration of submitted pre-application documents | Planning Officer (s) & Statutory Consultees | | |
| Further pre-application meeting Planning Officer to arrange with internal Council personnel Developer Co-ordinator to arrange with EA and KCC (AMEND AS NECESSARY) | Planning Officer(s) & Developer Co-ordinator | | |

Project Programme - Application Phase

The timescales are based upon the following assumptions:

- The Developer to submit **DATE**
- No more than x **joint working meetings** (AMEND AS NECESSARY) are required and dependent on the category size of the development (ie Small, Medium PPA etc)*

**Small and Medium = 1 joint working meeting (up to 1 set of amendments)*

Large = 2 joint meetings (up to 2 sets of amendments)

Strategic = 3 Joint meetings (up to 3 sets of amendments)

- The outcomes of the joint working meeting(s) should be productive and resolve outstanding issues
- The application is not called in by the Secretary of State

| PPA - Task | Parties | Week Number | Date |
|--|---|-------------|------|
| Submission of Application & Consider validity of the Application | Applicant Co-ordinator & Planning Officer(s) | | |
| Registration and validation of the application (Provided that the Application is valid) Consultation in respect of the Application | Technician & Planning Officer(s) | | |
| 1 st Joint Working Meeting - consideration of consultation responses received | Planning Officer(s) & Developer Co-ordinator | | |
| Developer Co-ordinator to address issues raised in the joint working meeting and submit further information if required | Developer Co-ordinator | | |
| Developer Co-ordinator to address issues raised in the 2 nd joint working meeting and submit further information if required (depending on size of PPA) | Developer Co-ordinator | | |
| Re-consultation on amended or additional information | Planning Officer (s) | | |

| Decision stage | Parties | Week Number | Date |
|--|---|--------------------|-------------|
| Preparation of Members Briefing Note | Planning Officer (s) | | |
| Organisation of Members Site Inspection (add -on Strategic PPAs only) | Full Council/Planning Committee | | |
| Developer Co-ordinator to address any issues raised and submit amendments and/or additional information (Depending on size of PPA) | Developer Co-ordinator | | |
| Preparation and submission of Report to Full Council/Planning Committee | Planning Officer(s) | | |
| Consideration by Full Council/Planning Committee | Full Council/Planning Committee | | |
| Negotiation and completion of Section 106 agreement | Council legal representative / Planning Officer(s) / Developer representative | | |
| Referral to Secretary of State (three weeks) | Planning Officer (s) | | |
| Issue of planning application decision notice | Planning Officer(s) | | |

APPENDIX 2 – PROJECT TEAM

Table 1 – Applicant’s Team

| Company | Contact Names | Responsibility | Telephone No | Email |
|----------------|----------------------|-----------------------|---------------------|--------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Table 2 – TMBC’s Team

| TMBC | NAME | POSITION | TELE No. | EMAIL |
|-------------|-------------|-----------------|-----------------|--------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Appendix 3
Part 1 – Pre Application Documents

FOR EXAMPLE

- The Masterplan
- Draft Planning Statement addressing all relevant policies
- Transport Statement
- Draft Flood Risk Assessment
- Contaminated Land Factual Report
- Odour Risk Assessment
- Draft Air Quality Chapter
- Draft Ecology Appraisal including GCN, Reptile and Bat surveys

Appendix 3
Part 2 – Application Documents

FOR EXAMPLE

- Masterplan
- Planning Statement
- Employment Land Market Review
- Affordable housing statement
- Archaeological and Heritage assessment
- Design and Access Statement
- Landscaping details
- Open, play space and recreational assessment
- Photographs and photomontages
- Parking and servicing provision
- Draft Head of terms for planning obligation
- Schedule of works
- Telecommunications information
- Transport assessment
- Utilities and foul sewage assessment
- Viability statement
- Environmental Statement to include
 - Air quality assessment
 - Biodiversity survey
 - Contaminated land assessment
 - Flood risk assessment
 - Noise impact assessment

and the following information as detailed in the Scoping Report REFERENCE IF APPLICABLE issued
DATE

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Annex 2 Inception Meeting template

The table below to be used as the basis of the Council written response to the developer setting out the outcomes of the meeting.

| Topic for discussion | Minute | Agreed Actions |
|--|--------|----------------|
| Develop structure and content of PPA. | | |
| Agree project vision and objectives. | | |
| A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted; the agreed date will be incorporated into the PPA | | |
| Identifying key issues for consideration to follow through into individual topic area meetings in the PPA. | | |
| Scope the requirements and cost to the developer of external advice | | |
| Decision on whether to pursue the PPA | | |

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Annex 3: Proposed Fee Schedule from 1st April 2024/25 – Planning Performance Protocol

Inception Fee = **£1,240**

An Inception meeting is required before Developer/Council can enter a PPA. The final decision to progress a PPA sits with the Council.

An **Inception meeting** will discuss and agree the following:

- Develop structure and content of PPA
- Agree project vision and objectives
- A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted.
- work programme setting out key deliverables and responsibilities
- Identifying key issues for consideration to follow through into individual **topic area meetings** in the PPA
- Scope the requirements and cost to the developer of external advice

PPA Fees

| Development type | Residential Units | Commercial Floorspace (sq.m) | Meetings (intro + topic area*) | Member Briefings** (Microsoft Teams) | Number of amendments at application stage | PPA Fee (£) |
|------------------|-------------------|------------------------------|--------------------------------|--------------------------------------|---|-------------|
| Small | 10 to 49 | 1,000 to 2,499 | 1 + 1 | 1 | 1 | 5,760 |
| Medium | 50 to 99 | 2,500 to 4,999 | 1 + 2 | 1 | 1 | 8,060 |
| Large | 100 to 249 | 5,000 to 9,999 | 1 + 3 | 1 | 2 | 11,200 |
| Strategic | 250+ | 10,000+ | 1 + 4 | 2 | 3 | 18,200 |

*Additional Topic Area meetings = £1,240 per meeting

**Additional Member Briefings (Teams) = £500 per meeting

Additional Meeting Briefing (Council Chamber) = £1,470 per meeting (Strategic only)

Additional Meeting Site Visit Briefing = £1,620 per meeting (Strategic only)

Notes:

Fees and deductions

For the avoidance of any doubt, all PPA fees are payable in addition to the requisite application fee as set out by the Fee Regulations.

Furthermore, if it is agreed between the parties at any point during pre-application discussions that a PPA is an appropriate tool, the pre-application fees already incurred will not be refunded or deducted from the PPA fee. However, the **Inception Meeting fee** will be deducted if a PPA is progressed.

Public Engagement Events

Any public engagement event agreed through the PPA process shall be funded by the developer. Any associated Local Authority costs will be agreed on a bespoke basis.

External Specialist Advice

Any external specialist advice either during the pre-app or application stage in the PPA and not covered by statutory consultee pre-app protocols, shall be commissioned independently by the Council and paid for by the developer. For example, viability testing, conservation/urban design, ecology & EIA assessment.

External Consultee Advice

Highways, Environment Agency, and other consultee advice will need to be paid by the applicant separately to this PPA, under the relevant agency's pre-app charging schedule. These charges are in addition to the PPA charges

Design Review

This is only on offer for the Strategic PPA and at an additional add-on cost. The developer shall pay the full costs of the Review Panel plus any additional Council costs.

Member Briefings

For all PPAs a member briefing is on offer through Microsoft Teams as part of the service. For Strategic PPAs there is also the additional option to have a face to face Member briefing at an additional charge

Member Site Visit

A member site visit is offered only as an additional cost for strategic PPAs

Submission of Amendments (planning application stage).

The Council operates a non-amendment policy on live planning applications. However, the PPA process gives the developer the opportunity to submit at least one round of amendments (depending on the PPA category)

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF FEES AND CHARGES FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES

1.1 Charging

1.1.1 The current pre-application advice and charging regime for Development Management was introduced on 1st April 2016 and was updated annually following ongoing periods of monitoring and review. A comprehensive review of the service was undertaken and reported to the Planning and Transportation Advisory Board in November 2021 – <https://democracy.tmbc.gov.uk/ieListDocuments.aspx?CId=159&MId+4655> and changes were recommended and made at that time to the pre-application advice service. These changes remain in place with increases to the fees on a yearly basis.

Development Management Charges

1.1.2 No changes are proposed to the pre-application categories as part of this report as it is considered the charging categories work well. However, when the fees were last reviewed in 2023/24, the fees for Strategic developments were not reviewed and were the same as for Major Developments. A review has now been undertaken of the cost for providing this service and this has been increased to £3500. Meetings for this type of development due to their strategic nature also take longer which justifies the higher cost. A full list of reviewed and updated fees is included as **Annex 1**.

1.1.3 Fees for providing householder, listed buildings, small (minor), medium and larger developments have been raised only by the baseline rate of inflation as there has been no increase in the time taken to provide this advice, and therefore the costs should only rise in line with inflation. Fees for major developments have however been increased by 10% due to the added complexity and officers time which is required for a larger pre-application review. Applicants also benefit from an enhanced service with the introduction of Planning Policy comments to assess the implications on key infrastructure provision.

Building Control

- 1.1.4 A review has been undertaken for Building Control Fees which has also included a benchmarking exercise against other Building Control fees across Kent.
- 1.1.5 The review has included an assessment of the work undertaken, the number of hours required to carry out the work and the hourly charge to undertake the work. **Annex 2** sets out the current and proposed charges. This sets out the standard charges across Tables A – C and includes above and at inflationary increases.
- 1.1.6 Table A has been increased by 10% due to the additional work that is required on new dwellings in light of Building Regulation changes. Table B has only been increased in line with inflation as the fees currently cover the hours spent on these applications. As charges can only be levied on a cost recovery basis and having benchmarked against other Kent based Building Control teams, it is not recommended that Table B fees be increased further than the inflationary increase. Table C has also been increased by 10%, except for when we employ a contractor to undertake site inspections where the fee has been recommended at just the inflationary increase. This is considered to be justified on the same grounds as cited above due to the additional work that is required under the Building Regulation changes.
- 1.1.7 Whilst Building Control fees can only be levied on a cost recovery basis, it is recommended that the hourly rate, currently charged at £55.93 be increased by 10% to **£61.52** to cover the additional work that is required in light the Building Regulation changes.
- 1.1.8 Minor changes have also been made Annex 2 document which is displayed on the Building Control pages of the website in order to provide better clarity.

1.2 Additional discretionary Fees - High Hedges and S106 Monitoring Fees

- 1.2.1 A review has also been undertaken of other discretionary fees namely High Hedge compliant fees and S106 Monitoring Fees. These have been assessed on the average time taken to progress these cases/monitor the obligation with the hourly rate of the officer who would be responsible for carrying this out.

High Hedge Complaints

- 1.2.2 A benchmarking exercise was carried out for the 2023/24 review of fees for High Hedge complaints against other Kent authorities and the average time taken to process these by the relevant officer. This established the current fees of £484.
- 1.2.3 A further review has been undertaken against other Kent authorities with three raising their fees, eight keeping their fees unchanged and one lowering their fees. TMBC is currently the mean average for Kent for High Hedge fees and there has

been no increase in staff time processing such applications. The fees are currently considered to cover the actual officer time processing the complaint. On this basis, fees should only be increased in line with inflation.

- 1.2.4 It is recommended that High Hedges Fees be increased to **£510**

S106 Monitoring

- 1.2.5 A review and benchmarking exercise has also been undertaken to assess the contributions charged for S106 monitoring. This varies significantly across Kent and only gives a snap-shop of the charges but not the size of the teams involved in S106/CIL monitoring. Some authorities due to being CIL charging authorities also have expensive back-office monitoring systems and additional staff due to the complexities of the CIL regime. Therefore, the benchmarking exercise does not assist in evaluating the cost for providing the service.

- 1.2.6 We currently charge £330 per obligation for the monitoring fee and employ a Senior Obligations Officer who solely manages the S106 monitoring and most (80%) of her time is devoted to S106 monitoring. Her salary is partly funded but not all through the monitoring fees and this does not cover all the salary costs.

- 1.2.7 In order to recover the costs for S106 monitoring and to provide sufficient funding to cover the salary costs for this monitoring, a 20% increase in fees is proposed from the current chargeable rate of £330 to £400.

- 1.2.8 It is further recommended that the increased rate be reflected in the Planning Obligations Protocol S106 (paragraph 9.5) to reflect the proposed increase in monitoring fees.

- 1.2.9 It is recommended that S106 Monitoring Fees be increased to **£400 for each obligation contained in the agreement.**

1.3 Review Planning Performance Agreements and Charging Schedule

- 1.3.1 This has been reviewed separately and is on the same committee agenda as this report to enable members to have a complete overview of the discretionary charges proposed for 2024/25.

1.4 Future Charging Opportunities

- 1.4.1 A review has also been undertaken to assess whether any additional services could be offered to customers on a chargeable basis.

- 1.4.2 A key area for potential charging relates to work undertaken relating to requests for history searches on applications (from solicitors and search companies). Research into charging for history searches was undertaken with a review of all Kent Local Planning Authorities as well as several in Southeast London, East Sussex and Wessex.

1.4.3 The conclusions reached were as follows:

- Councils do not typically charge fees to make old planning documents available.
- It appears that the vast majority of other LPA's have either a digitised planning register or have clearly outlined cut off dates for digitised vs. non digitised.
- Some LPA's hold a specific online form for requesting the old planning information and ask for parameters of the request such as a date range or types of permission for example.

1.4.4 Having also considered the digitalisation project to scan all our historic records and the likely costs incurred in recovering our costs, it not considered that a charge should be made for historic searches.

1.4.5 We will continue to review other opportunities for charging for services over the next 12 months with a view to establishing whether any additional services could be integrated in the future.

1.5 Legal Implications

1.5.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999). Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.

1.5.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may, in particular, charge only certain people for a service or charge different people different amounts.

1.5.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.

1.5.4 Local Planning Authorities therefore have powers to recover the costs of pre-application advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants.

1.6 Financial And Value for Money Considerations

1.6.1 It is appropriate to review the charging schedule every year, to ensure we continue to effectively recover costs. This will ensure that we are responsive to the

needs of the customer and that the charging schedule is fairly applied and reflects the costs of delivering the service.

1.6.2 Based on the current level of uptake, the proposed increases to the fees discussed within this report will generate additional income of £33,950 in 2024/25 onwards, compared to the revised estimate. Which can be split out as follows:

- Development Management - £5,000
- Building Control - £21,000
- S106 Monitoring - £7,950

1.6.3 However, it should also be noted that the 2023/24 revised estimate for Building Control fees has been reduced by £84,000 due to the reduction in the demand for the service.

1.7 Risk Assessment

1.7.1 Robust monitoring should be carried out on a yearly basis to ensure that our protocols are up to date and reflect best practice and that the charging schedule reflects the costs of delivering the service and is based on up-to-date evidence.

1.8 Equality Impact Assessment

1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Recommendations

1.9.1 It is **RECOMMENDED TO CABINET** to **APPROVE** the following with effect from 1st April 2024

- Adopt the updated Pre-application Charging and Building Control Fee Schedules 2024/25 as attached at Annex 1 and 2.
- Adopt the updated charging fees for S106 monitoring and High Hedge as set out in sections 1.2.4 and 1.2.9 above including an update to the Planning Obligations Protocol S106 (paragraph 9.5).

Background papers:

Annex 1 – Proposed Development Management Fee Charging Schedule

Annex 2 – Proposed Building Control Fee Charging Schedule

contact: James Bailey
Head of Planning

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Tonbridge and Malling Borough Council

Pre-application charging schedule 2024/25

| Type of Development | Criteria | Existing Fees 2023/24 | Proposed Fees increase | Proposed Fees 2024/25 |
|---|---|--|--|--|
| Householder development fees | <ul style="list-style-type: none"> Alteration or extension of individual houses for residential purposes and where the building affected is not a listed building | Written advice only: £283 | 5.25% increase (baseline Inflation) | Written advice only: £297 |
| Small (Minor) development fees for minor /other applications | <ul style="list-style-type: none"> Alterations to an existing building where there is no increase in floor space and no new residential units are to be created New or replacement shopfronts New or replacement Advertisements Demolition Telecommunications equipment Air conditioning or ventilation equipment | Written advice only: £428 | 5.25% increase (baseline Inflation) | Written advice only: £450 |
| Medium development fees for minor applications | <ul style="list-style-type: none"> Creation of one to four new residential units Where the floorspace to be created or changed in use is less than 499 square metre | Written advice only: £557 Virtual meeting and letter: £1,105 Meeting on site and letter: £1,197 | 5.25% increase (baseline Inflation) | Written advice only: £586 Virtual meeting and letter: £1,163 Site visit, follow up meeting and letter £1259 |

| | | | | |
|--|--|--|---|--|
| <p>Larger scale development fees for minor applications</p> | <ul style="list-style-type: none"> • Creation of five to nine new residential units • Where the floorspace to be created or changed in use is between 499 to 999 sqm metres | <p>Written advice only: £834</p> <p>Virtual meeting and letter: £1,658</p> <p>Meeting on site and letter: £1,846</p> | <p>5.25% increase</p> <p>(baseline Inflation)</p> | <p>Written advice only: £877</p> <p>Virtual meeting and letter: £1,745</p> <p>Site visit, follow up meeting and letter £1942</p> |
| <p>Major development fees</p> | <p>Existing criteria</p> <ul style="list-style-type: none"> • Creation of 10 units or over • Creation or change of use of over 1,000 square metres or more floorspace <p>Proposed criteria</p> <ul style="list-style-type: none"> • Ten to 99 new residential units • Creation or change of use is between 1,000 square metres 9,999 square metres | <p>£2,575</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and council</p> | <p>10% increase</p> <p>Enhanced service</p> | <p>£2,832</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and</p> |

| | | | | |
|------------------------------|---|--|-----|---|
| | | teams (60 mins) Written response (format to be agreed by the parties) | | council teams (60 mins) Written response (format to be agreed by the parties) |
| Strategic development | <ul style="list-style-type: none"> • Creation of 100 or more new residential units • Creation or change of use of 10,000 square metres or more floorspace | Not currently available | N/A | <p>£3500</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and council teams (up to 2 hours)</p> |

| | | | | |
|---------------------------------------|--|---|--|--|
| | | | | Written response (format to be agreed by the parties) |
| Works to listed buildings fees | <ul style="list-style-type: none"> • Internal and external works to listed buildings • Enquiries relating to whether proposed works require listed building consent should be subject to a formal application for a lawful development certificate | <p>Virtual meeting and letter: £480</p> <p>Meeting on site and letter: £638</p> | <p>5.25% increase (baseline Inflation)</p> | <p>Virtual meeting and letter: £506.00</p> <p>Site visit, follow up meeting and letter: £671</p> |



Phone: 01732 876230

Email: building.control@tmbc.gov.uk

www.tmbc.gov.uk

Building Control, Council Offices, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

Standard Building Control Guide to Charges Effective from 1 April 2024

These tables and guidance notes are based on the Tonbridge and Malling Borough Council's Building Control Charges scheme. The charges scheme is made under the Building (Local Authority Charges) Regulations 2010. The charges have been established to cover the cost of building control fee earning work in respect of commonly occurring building projects.

Charges payable for:

Before you build, extend, convert or make alterations to a property, you may need to submit a Building Regulation application to Tonbridge and Malling Borough Council and this will take the form of either a Full Plans application, a Building Notice submission or Regularisation application. If the basis on which the charge has been determined significantly changes, the Building Control Partnership may either provide a refund or request a supplementary charge in writing setting out the basis and detailing the method of calculation.

Full Plans

If you submit a Full Plans application the Plan Charge must accompany the plans to cover an assessment of the works and the passing or rejection of the plans. The Inspection Charge becomes due after our Building Surveyors first inspection of the works on site. An invoice will be sent to the applicant for the relevant amount and this covers all necessary site inspections by Building Control Surveyors including issuing a completion certificate.

Building Notice

Where a Building Notice is submitted, the Building Notice Charge is payable at the time of submitting the Notice. The fee covers Building Control Surveyors visiting the site when notified to ensure the work conforms to Building Regulations and the issuing of a completion certificate. Supplementary information, ie floor plans, structural & thermal calculations, may be requested as necessary to confirm compliance with the Building Regulations 2010.

Fire Safety Order

A Building Notice cannot be used for a 'designated building' which is a building subject to the Regulatory Reform (Fire Safety) Order 2005, i.e. non-domestic properties, common areas of flats and homes in multiple occupation, etc.

Regularisation

If you have carried out unauthorised building work you can apply for a Regularisation Certificate if the works were carried out on or after 11 November 1985. There is a fee to pay to cover the cost of assessing your application and all inspections, but no VAT is payable on this type of application.

Individually Determined Charges

You can request a bespoke fee quote where:

- All or part of the project falls outside of the standard charges in Tables A, B & C
- These categories do not cover all aspects of the project
- The categories do not reflect a reasonable charge
- You are unsure what standard charges to apply.

We will use or calculated hourly rate of £61.52 for individually determined charges.

You can obtain an Individually Determined Charge by sending plans of your proposals by email: building.control@tmbc.gov.uk or by contacting us by telephone: 01732 876230.

Exemption from Charges

Existing dwelling - where the **whole** of the work is solely for the purpose of providing access for a disabled person to, from and within their residence, or for the purpose of providing accommodation, or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person (subject to Regulation 4(2)) no charge shall be payable. Note: evidence of the person's disability or special needs may be required, ie, a letter from a medical practitioner or an occupational therapist.

Existing building - to which members of the public are admitted (e.g. public buildings, shops, banks, etc) - where the **whole** of the work is solely for the purpose of providing access for disabled persons to, from and within the building, or for the provision of facilities designed to secure the greater health, safety, welfare or convenience of disabled persons no charge shall be payable.

Service level

The inspection fee will cover all site inspections carried out during the construction phase including discussions and meetings with the builder, architect &/or the owner if required. Our Surveyors provide a next day inspection service and because we are local we will do our utmost to accommodate any reasonable requests for inspections at short notice in the event of problems on site. We offer a prompt, proactive, commercially aware service and we understand the pressure involved in delivering construction projects on time including the programming issues of major builds.

The stages the Surveyor will look at include:

- Foundations
- Damp proofing
- Drainage
- Beams, floor and roof structures
- Thermal insulation
- Completion

VAT

VAT is charged at 20% (VAT is not applicable to Regularisation applications)

Payment

Payment can be made on our website; www.tmbc.gov.uk.

Debit /Credit card payments are accepted by telephone; 01732 876230 and cheques should be made payable to “Tonbridge & Malling Borough Council”.

Further guidance, application forms and advice can be obtained from:

Building Control, Council Offices,
Gibson Building, Gibson Drive,
Kings Hill, West Malling,
ME19 4LZ

Email: building.control@tmbc.gov.uk

Phone: 01732 876230

www.tmbc.gov.uk

Standard Charges

Table A – New dwellings

Limited to work less than 300m2 floor area

| Code | Bungalows or Houses less than 3 storeys | Totals | 23/24 Full plans Plan Charge | Uplift by 10% For 24/25 | 23/24 Full plans Inspection Charge | Uplift by 10% For 24/25 | 23/24 Building Notice Charge | Uplift by 10% For 24/25 | 23/24 Regularisation Charge | Uplift by 10% For 24/25 |
|----------------|---|-----------------------|--|-------------------------|------------------------------------|-------------------------|------------------------------|-------------------------|-----------------------------|-------------------------|
| H01 | 1 Plot | Net | 280.83 | 308.33 | 577.50 | 635.00 | 1028.33 | 1130.83 | 1546.00 | 1700.00 |
| | | VAT | 56.17 | 61.67 | 115.50 | 127.00 | 205.67 | 226.17 | | |
| | | Total | 337.00 | 370.00 | 693.00 | 762.00 | 1234.00 | 1357.00 | 1546.00 | 1700.00 |
| H02 | 2 Plots | Net | 350.00 | 385.00 | 933.33 | 1026.67 | 1541.67 | 1695.83 | 2100.00 | 2310.00 |
| | | VAT | 70.00 | 77.00 | 186.67 | 205.33 | 308.33 | 339.17 | | |
| | | Total | 420.00 | 462.00 | 1120.00 | 1232.00 | 1850.00 | 2035.00 | 2310.00 | 2310.00 |
| Page 74 H03 | 3 Plots | Net | 420.83 | 462.50 | 1225.83 | 1348.33 | 1974.17 | 2171.67 | 2962.00 | 3258.00 |
| | | VAT | 84.17 | 92.50 | 245.17 | 269.67 | 394.83 | 434.33 | | |
| | | Total | 505.00 | 555.00 | 1471.00 | 1618.00 | 2369.00 | 2606.00 | 2962.00 | 3258.00 |
| H04 | 4 Plots | Net | 490.00 | 539.17 | 1512.50 | 1663.33 | 2402.50 | 2402.50 | 3604.00 | 3964.00 |
| | | VAT | 98.00 | 107.83 | 302.50 | 332.67 | 480.50 | 480.50 | | |
| | | Total | 588.00 | 647.00 | 1815.00 | 1996.00 | 2883.00 | 2883.00 | 3604.00 | 3964.00 |
| H05 | 5 Plots | Net | 560.00 | 615.83 | 1657.50 | 1823.33 | 2661.67 | 2927.50 | 3992.00 | 4391.00 |
| | | VAT | 112.00 | 123.17 | 331.50 | 364.67 | 532.33 | 585.50 | | |
| | | Total | 672.00 | 737.00 | 1989.00 | 2188.00 | 3194.00 | 3513.00 | 3992.00 | 4391.00 |
| | | Flats on application. | Remove these items below as rarely / if ever used. Fees for new flats to be quoted | | | | | | | |
| F01 | 1 Flat | Net | 151.67 | | 409.17 | | 559.17 | | 992.00 | |
| | | VAT | 33.33 | | 81.83 | | 111.83 | | | |
| | | Total | 182.00 | | 491.00 | | 671.00 | | 992.00 | |
| F02 | 2 Flats | Net | 280.83 | | 409.17 | | 689.17 | | 992.00 | |
| | | VAT | 56.17 | | 81.33 | | 137.83 | | | |
| | | Total | 337.00 | | 491.00 | | 827.00 | | 992.00 | |
| F03 | 3 Flats | Net | 350.00 | | 557.50 | | 927.50 | | 1338.00 | |
| | | VAT | 70.00 | | 111.50 | | 185.50 | | | |
| | | Total | 420.00 | | 669.00 | | 1113.00 | | 1338.00 | |
| | | Net | 420.83 | | 715.00 | | 1135.83 | | 1635.00 | |

| | | | | | | | | | | |
|-----|---------|--------------|---------------|--|----------------|--|----------------|--|----------------|--|
| F04 | 4 Flats | VAT | 84.17 | | 143.00 | | 227.17 | | | |
| | | Total | 505.00 | | 858.00 | | 1363.00 | | 1635.00 | |
| F05 | 5 Flats | Net | 490.00 | | 980.00 | | 1469.17 | | 2116.00 | |
| | | VAT | 98.00 | | 196.00 | | 293.83 | | | |
| | | Total | 588.00 | | 1176.00 | | 1763.00 | | 2116.00 | |

Standard Charges

Table B – Extensions to a single dwelling

Limited to work not more than 3 storeys above ground level

| Code | Extensions & Outbuildings | Totals | 23/24 Full Plans Plan Charge | Uplift by 5.25% For 24/25 | 23/24 Full Plans Inspection Charge | Uplift by 5.25% For 24/25 | 23/24 Building Charge Notice | Uplift by 5.25% For 24/25 | 23/24 Regularisation Charge | Uplift by 5.25% For 24/25 |
|------|---|--------------|------------------------------|---------------------------|------------------------------------|---------------------------|------------------------------|---------------------------|-----------------------------|---------------------------|
| D01 | Single storey extension with a floor area less than 10m ² | Net | 140.00 | 147.50 | 350.00 | 368.33 | 490.00 | 515.83 | 735.00 | 774.00 |
| | | VAT | 28.00 | 29.50 | 70.00 | 73.67 | 98.00 | 103.17 | | |
| | | Total | 168.00 | 177.00 | 420.00 | 442.00 | 588.00 | 619.00 | 735.00 | 774.00 |
| D02 | Single storey extension with floor area between 10m ² & 40m ² | Net | 210.00 | 220.83 | 490.00 | 515.83 | 700.00 | 715.83 | 1051.00 | 1106.00 |
| | | VAT | 42.00 | 44.17 | 98.00 | 103.17 | 140.00 | 143.17 | | |
| | | Total | 252.00 | 265.00 | 588.00 | 619.00 | 840.00 | 859.00 | 1051.00 | 1106.00 |
| D03 | Single storey extension with floor area between 40m ² & 100m ² | Net | 280.83 | 295.83 | 560.00 | 589.17 | 840.83 | 885.00 | 1260.00 | 1326.00 |
| | | VAT | 56.17 | 59.17 | 112.00 | 117.83 | 168.17 | 177.00 | | |
| | | Total | 337.00 | 355.00 | 672.00 | 707.00 | 1009.00 | 1062.00 | 1260.00 | 1326.00 |
| D04 | Multi-storey extension (ie some part 2 or 3 storeys in height) & floor overall area not exceeding 40m ² | Net | 280.83 | 295.83 | 560.00 | 589.17 | 840.83 | 885.00 | 1260.00 | 1326.00 |
| | | VAT | 56.17 | 59.17 | 112.00 | 117.83 | 168.17 | 177.00 | | |
| | | Total | 337.00 | 355.00 | 672.00 | 707.00 | 1009.00 | 1062.00 | 1260.00 | 1326.00 |
| D05 | Multi-storey extension (ie some part 2 or 3 storeys in height) & overall floor area 40m ² to 100m ² | Net | 280.83 | 295.83 | 630.00 | 663.33 | 910.00 | 957.50 | 1406.00 | 1441.00 |
| | | VAT | 56.17 | 59.17 | 126.00 | 132.67 | 182.00 | 191.50 | | |
| | | Total | 337.00 | 355.00 | 756.00 | 796.00 | 1092.00 | 1149.00 | 1406.00 | 1441.00 |
| D06 | Extension comprising a garage, carport or store with an overall floor area less than | Net | 140.00 | 147.50 | 350.00 | 368.33 | 490.00 | 515.83 | 714.00 | 751.00 |
| | | VAT | 28.00 | 29.50 | 70.00 | 73.67 | 98.00 | 103.17 | | |
| | | Total | 168.00 | 177.00 | 420.00 | 442.00 | 588.00 | 619.00 | 714.00 | 751.00 |

| | | | | | | | | | | |
|--------------------|---|--------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|
| D07 | Detached non-habitable domestic outbuilding building, overall floor area less than 60m ² | Net | 140.00 | 147.50 | 350.00 | 368.33 | 490.00 | 515.83 | 735.00 | 774.00 |
| | | VAT | 28.00 | 29.50 | 70.00 | 73.67 | 98.00 | 103.17 | | |
| | | Total | 168.00 | 177.00 | 420.00 | 442.00 | 588.00 | 619.00 | 735.00 | 774.00 |
| D08 | Detached habitable domestic outbuilding / Annex with an overall floor area less than 60m ² | Net | 280.83 | 295.83 | 560.00 | 589.17 | 840.83 | 885.00 | 1260.00 | 1326.00 |
| | | VAT | 56.17 | 59.17 | 112.00 | 117.83 | 168.17 | 177.00 | | |
| | | Total | 337.00 | 355.00 | 672.00 | 707.00 | 1009.00 | 1062.00 | 1260.00 | 1326.00 |
| Conversions | | | | | | | | | | |
| D09 | Loft conversions with a floor area less than 40m ² | Net | 280.83 | 295.83 | 560.00 | 589.17 | 840.83 | 885.00 | 1260.00 | 1326.00 |
| | | VAT | 56.17 | 59.17 | 112.00 | 117.83 | 168.17 | 177.00 | | |
| | | Total | 337.00 | 355.00 | 672.00 | 707.00 | 1009.00 | 1062.00 | 1260.00 | 1326.00 |
| D10 | Loft conversions with a floor area between 40m ² & 100m ² | Net | 280.83 | 295.83 | 630.00 | 663.33 | 910.00 | 957.50 | 1406.00 | 1480.00 |
| | | VAT | 56.17 | 59.17 | 126.00 | 132.67 | 182.00 | 191.50 | | |
| | | Total | 337.00 | 355.00 | 756.00 | 796.00 | 1092.00 | 1149.00 | 1406.00 | 1480.00 |
| D11 | Conversion of a garage to a habitable room | Net | 140.00 | 147.50 | 256.67 | 270.00 | 396.67 | 417.50 | 595.00 | 626.00 |
| | | VAT | 28.00 | 29.50 | 51.33 | 54.00 | 79.33 | 83.50 | | |
| | | Total | 168.00 | 177.00 | 308.00 | 324.00 | 476.00 | 501.00 | 595.00 | 626.00 |

Multiple work reductions:

- a) Where more than one extension, or an extension and a loft conversion is proposed and the works are carried out concurrently, the individual fees should be combined and reduced by 30%.
- b) Where domestic alterations up to £15,000 are to be carried out at the same time as work described in codes D01 – D09 above, the charge payable in Table C can be reduced by 30%.

Standard Charges

Table C – Alterations to a single dwelling and all other non-domestic work

Limited to work not more than 3 storeys above ground level

| Code | Alterations | Totals | 23/24 Full Plans Plan Charge | Uplift by 10% For 24/25 | 23/24 Full Plans Inspection Charge | Uplift by 10% For 24/25 | 23/24 Building Notice Charge | Uplift by 10% For 24/25 | 23/24 Regularisation Charge | Uplift by 10% For 24/25 |
|------|---|--------------|------------------------------|-------------------------|------------------------------------|-------------------------|------------------------------|-------------------------|-----------------------------|-------------------------|
| D11 | Renovation of a thermal element ie recovering a roof or recladding walls | Net | 210.00 | 230.83 | | | 210.00 | 230.83 | 316.00 | 348.00 |
| | | VAT | 42.00 | 46.17 | | | 42.00 | 46.17 | | |
| | | Total | 252.00 | 277.00 | 0 | 0 | 252.00 | 277.00 | 316.00 | 348.00 |
| D12 | Replacement of windows, roof windows, or external glazed doors (up to 10 units) | Net | 210.00 | 230.83 | | | 210.00 | 230.83 | 316.00 | 348.00 |
| | | VAT | 42.00 | 46.17 | | | 42.00 | 46.17 | | |
| | | Total | 252.00 | 277.00 | 0 | 0 | 252.00 | 277.00 | 316.00 | 348.00 |
| D13 | Cost of work not exceeding £2000 | Net | 210.00 | 230.83 | | | 210.00 | 230.83 | 316.00 | 348.00 |
| | | VAT | 42.00 | 46.17 | | | 42.00 | 46.17 | | |
| | | Total | 252.00 | 277.00 | 0 | 0 | 252.00 | 277.00 | 316.00 | 348.00 |
| D14 | Cost of work between £2,001 & £5,000 | Net | 291.67 | 320.83 | | | 291.67 | 320.83 | 426.00 | 469.00 |
| | | VAT | 58.33 | 64.17 | | | 58.33 | 64.17 | | |
| | | Total | 350.00 | 385.00 | 0 | 0 | 350.00 | 385.00 | 426.00 | 469.00 |
| D15 | Cost of work between £5,001 & £15,000 | Net | 175.00 | 192.50 | 294.17 | 323.33 | 467.50 | 514.17 | 669.00 | 736.00 |
| | | VAT | 35.00 | 38.50 | 58.83 | 64.67 | 93.50 | 102.83 | | |
| | | Total | 210.00 | 231.00 | 353.00 | 388.00 | 561.00 | 617.00 | 669.00 | 736.00 |
| D16 | Cost of work between £15,001 & £25000 | Net | 199.17 | 219.17 | 391.67 | 430.83 | 590.00 | 649.17 | 887.00 | 976.00 |
| | | VAT | 39.83 | 43.83 | 78.33 | 86.17 | 118.00 | 129.83 | | |
| | | Total | 239.00 | 263.00 | 470.00 | 517.00 | 708.00 | 779.00 | 887.00 | 976.00 |

| | | | | | | | | | | |
|-----|--|--------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|----------------|
| D17 | Cost of work between £25,001 & £50000 | Net | 315.00 | 346.67 | 637.50 | 701.67 | 952.50 | 1047.50 | 1429.00 | 1572.00 |
| | | VAT | 63.00 | 69.33 | 127.50 | 140.33 | 190.50 | 209.50 | | |
| | | Total | 378.00 | 416.00 | 765.00 | 842.00 | 1143.00 | 1257.00 | 1429.00 | 1572.00 |
| D18 | Cost of work between £50,001 & £100000 | Net | 391.67 | 430.83 | 770.83 | 847.50 | 1162.50 | 1278.50 | 1724.00 | 1896.40 |
| | | VAT | 78.33 | 88.17 | 154.17 | 169.50 | 232.50 | 255.67 | | |
| | | Total | 470.00 | 517.00 | 925.00 | 1017.00 | 1395.00 | 1534.00 | 1724.00 | 1896.00 |

Table C continued – Alterations to a single dwelling and all other non-domestic work where a satisfactory Competent Persons Scheme notification can / will not be provided (in addition to the above, where applicable)

This charge relates to the first fix pre- plaster inspection and final testing on completion. For an electrical works Regularisation Certificate full testing and appraisal will be carried out.

| Code | Alterations | Totals | 23/24 Application Charge | Uplift by 5.25% For 24/25 |
|------|---|--------------|--------------------------|---------------------------|
| D19 | Where a satisfactory competent person's certificate can / will not be provided, Electrical Part P, HETAS. | Net | 312.50 | 329.17 |
| | | VAT | 62.50 | 65.83 |
| | | Total | 375.00 | 395.00 |

Estimated Cost of Works:

The estimated cost of work used to determine the charge in Table C should be a reasonable estimate that would be charged by a professional builder to carry out such work (excluding the amount of any VAT).

Competent Persons Schemes:

The Charges generally in Tables A,B and C have been reduced to reflect where controlled electrical and heating installations are being certified by an installer registered with one of the Governments Competent Persons Schemes. If a certified installer is not subsequently employed or Competent persons certification is not received, the charge in Table C, code D19, will be required for each unit. This is to enable checks and tests on the work to be made by our nominated contractor to establish that the work meets with the requirements of the Building Regulations 2010.

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25

This report updates members of the existing fees charged to licence a house in multiple occupation (HMO) or caravan site for permanent residential use and the recommended fee charge for 2024/25 to process the respective applications.

1.1 Review of HMO licensing fees

- 1.1.1 Under the Housing Act 2004 Part 2 houses in multiple occupation (HMOs) occupied by five or more persons living in two or more households are required to be licensed. HMOs in self-contained flats in purpose built blocks where the block comprises three or more self-contained flats are excluded from this licensing requirement.
- 1.1.2 There are currently 25 licensed HMOs in the Tonbridge & Malling area.
- 1.1.3 The aim of licensing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.
- 1.1.4 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the Council. The licence is held on a public register maintained by the Council.
- 1.1.5 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used, the proposed revised charges are detailed in the table below:

| Service | Current Charge | Recommended Charge | Predicted Income Full Year 2024/25 | Predicted increase on 2023/24 income |
|--------------------------------------|-----------------------|---------------------------|--|---|
| New HMO licence application fee | £627 | £753 | £2,259 for three new HMO licence applications. | £378 |
| Renewal of a HMO licence application | £572 | £675 | £4,050 for six licence renewals due in this period | £2,906 |

1.1.6 The charge for a new HMO licence application (in 2023/24) in Tunbridge Wells is £735 (for 5 to 7 occupants) and £825 (for 8 or more occupants) and £720 in Maidstone.

1.1.7 The charge for the renewal of an HMO licence application (in 2023/24) in Tunbridge Wells is £635 (for 5 to 7 occupants) and £680 (for 8 or more occupants) and £670 for Maidstone. The lower cost for a renewal is attributed to the reduced inspection time.

1.2 Caravan Site Licensing

1.2.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.

1.2.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.

1.2.3 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges based on an increase of 5.25% are shown in the table below:

| Service | Current Charge | Recommended Charge | Predicted Income Full Year 2024/25 | Predicted increase on 2023/24 income |
|--|-----------------------|---------------------------|---|---|
| New caravan site licence application fee | £451 | £475 | £475 for one new licence | -£427 |

| | | | | |
|------------------------------------|------|------|---|-----|
| Transfer of a caravan site licence | £220 | £232 | £464 based on the transfer of two caravan site licences | £24 |
|------------------------------------|------|------|---|-----|

- 1.2.4 The charge to process a licence application for a new caravan site and transfer of the licence (in 2023/24) in Tunbridge Wells is £315 and £175 respectively. The charge in Sevenoaks is an incremental cost from £542 dependent on the number of pitches above one for a new caravan site, free if a single pitch site, and to transfer an existing licence is £84.
- 1.2.5 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for site owners/caravan site licence holders or for their person appointed to manage the mobile home/caravan/park home site. This only applies to relevant protected sites other than non-commercial family occupied sites.
- 1.2.6 The Regulations require site owners/caravan site licence holders to apply to be included or their appointed manager to be included on a register of fit and proper persons. Inclusion on the register is for five years.
- 1.2.7 The Council adopted a fee policy for processing fit and proper person test applications and the fee charge in 2023/24 was £259. It is proposed to increase this fee for the 2024/25 period to £273. The predicted income from this in 2024/25 is £273 which will be a £14 increase on income for 2023/24. The fee charged by our neighbouring boroughs of Tunbridge Wells and Sevenoaks (in 2023/24) is £132 and £88.45 respectively.
- 1.2.8 The total increase in income for 2024/25 compared to 2023/24 is predicted to be £2,895. This is based on the increased fee charges plus awareness of when new licence applications are expected to be submitted.

1.3 Legal Implications

- 1.3.1 The Council is legally required to licence certain HMOs and caravan sites under the Housing Act 2004 Part 2 and the Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) respectively. For this licensing function they may charge a fee to fund the costs to process an application.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost to process the HMO and caravan site licence related applications is reflected in the fee charged to the applicant. Therefore, there should be no additional financial and value for money considerations.

1.5 Risk Assessment

1.5.1 There are no risks associated with this report.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

1.7.1 Members are **RECOMMENDED** to **AGREE** charges from the 1 April 2024 for the following:

- £753 for processing a new mandatory HMO licence application;
- £675 for the processing of a renewal application for a mandatory HMO licence;
- £475 for processing a new caravan site licence application where the use of the site is for permanent residential use;
- £232 for the transfer of a caravan site licence for a permanent residential use site; and
- £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites.

Background papers:

contact: Linda Hibbs

Nil

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS REPORT AND TEMPORARY ACCOMMODATION PROVISION ACTION PLAN

TMBC used funding from the Local Government Association Housing Advisers Programme (HAP) to commission research options to deliver 40 sustainable temporary accommodation units. Consultants at Altair were commissioned to research and report on sustainable TA delivery options and the final report is presented to members for information (Annex 1).

The options report has informed the development of a Temporary Accommodation Portfolio Action Plan (Annex 2) to work towards securing sustainable TA provision for consideration and recommendation to Cabinet to approve for adoption.

1.1 Background

- 1.1.1 The action plan from consultancy advice on Temporary Accommodation (TA) in early 2022 included an action on TA procurement approach as the cost of placing households in TA remains high, primarily due to the ongoing use of nightly paid accommodation for the majority of provision. The consultancy work advised a 'natural level' of TA need to be 80-100 placements.
- 1.1.2 At the time of the TA consultancy report in January 2022 the peak number of households in TA was 164 and in November 2022 had reduced to 97. There are 118 households in TA currently (November 2023) with nightly rates at an average of £50.26 in 2023/4, a 5.2% increase from the average nightly cost of placements in 2022/23.
- 1.1.3 With actions implemented on managing the numbers of households in temporary accommodation our focus is now on managing the cost of TA provision through reducing the cost of each placement to reduce revenue spend.
- 1.1.4 The Housing Portfolio Approach OSG formed in May 2023 with the purpose to carry out work to ensure TMBC makes best use of its assets to support its statutory housing functions and alleviate housing pressures in the borough. The

group aims to oversee a reduction in the net cost of temporary accommodation provision.

- 1.1.5 Altair were commissioned to research and report on sustainable TA delivery options and the final report is presented to Members for information (**Annex 1**). The aim of the project was to research and investigate options for sustainable temporary accommodation provision, specifically developing an initial assessment of options and recommendations for direct delivery, such as commissioning delivery of units on council land using Modern Methods of Construction (MMC), long lease options and property acquisition to secure approximately 40 units of temporary accommodation in borough. The 40 units could be achieved through a combination of options.
- 1.1.6 The Temporary Accommodation Portfolio Action Plan (**Annex 2**) sets out range of actions over the next five years aiming to improve TA provision and reduce revenue expenditure on TA.

1.2 The Council's existing TA portfolio and costs

1.2.1 The Council's TA portfolio currently consists of;

- 6 self-contained units in Tonbridge
- 8 HMO units and 2 houses in Tonbridge
- 7 self-contained studio units at in Maidstone, utilised for 1 bed need households with more complex needs
- 9 Clarion properties (this number fluctuates and can be up to 20 depending on conversion to permanent tenancies, move on options and suitability/availability of new properties)
- Remainder of households placed in nightly paid TA.

1.2.2 Current expenditure of TA provision, primarily through nightly paid provision is summarised in the table below, with spend for last financial year 2022-23 being £1,628,290 with a net cost of £748.14 to the Council:

| | Actual | | | Estimates | | Projection | | |
|--------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 | 2026/27 | 2026/28 |
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Gross Expenditure | 1,840,256 | 2,174,298 | 1,628,290 | 1,550,000 | 1,400,000 | 1,442,000 | 1,470,800 | 1,500,200 |
| Gross Income | (1,013,596) | (1,217,576) | (880,144) | (823,050) | (743,400) | (765,700) | (781,000) | (796,600) |
| Saving Target | | | | | | | (300,000) | (400,000) |
| Net Costs | 826,660 | 956,722 | 748,146 | 726,950 | 656,600 | 676,300 | 389,800 | 303,600 |

1.2.3 The approach to management of existing provision along with occupancy charges and subsidy for temporary accommodation is an important consideration to ensure rental income is maximised towards meeting the costs of provision to the Council. The housing team are currently developing the approach to management of TA including procurement of a repairs and maintenance contract. It is expected that this will be place for the new financial year. A review of the TA charging policy is also planned and will be carried out jointly between housing and financial services.

1.3 Sustainable Temporary Accommodation Delivery Options – Altair report

1.3.1 This options research project gives the Council insight into delivery options available to meet the need for sustainable temporary accommodation provision and associated costs and benefits.

1.3.2 To be sustainable the Council is seeking to achieve the following:

- In Borough location – sustainable in management and control terms, and for households occupying the provision to sustain and maintain their social, family and employment commitments and responsibilities.
- Enabling more direct management and influence over provision by the Council, with good quality design and ease of access and management of occupancy.
- Energy efficient and low carbon
 - Construction methods, with MMC to be explored, and utilisation of unused sites/brownfield sites
 - Energy efficiency for occupation with low carbon emissions – use of energy efficiency heating and hot water options.

1.3.3 The report sets out the following recommendations to secure sustainable TA in the borough:

- Modular Construction of new homes – explore the option to develop new TA through modular construction. This includes identifying possible sites, modular developers, capital available and any Homes England grant to take forward this option.
- Private Sector Leasing – explore opportunities to lease homes from the private sector on a longer-term basis than the nightly-paid properties. This may be through developing relationships with landlords with local portfolios.
- Partnership working – explore opportunities to partner with a third party to provide new TA units in the borough, including but not limited to:
 - Extending the current partnership working with Clarion Housing

- Partnering with another local registered provider to explore a similar arrangement to the Clarion partnership.
- Social Lettings Agency – engage with local social lettings agencies (including an established Kent agency) to understand if and how a TA offering would work if the Council joined the agency.
- Re-purpose existing stock – identify if there are any existing sheltered accommodation schemes that could be re-purposed for TA. Work with Registered Providers (RPs) in the borough to identify potential assets to re-purpose, such as ex or soon to be ex-sheltered accommodation blocks. Be agile to any future opportunities that arise to re-purpose accommodation within the borough.

1.4 Temporary Accommodation Portfolio Action Plan

1.4.1 The Temporary Accommodation Portfolio Action Plan has been informed by work by the Housing Portfolio Approach OSG and Sustainable Temporary Accommodation delivery options report by Altair. The action plan has short and medium term actions all aiming towards securing more sustainable TA provision, in turn enabling the Council to move away from the current reliance on nightly paid private provision, improve quality and reduce revenue expenditure. In the short-term key actions are to:

- Explore the possibility of modular development in more detail.
- Develop partnership working with Clarion Housing further and engage with other Registered Providers about TA provision.
- Develop and secure management resource for existing council owned TA provision.
- Review the current TA charging policy.

1.4.2 Some initial work relating to modular development has been carried out with soft market testing through contact with a range of modular development firms.

1.4.3 The modular market offers a range of products from single person to family sized units that are fabricated offsite for a shorter installation period. Many providers offer ‘turnkey’ solutions, where they work with the local authority for planning and design stages and deliver fully fitted out units on site. There are also some providers that offer management services.

1.4.4 More detailed consideration of modular delivery will be taken forward and monitored by the Housing Portfolio Approach OSG and include consideration of possible sites for this type of provision along with further engagement with modular providers as appropriate.

1.4.5 Progress on the action plan will be monitored through the Housing Portfolio Approach OSG. The Chair of the OSG (Director of Planning, Housing and Environmental Health) will report progress against the action plan to Management Team and relevant Cabinet Members and into this Committee as required.

1.5 Legal Implications

1.5.1 Statutory functions under the Housing Acts mean we have a need for TA provision for interim placements made under section 188 of the Housing Act 1996 (as amended), and longer-term placements for households accepted as homeless under section 193 of the same Act.

1.6 Financial and Value for Money Considerations

1.6.1 TMBC currently holds £254,343.08 S106 funds to be used for Affordable housing provision, with further contributions in the pipeline and £944,000 capital funding (included in Cabinet decision in January 2023).

1.6.2 S106 pipeline contributions information:

| Application | Amount expected | Note |
|---|---|---|
| 19/00287/FL (2-12 Avebury Avenue) | £229,959 | 2x payments of £114,979.50. |
| 19/01108/FL (1-4 River Walk) | £441,000 | 2x payments of £220,500. |
| 20/01392/FL (Former Somerfield Distribution Centre) | Unknown – profit above 17% where the appraisal provides that AH is not viable on the dev. | Viability report to be submitted 28 days after sale of last open market unit. |
| 20/02245/FL (Oakhill House) | £854,334 | 2x payments of £427,167 |
| 21/01542/FL (Rear of 78 to 80 High Street) | £273,479.88 £1,389,000 | Upfront payment Up to payment Cap minus upfront cost |
| 21/01911/FL (Land Rear of 182 High Street) | £251,323.42 | |

1.6.3 Existing budgets and reserves will be explored as the first port of call to meet costs associated with delivery of this action plan, alongside any opportunities for external funding.

1.7 Risk Assessment

1.8 Equality Impact Assessment

1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users that would vary between groups of people and protected characteristics.

Additional good quality temporary accommodation in the borough should result in improved services and therefore have an overall positive impact for service users.

1.9 Policy Considerations

- 1.9.1 Development and adoption of the Temporary Accommodation Portfolio Action Plan give structured approach to work relating to temporary accommodation provision and implementing recommendations of the Altair options report.
- 1.9.2 Reducing the use and cost of nightly paid Temporary Accommodation provision is an objective in the Housing Strategy, along with seeking alternative options to ensure a range of provision.
- 1.9.3 Climate Change – The Climate Change Strategy commits to local action on climate change with an aspiration for the borough to be carbon neutral by 2020. Energy efficiency in terms of sustainable temporary accommodation provision is considered within the options report informing the Temporary Accommodation Portfolio Action Plan.

1.10 Recommendations

- 1.10.1 NOTE the report by Altair in Annex 1 and RECOMMEND to Council to endorse it.
- 1.10.2 ENDORSE the Temporary Accommodation Portfolio Action Plan in Annex 2 and RECOMMEND this to Cabinet for approval and adoption.

Background papers:

contact: Eleanor Hoyle

Annex 1 Sustainable Temporary Accommodation
Delivery Report (Altair)

Annex 2 Temporary Accommodation (TA) Portfolio
Action Plan

Eleanor Hoyle

Director of Planning, Housing and Environmental Health



Options Appraisal Report

October 2023

Tonbridge and Malling Borough Council
Sustainable Temporary
Accommodation Delivery



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If the report is released to a third party without prior consent from Altair, we do not acknowledge any duty of care to the third party and do not accept liability for any reliance placed on the report.

1. Executive Summary

- 1.1. Altair Consultancy and Advisory Services (“Altair”) were commissioned by Tonbridge and Malling Borough Council (“TMBC” or “the Council”) to research and analyse options to deliver and secure sustainable temporary accommodation (“TA”) within the Tonbridge and Malling borough area with a target number of 40 units.
- 1.2. For the context of the review, TMBC defined ‘sustainable’ options as:
 - In-borough location
 - Enabling more direct management and provision by the Council
 - Energy efficient and low carbon
- 1.3. Altair undertook market research and interviewed key Council officers related to TA to devise a longlist of potential options for the Council to be able to deliver new TA. An interim report was provided to the project steering group who agreed the proposed options shortlist to take forward to the appraisal workshop.
- 1.4. Following this, an options appraisal workshop was undertaken with key Council officers in which the options were presented with cases studies and financial modelling. Workshop attendees discussed each of the presented options and then assessed the options’ suitability, feasibility, and acceptability (“SFA”) against TMBC’s strategic objectives and ‘sustainable’ criteria.
- 1.5. Based on the SFA scores and discussion from the workshop, we recommended that the following options are to be explored further by Council:
 1. Modular construction of new homes
 2. Private sector leasing
 3. Partnership to deliver TA
 4. Join a social lettings agency
 5. Re-purpose existing stock for TA
- 1.6. These recommendations, the rationale for them and our interim report were subsequently discussed at a meeting of the Council’s ‘Informal Cabinet.’ This important consultation with elected members was generally supportive of the options presented. However, although there was support for modular construction there was also a desire to move away from further leasing. Members also expressed a desire to utilise and expand the existing relationship with Clarion. Members are generally not open in the short term, given current interest rate levels, to taking on additional debt and prefer to utilise existing funding streams to pursue the recommended options.

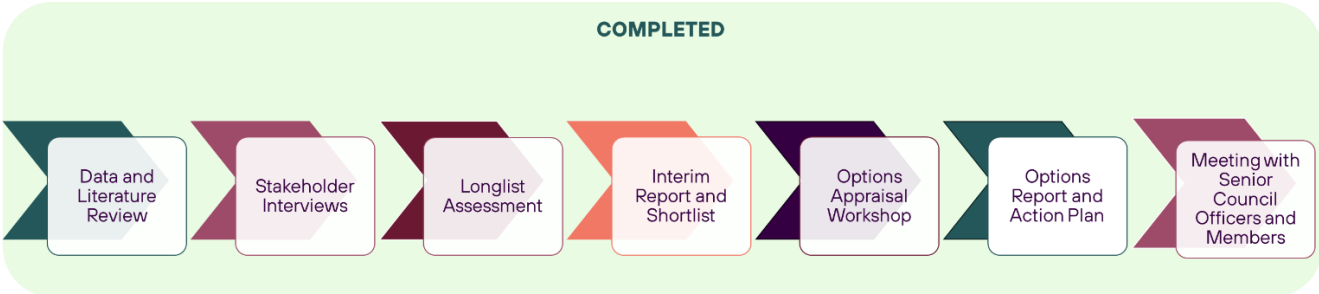
2. Introduction & Context

2.1. Overview of project

- 2.1.1. The number of TA placements in TMBC has increased over the last 5 years, from an average of 60 households to a high of 160 in 2021. The number of placements currently stands at around 100 households.
- 2.1.2. The majority of TMBC's current TA portfolio is 'nightly-paid' accommodation, most of which is not located within TMBC's local authority area. In addition to the nightly-paid accommodation, TMBC own 16 units of TA within the borough which is a mixture of self-contained units and HMOs. The Council also have 7 properties on a long-term lease agreement from a private provider to use for TA placements. Finally, TMBC also have an agreement with Clarion Housing Group ("Clarion") to use up to 20 of its properties in the borough for TA. Currently, only 7 properties are being used as TA under this agreement.
- 2.1.3. In June 2023, Altair were commissioned to research and analyse options to deliver and secure sustainable TA within the Tonbridge and Malling borough area, with a target number of 40 units, carry out feasibility studies for recommended options and produce an options report and recommendations.
- 2.1.4. In the context of this review, 'sustainable' is defined by TMBC as:
- In-Borough location – sustainable in management and control terms, and for households occupying the provision to sustain and maintain their social, family and employment commitments and responsibilities. Note that it was agreed by the project steering group (see Appendix 1 for the list of project steering group members) that this criteria may be flexible to out-of-borough depending on the option (see section 6 for further explanation).
 - Enabling more direct management and influence over provision by the Council, with good quality design and ease of access.
 - Energy efficient and low carbon in its:
 - Construction methods and utilisation of unused sites/brownfield sites.
 - Energy efficiency for occupation with low carbon emissions and use of energy efficiency heating and hot water options.
- 2.1.5. The aim of this project is to minimise the use of nightly paid accommodation to manage temporary accommodation costs and seek alternative provision.

3. Approach

3.1. Project stages and methodology



- 3.1.1. Following the project inception meeting, we reviewed documents and data provided by TMBC and held interviews with nine stakeholders within TMBC to understand the Council’s baseline position and its strategic priorities for delivering TA. The interviewees were from a range of teams within the Council including housing accommodation, property services, housing solutions, finance, benefits and welfare and housing improvement.
- 3.1.2. Simultaneously Altair identified a longlist of potential options for TMBC to deliver and secure TA. We drew upon the available literature and research on TA, as well as expertise from the wider Altair team who contributed best practise case studies as well as some ‘outlandish’ options they have seen being discussed within the sector. The longlist of options (see Appendix 2), totalling 16 options, was reviewed as part of an internal workshop by the Altair team on this project and assessed against TMBC’s ‘sustainable’ criteria.
- 3.1.3. After Altair’s internal assessment, we identified which options should be taken forward to the shortlist and which should be dismissed based on their suitability, feasibility, and acceptability against TMBC ‘sustainable’ criteria.
- 3.1.4. The proposed shortlist of options was presented in an interim report prior to a steering group meeting with project stakeholders on the 10th of July 2023. At the steering group meeting, the proposed longlist of options was discussed and a shortlist of 10 options was agreed to be brought forward to be assessed at the options appraisal workshop.
- 3.1.5. Following the agreement of the options shortlist, Altair undertook financial modelling on each the options under consideration. More information on the inputs, assumptions and outputs of the financial models are outlined in section 5 of this report.
- 3.1.6. On the 9th of August 2023, an options appraisal workshop was held with project stakeholders to assess the suitability, feasibility, and acceptability of the longlist of options. Further detail on the session is set out in section 6 of this report. The outcome of the session and our recommendations are included in this report.
- 3.1.7. It should be noted that Altair were made aware that TMBC have £944,000 of capital funding earmarked for TA provision after the financial modelling and options appraisal workshop took place. Therefore, it has not been included in the commentary contained

in this report. However, this funding should be considered by TMBC when exploring which options to take forward.

- 3.1.8. The options, outputs of the options appraisal workshop and recommendations from our interim report were presented to TMBC's Informal Cabinet on 26th September.
- 3.1.9. Following agreement on which options and recommendations will be taken forward, we have prepared an outline implementation plan to deliver the modular option (Appendix 5).
- 3.1.10. A final report will be taken to TMBC's Housing Planning Select Scrutiny Committee in December 2023.

4. Options Shortlist

4.1.1. Early within the options development phase of the research, it was established that there were five main categories of options that the Council could take forward. These options categories were:

- Option 1 – Direct delivery of new homes
- Option 2 – Property acquisition
- Option 3 – Leasing
- Option 4 – Partnership working
- Option 5 – Re-purpose existing stock

4.1.2. Within each option category, there were specific sub-options to be explored at the options appraisal workshop. An overview of the sub-options within the agreed shortlist are as follows:

4.1.3. Option 1a – Building new homes

4.1.4. The Council develop new TA through capital expenditure.

4.1.5. Option 1b – Modular construction of new homes

4.1.6. The Council use modular construction to deliver new TA units. Modular construction is the use of prefabricated demountable accommodation, which can be delivered onsite from a lorry, constructed rapidly, and then moved to another site when the original site is needed for permanent development.

4.1.7. Option 1c – Shipping containers

4.1.8. The Council convert shipping containers to be used as TA.

4.1.9. Option 2a – Purchasing properties as the Council

4.1.10. The Council purchases properties directly through the General Fund and let them as TA.

4.1.11. Option 2b – Office conversions

4.1.12. The Council convert commercial or Council-owned offices for the use of TA.

4.1.13. Option 3a – Private Sector Leasing

4.1.14. The Council lease properties from the private sector on long-term leases to be used as TA. This can either be through leasing directly from private landlords or through an agent whereby the Council sub-lease the property from the agent.

4.1.15. Option 3b – Private Licenced Accommodation (nightly paid)

4.1.16. The Council continue to acquire properties for TA through private licences on a nightly-paid basis.

4.1.17. Option 4a – Partnership to deliver TA

4.1.18. The Council enter into a partnership with another organisation to purchase, develop and/or manage properties to let as temporary accommodation. For example, this could be through a joint venture or in partnership with a Registered Provider of social housing.

4.1.19. Option 4b – Join a social letting agency

4.1.20. The Council join a local and existing social lettings agency to acquire more properties to use as TA.

4.1.21. Option 5a – Re-purpose existing stock for TA

4.1.22. The Council re-purpose existing stock within the borough to be used as TA. This could include social housing provision such as sheltered housing schemes which are becoming undesirable by the customer group it was originally for, and/or not fit for purpose, in partnership with Registered Providers.

5. Financial Modelling

5.1. General assumptions

- 5.1.1. Altair have undertaken financial modelling on each of the options under consideration. Consistent assumptions were made across the different models in order to provide an illustrative comparison of the options and for attendees to assess the relative strength and impact of the different options. The assumptions were based on market and internal data provided by TMBC where possible.
- 5.1.2. It should be reiterated that the costs and revenues are estimates, and that the actual costs and revenues may differ. Some options also have very wide costs parameters and therefore may have significant variability in practice.
- 5.1.3. The following financial assumptions were made:
- Two property types were considered: 1-bed self-contained accommodation (single homeless) & 3-bed family homes. Results for 2-beds would fall somewhere between the two.
 - Rental income: Tenant pays 90% 2011 LHA based on a straight average of BMRAs across TMBC. Tenant rent based on 1 bedroom size higher than the unit being occupied: includes a habitable room (e.g. dining room) assumed to be used as a bedroom.
 - House prices & market rents based on average lower quartile house prices in TMBC December 2022 and lower quartile rents for 2022/23 (with 5% uplift to 2023/24 rents).
 - Management & maintenance cost assumptions are based on the upper quartile (i.e. higher cost) 2022 RSH Global Accounts¹ averages for 54 providers with under 3,000 units, excluding lease-based providers. This was considered an appropriate benchmark for a local authority with no in-house general needs housing management function. These costs exclude depreciation.
 - Land cost assumed to be nil (except for existing property purchases).
 - No government subsidy assumed unless stated.
 - Capital cost funded by debt at PWLB fixed interest rates over 30 years (or expected asset life, if shorter).
 - Annuity loan payment – equal annual instalments, where both principal and interest are paid. Loan repaid gradually over the loan term.

¹Annual cost data published by the RSH (Regulator of Social Housing) for all English Registered Providers of social housing with more than 1,000 units in management.

- 5.1.4. We note in the presentation of the options (in the next section) any additional assumptions being made, or where assumptions were varied from the general assumption above.
- 5.1.5. The purpose of using common assumptions across all options was to maximise comparability. Even if the absolute assumption is too high or too low (meaning the financial performance might in practice be better or worse than modelled), the use of the same assumption across all the options means that their relative performance can be compared.
- 5.1.6. We also compared the cost of schemes at 2% lower interest rates (in anticipation of interest rates being lower in future years) but they made relatively little difference to the relative viability of the schemes.
- 5.1.7. It is the annual cost from day 1 that is being considered, rather than the net present value of the investment over a 30+ year time period. It should be noted that options which deliver the lowest annual cost are not necessarily the best value long term investment, but this analysis recognises that choices need to be made under an annual cost constraint.

5.2. Summary of outputs (include comparison graphs)

5.2.1. We have compared the performance of each option both for the operating position (peach bars) and the post-debt position (purple bars). As noted above, we would stress that the absolute level of surplus or deficit in these calculations is less important than the relative performance of each option.

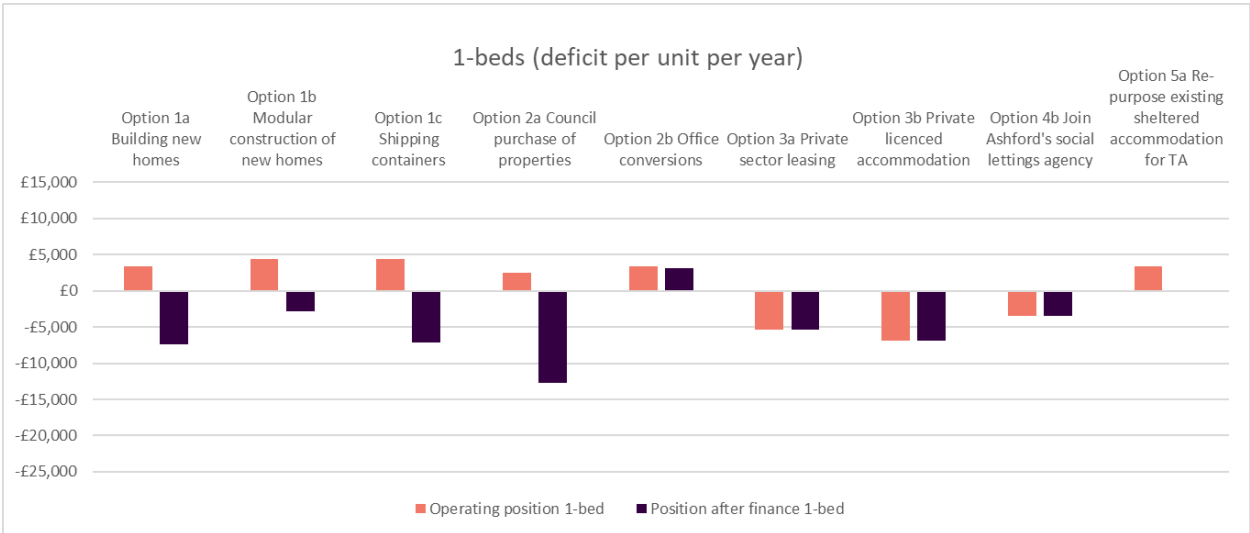


Figure 1: Options 1a-5a operating vs post debt position for 1-beds

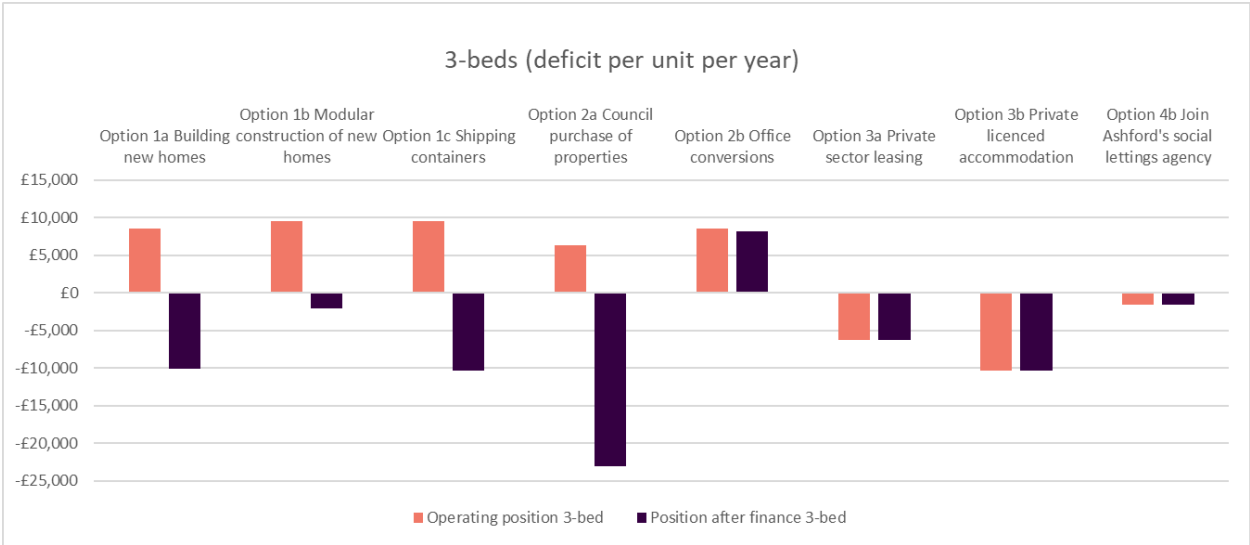


Figure 2: Options 1a-5a operating vs post debt position for 3-beds

5.2.2. As can be seen, purchase of existing properties gives the most negative outcome. This is unsurprising as it entails buying property at full market value, without subsidy, and letting it at below market rents. Options with public subsidy (e.g. 1a new build), lower capital cost (e.g. 1b modular), and options which do not involve borrowing (e.g. 3a private sector leasing) perform better in relative terms.

5.2.3. The cost of the office conversion option 2b depends hugely on the site under consideration – with free land and average conversion costs, it is the most financially viable option, but if conversion costs are higher and the building needs to be acquired, it may be as expensive as new build.

5.2.4. Similarly, option 5a (re-purposing existing sheltered accommodation) is modelled as a rental, but a capital purchase could entail much higher costs.

5.2.5. Note that no 3-bed option has been modelled for option 5a as it was considered probably that sheltered accommodation units would be mainly 1-beds and conversion to larger family-sized accommodation would be unfeasible.

5.3. Inputs, assumptions and outputs for options 1a-5a

5.3.1. In each case the relevant financial consideration is how the option compares with option 3b private licenced accommodation (also referred to as nightly paid accommodation) which is currently TMBC’s dominant mode of provision.

5.4. Option 1a: Building new homes

5.4.1. It is assumed that there is no land cost, i.e. TMBC is building on land it already owns. Adding a land cost would reduce the viability of this scheme (the post-finance deficit could be 35%-70% higher, depending on the mix of housing sizes and the development density).

5.4.2. In this option it is assumed that 30% of the total scheme cost (including land, if applicable) will be funded by Homes England grant. This is based on previous TMBC discussions about possible grant funded schemes.

5.4.3. Debt servicing costs mean that there are large annual deficits until the loan is repaid. However, once the debt is repaid, TMBC owns a valuable asset with various potential alternative uses (subject to any planning conditions such as having to remain as affordable housing).

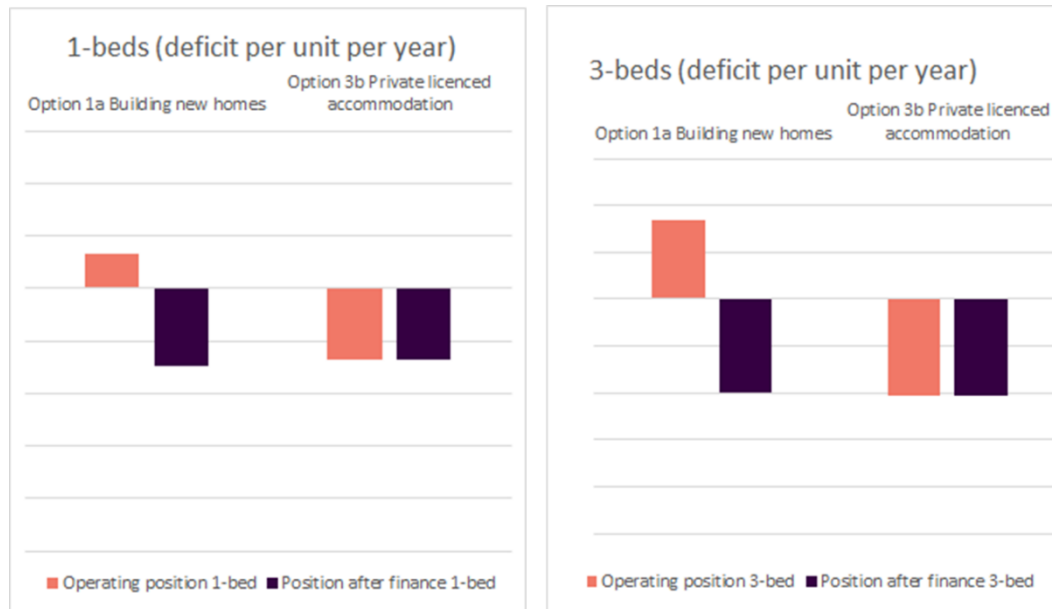


Figure 3: Comparison of financial modelling for option 1a vs current nightly-paid model

5.5. Option 1b: Modular Construction of New Homes

- 5.5.1. This model is based on the use of Hill Group's 'Solohaus' modules being installed on council owned land (i.e. no land cost). Typical unit and installation costs have been provided by the company, but this may vary depending on site access and connections.
- 5.5.2. Costs also include an allowance for on costs (planning, building control, landscaping, additional furniture and white goods to the extent not already included in the units).
- 5.5.3. No grant has been assumed, although with a lifespan of 60 years they could be eligible for Homes England funding, which would improve viability further.
- 5.5.4. We have assumed that major repairs costs will be minimal for the first 10-20 years, so the longer-term annual cost may be higher than currently modelled. However, we would assume that being small units with only a 60 year life, the long term repairs and renewals cost should be lower than for traditional housing.

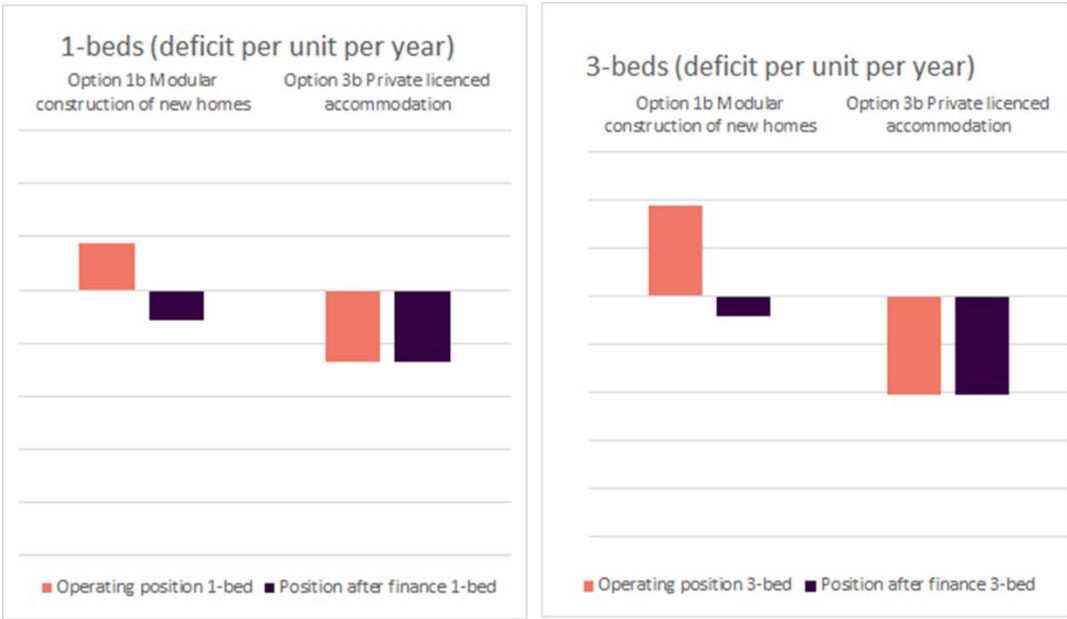


Figure 4: Comparison of financial modelling for option 1b vs current nightly-paid model

5.6. Option 1c: Shipping containers

- 5.6.1. Costs for these units were obtained from suppliers of private residential container accommodation and 'Tiny Homes'. It is possible that discounts could be obtained for bulk orders but this has not been assumed. Again, we have assumed the containers are installed on council owned land (i.e. no land cost).
- 5.6.2. Costs also include an allowance for on costs (planning, building control, landscaping, additional furniture and white goods to the extent not already included in the units).
- 5.6.3. The typical asset life of this type of dwelling is 10-15 years and many providers offer a 10 year 'lifetime warranty'. We have therefore assumed no long term repair costs. On ongoing cost for routine repairs has been retained, as the warranty is unlikely to cover wear and tear or tenant damage.
- 5.6.4. Given the asset life, we have assumed that the loan would be repaid over 10 years. This increases the annual payment significantly, reducing the viability of this option on an annual cost basis. The asset is assumed to have zero residual value at the end of its useful life. This option has a low up-front cost but is expensive over a 10-year time frame.
- 5.6.5. The site connection costs will vary, as with the modular units above: we have assumed the same connection cost for both options for consistency. However, this being a sunk cost, if after 10 years the containers were replaced with new containers, the connection costs would not need to be incurred again. This would reduce ongoing costs for the second wave of containers, bringing them closer to those of the modular units in 1b.
- 5.6.6. However, if container accommodation were to be regarded as a temporary solution, it may not be appropriate to assume that second and subsequent units would be commissioned.



Figure 5: Comparison of financial modelling for option 1c vs current nightly-paid model

5.7. Option 2a: Purchasing existing properties

- 5.7.1. This is the least viable option from a financial perspective: buying at market value, letting at sub-market rents, and funding the purchase with a repayment loan on 100% loan-to-value terms.
- 5.7.2. Purchase grant is unlikely to be available as there is no additional housing supply created.
- 5.7.3. However, once the loan is repaid TMBC would own a valuable asset with few restrictions on its use.
- 5.7.4. We have assumed purchase prices based on an average of lower quartile sales values across all wards in TMBC (£208k for 1-beds and £383k for 3-beds). Additional costs include stamp duty, fees, and £12k-£20k spend to make the property lettable (e.g. upgrading thermal efficiency to EPC level C).
- 5.7.5. Units in least expensive wards may deliver lower deficits (but still larger deficits than nightly paid accommodation).
- 5.7.6. Less expensive areas are likely to be in lower LHA areas so capital savings may be offset by lower rental income from which to service borrowing (although there may be local areas which are outliers which would result in smaller deficits).

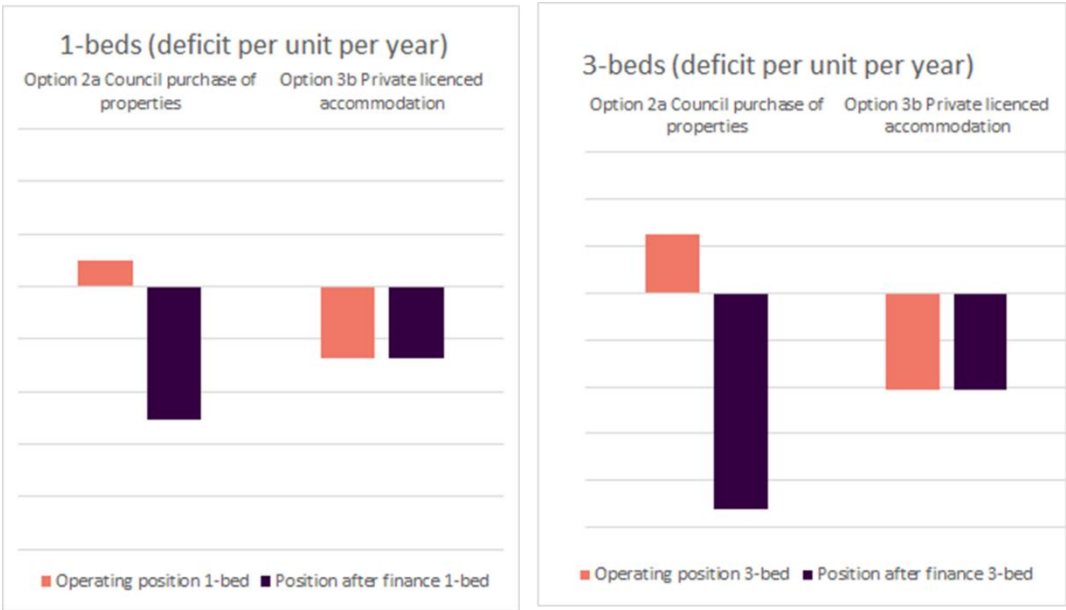


Figure 6: Comparison of financial modelling for option 2a vs current nightly-paid model

5.8. Option 2b: Office conversions

- 5.8.1. It is impossible to give a typical conversion cost, as this cost will depends heavily on the property in question.
- 5.8.2. Costs in this option are based on Buildings Cost Information Service's ("BCIS") July 2023 median refurbishment & conversion costs for the Tonbridge & Malling area, applied to nationally described space standards (NDSS) for unit sizes and allowing for circulation space and common parts. Costs include 10% on-costs (planning, building control, etc). Again, we have assumed the property is already owned by the Council, i.e. no acquisition cost.
- 5.8.3. This scheme looks like the most viable option at median costs. However, at upper quartile costs the overall scheme cost would be comparable to the new build option 1a and thus much less financially viable.
- 5.8.4. Overall, this option has a wide range of possible outcomes depending on the property, so it is worth exploring.
- 5.8.5. Purchasing unwanted office buildings could be an option (although less financially viable since there is an acquisition cost). We have not modelled this option, as it would be even more difficult to price. It should be borne in mind that any property with good conversion potential is likely to have this quality reflected to some extent in its purchase price.

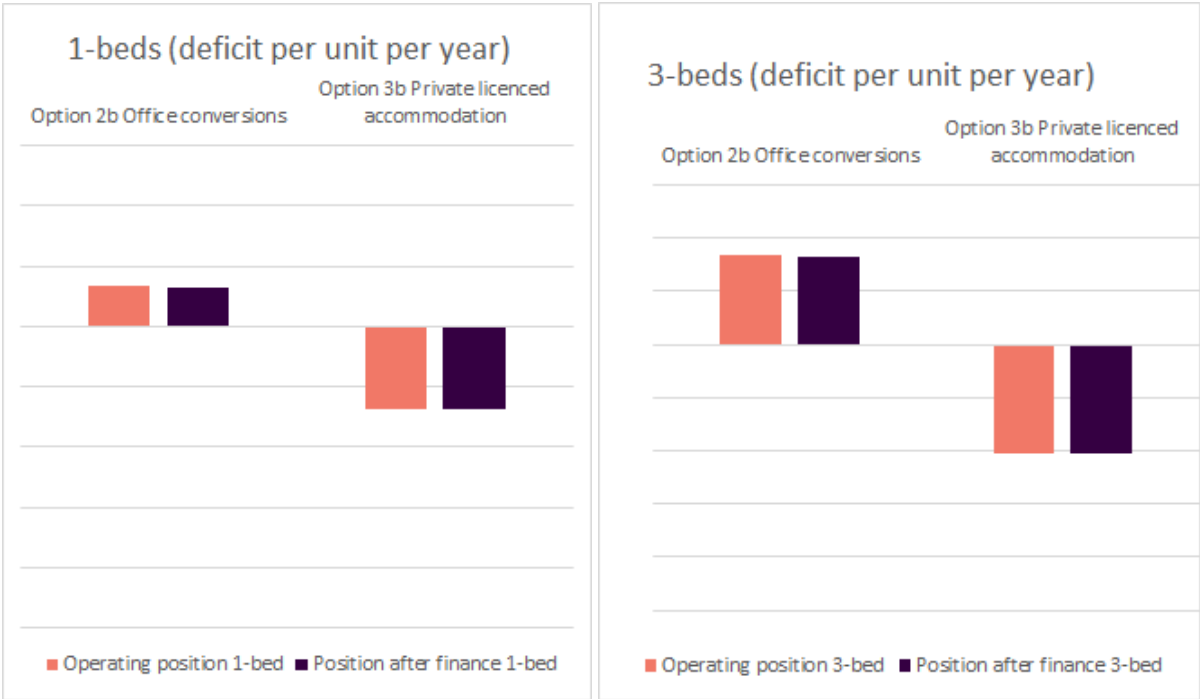


Figure 7: Comparison of financial modelling for option 2b vs current nightly-paid model

5.9. Option 3a: Private Sector Leasing

- 5.9.1. Under this model, TMBC has 3-5 year leases with private landlords. Landlords receive a 5% discount to lower quartile market rents in TMBC, the discount reflecting the benefit of guaranteed rental income. The landlord receives rent as long as the property is habitable and the void risk lies with TMBC.
- 5.9.2. We have assumed lower management & maintenance costs than for ownership models, as the landlord retains responsibility for some repairs.
- 5.9.3. Longer lease terms may be available from institutional investors, but we would advise caution as such lease models can create a risk of being tied to paying CPI-linked rents or incurring significant early termination costs.
- 5.9.4. Regardless of the length of the lease, TMBC should be aware of the potential for dilapidation costs when the lease is handed back to the owner – this risk can be reduced by keeping the properties well-maintained throughout the lease period and agreeing with the landlord a thorough property condition report at the start of the lease.
- 5.9.5. Under our modelling assumptions, this option generates a smaller deficit than nightly paid accommodation (option 3b) or purchases of traditional build properties. However, it assumes that landlords can be attracted at these rent levels and they will accept the discount in the headline rent to benefit from the guaranteed income.

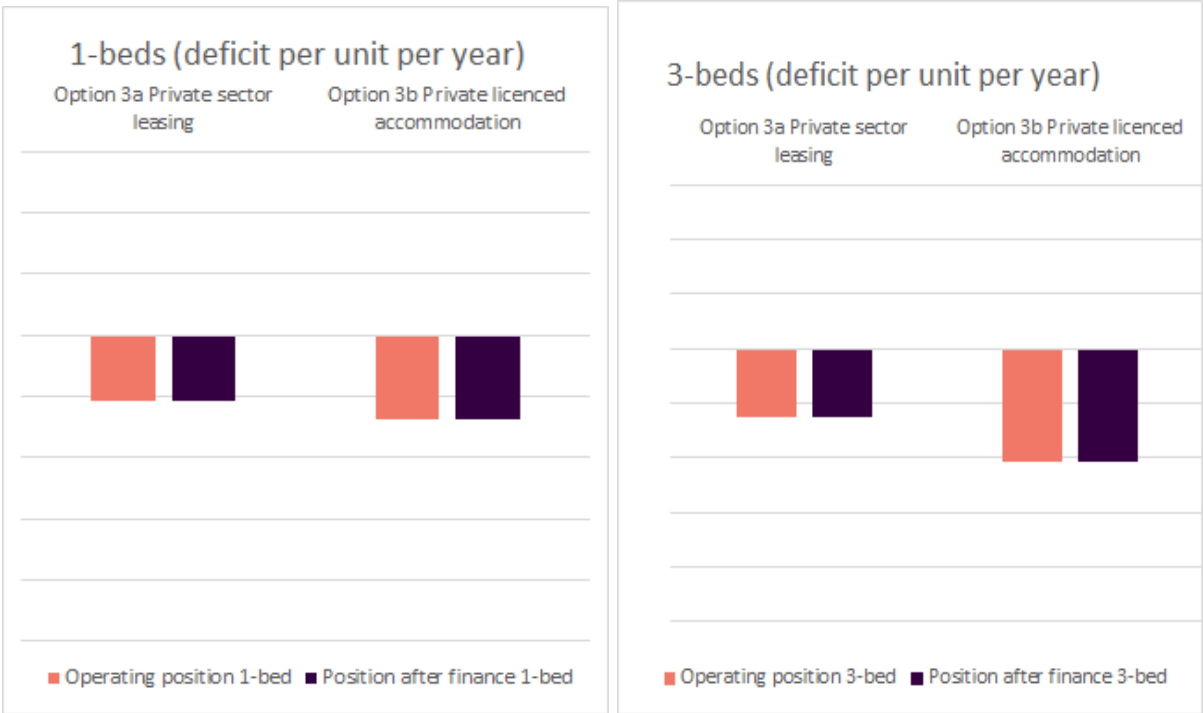


Figure 7: Comparison of financial modelling for option 3a vs current nightly-paid model

5.10. Option 3b: Private Licenced Accommodation (Nightly Paid)

5.10.1. This is the dominant model of TA provision in TMBC against which other options are being compared. Landlords receive a premium to market rents and the arrangements with TMBC are short term. This is a costly procurement route on which TMBC would like to reduce its dependence. This option is increasingly expensive as market rents increase while tenant rents are frozen.

5.10.2. We have used supplier cost information from TMBC for rents payable to landlords and assumed the same management and maintenance costs as for PSL, as landlords will be responsible for non-routine maintenance costs. Compared to lower quarter market rents, landlords receive a premium of at least 20%-30% but bear void risk.

5.10.3. The loss TMBC makes varies widely by supplier, by Local Authority area and by property size. Some suppliers appear better value than others, but the sample size is small so this may reflect arrangements at particular properties.

5.10.4. Under our modelling assumptions, this option makes a larger deficit than PSL (option 3a) but smaller than that for purchases of traditional build properties.

5.11. Option 4 – Partnerships to deliver TA

5.11.1. We have not modelled any particular arrangement as the partnership working approach could be applied to any procurement route to purchase, develop and/or manage TA properties.

5.11.2. Whichever option the partnership works to provide, the option would need to generate sufficient income for the partner to achieve their required return on investment. Depending on the partnership, finance may be more expensive than PWLB rates.

5.12. Option 4b – Join a social lettings agency

- 5.12.1. We have assumed TMBC joins an established Kent social lettings agency. Tenants pay 90% 2011 LHA rent based on bedroom need, and landlords receive current LHA based on the number of bedrooms. The Agent takes 10% of the landlord rent as a management fee. The agent provides day to day management, and routine repairs not falling to the landlord, while TMBC retains responsibility for case management, referrals and rent/HB aspects. We have assumed TMBC unit management and maintenance costs are halved, but this would depend in practice on the division of work between TMBC and the Agent.
- 5.12.2. Under our modelling assumptions, this option generates a much smaller deficit than the current nightly paid option (3b). However, the model is sensitive to differences between 2023 LHA & 2011 LHA, and to the bedroom size differential.
- 5.12.3. The main difference from PSL (option 3a) is that the rent received by the landlord is lower and a different agent manages the relationship with the landlord (providing a fully managed service). It can be financially advantageous if this service can be provided at lower cost than by TMBC in house.
- 5.12.4. If landlord rents need to be higher to attract supply, this option becomes comparable with PSL in financial terms, although without the risk to TMBC of being tied into leases with fixed outgoings.

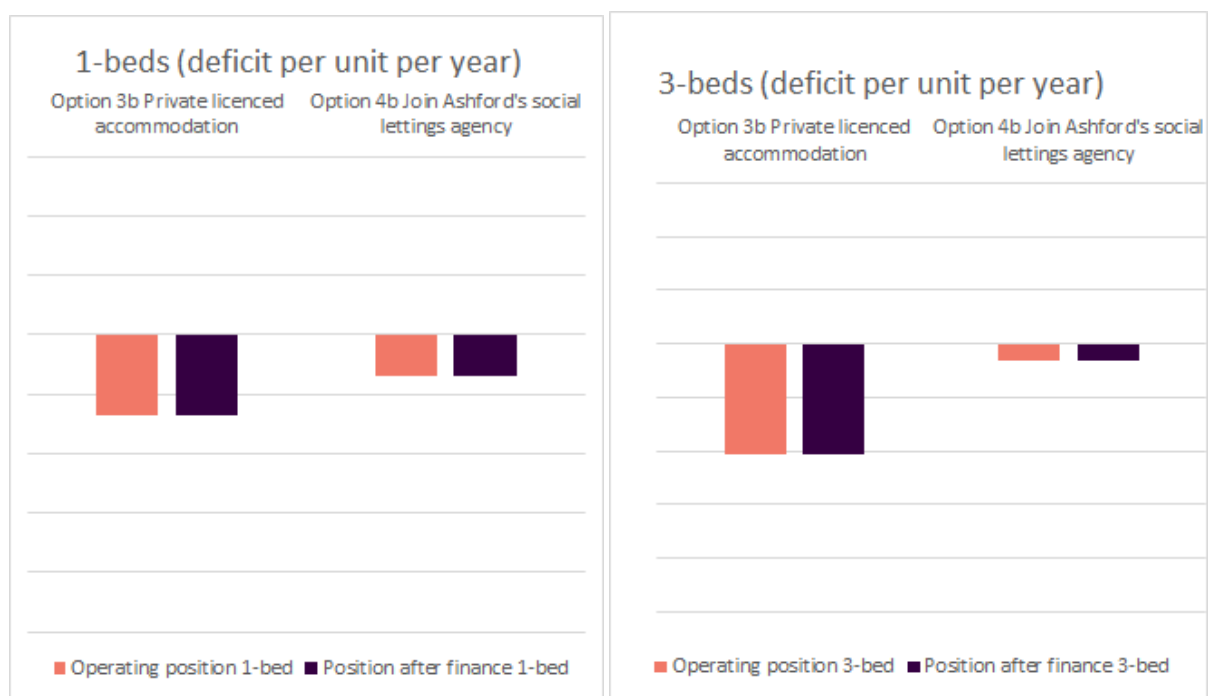


Figure 8: Comparison of financial modelling for option 4b vs current nightly-paid model

5.13. Option 5a – Repurpose existing stock

- 5.13.1. We are assuming the use of underused sheltered stock owned by RPs (or possibly other housing organisations) in borough. Sheltered accommodation is likely to provide only 1-beds and some 2-beds, so the 3-bed option has not been modelled.

- 5.13.2. We have assumed a rental model – TMBC would rent units (by room, or more likely as a block) from a housing provider at a rate to be negotiated (we have used an approximate break-even rate, which should offer an attractive level of operating surplus for the provider, but the rent would of course be subject to negotiation). TMBC is assumed to bear full management and maintenance costs (although the exact terms would again be for negotiation).
- 5.13.3. We envisaged this as a low cost option for sourcing units for single homeless households, which may be a suitable 'meanwhile' use for RP sheltered stock while redevelopment plans are being worked up by the RP (like 'short life' housing).
- 5.13.4. We assume the properties only need minor spend (void works plus provision of some furniture & white goods) to be lettable.
- 5.13.5. A purchase version of this option would increase the cost (via borrowing charges). Given the age of typical sheltered housing stock, this option entails a risk of acquiring a property in need of significant longer-term investment. We have not modelled this option as the acquisition cost is likely to depend on the condition of the property.



Figure 9: Comparison of financial modelling for option 5a vs current nightly-paid model

6. Options Appraisal Workshop

6.1. Introduction

- 6.1.1. On the 9th of August 2023, an options workshop was held with key Council officers at TMBC. The aim of the session was to develop and assess potential options to deliver and secure sustainable TA within the Tonbridge and Malling borough area.
- 6.1.2. This section sets out more details of the procedure for the workshop, the discussion on the proposed options and the outcome of the appraisals.

6.2. Overview of workshop

- 6.2.1. At the workshop we presented the agreed shortlist of options.
- 6.2.2. Each option was described with an overview of the option, the identified strengths and weaknesses, financial modelling (including assumptions and relative performance against TMBC’s current nightly-paid TA model), and for most of the options, a case study. The case studies for the shortlisted options are outlined in Appendix 3.
- 6.2.3. After each option was presented, attendees were asked to reflect on the options and to make an assessment using the suggested criteria for suitability, feasibility, and acceptability (SFA) as outlined in the table below:

| Criteria | | | Potential Score |
|----------|---------------|---|--------------------|
| 1 | Suitability | How suitable/effective is each option for TMBC? Does it meet TMBC’s objectives (e.g. meeting the ‘sustainable’ criteria)? | 1 (low) - 5 (high) |
| 2 | Feasibility | Is the option implementable in practice with reasonable expectations for resource and available skills? Is the option financially viable? | 1 - 5 |
| 3 | Acceptability | How acceptable is the option to stakeholders within your directorate and also to wider stakeholders? | 1 - 5 |

- 6.2.4. The combined 1-5 scores for SFA of each option gave an overall score out of 15. The scores presented in the following section are the overall average of each of the attendees scores.
- 6.2.5. It should be noted that prior to the workshop, it was agreed that the ‘in-borough location’ element of TMBC’s sustainable criteria may be flexible to be out-of-borough dependent on the option. For example, options such as property acquisition, private sector leases and direct delivery of homes would need to be in-borough but options such as accessing the private rented sector through joining a social lettings agency and shorter-term lease arrangements could be out-of-borough if suitable. The discussions on whether the option would be suitable out-of-borough or not is highlighted in the section below.

6.3. Assessment of options

6.3.1. This section highlights the identified strengths and weaknesses for each option presented in the workshop, the discussion by attendees on the options and the SFA scoring.

6.4. Option 1a – New build

6.4.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|---|
| <ul style="list-style-type: none"> Enables direct provision for the Council. Will create a valuable residual asset with various alternative uses. | <ul style="list-style-type: none"> High capital or borrowing cost. High net loss per unit p.a. The Council will incur management, repairs and maintenance costs for the units. |

6.4.2. The workshop attendees’ discussion highlighted that the Council does not have the resources or skills to develop new homes.

6.4.3. It was also felt that this option may be more acceptable to Members if the developments were just an asset to the Council that could be used for TA as well as alternative uses, rather than solely for TA.

6.4.4. Whilst this was viewed as a suitable option for the Council to deliver new TA, the feasibility of funding this option through significant debt expenditure lead to a low feasibility scoring.

6.4.5. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|--------------------|-------------|-------------|---------------|---------------|
| 1a | Building new homes | 4.4 | 1.6 | 2.8 | 8.8 |

6.5. Option 1b – Modular Construction

6.5.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|--|
| <ul style="list-style-type: none"> Timely and cost-effective use of sites. Speed of construction. Less waste on-site. Reduced on-site disruption. Timber frames are more sustainable than traditional building methods | <ul style="list-style-type: none"> Availability of land for these sites will be a challenge as they are typically delivered on meanwhile sites. There may also be funding constraints for the Council. Rising building costs has led to a reduction in the market for modular developers, as seen by large RPs such as L&Q recently exiting the modular market. |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Little to no residual asset value at end of asset life |
|--|--|

6.5.2. The attendees all agreed that there would be a lower development risk for this option in comparison to Option 1a. Some potential sites in the borough that could be used for this option were also identified and discussed by attendees.

6.5.3. Overall, this option scored the highest in the SFA assessment.

6.5.4. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|-----------------------------------|-------------|-------------|---------------|---------------|
| 1b | Modular construction of new homes | 4.8 | 4 | 4.6 | 13.4 |

6.6. Option 1c – Shipping Containers

6.6.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|---|
| <ul style="list-style-type: none"> • Enables direct provision for the Council. • The units are self-contained. • Cost effective to set up. | <ul style="list-style-type: none"> • Overcrowding can be an issue in these units. • Quality of accommodation can be poor. • Shipping containers typically have a lifespan of 10-15 years so are not a long-term sustainable option for the Council |

6.6.2. Attendees noted that this could be a suitable and feasible option if a site became available for a maximum of 10-15 years.

6.6.3. Despite it being the least financially viable option, the feasibility score reflected the practical ease of implementing this delivery option.

6.6.4. Ultimately, the attendees felt that it was neither a suitable nor acceptable option for the Council to progress with.

6.6.5. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|---------------------|-------------|-------------|---------------|---------------|
| 1c | Shipping containers | 2.6 | 3.6 | 2 | 8.2 |

6.7. Option 2a – Purchasing Properties

6.7.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|-----------|------------|
| | |

| | |
|--|---|
| <ul style="list-style-type: none"> • The Council can have full provision over the delivery and management of the accommodation. • Long-term option for the Council to deliver more TA units. • Will create a valuable residual asset with various alternative uses. | <ul style="list-style-type: none"> • This option will not address short-term fall in TA supply for TMBC. • This option will be costly in the current economic environment. • Buying existing stock does not increase overall supply of housing within the borough. |
|--|---|

6.7.2. Attendees considered the trade-off between purchasing properties in and out of borough. It was noted that in-borough prices would be higher than out-of-borough options in the north of Kent, but LHA rates would still remain the same.

6.7.3. Management costs were also noted as a consideration for this option in light of recent management services proposals received for the provision of some of the Council’s TA units.

6.7.4. It was agreed that this option could have a role in meeting the number of units but would be too costly to meet the full 40-unit target number alone.

6.7.5. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|-----------------------|-------------|-------------|---------------|---------------|
| 2a | Purchasing Properties | 4 | 2.2 | 3.6 | 9.8 |

6.8. Option 2b – Office to residential conversions

6.8.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|---|
| <ul style="list-style-type: none"> • Converting and repurposing commercial premises into residential can be a quick route to boosting the supply of temporary accommodation. • Likely to be more cost effective than building new properties (although exact costs are unknown and dependent on the asset that is being converted). | <ul style="list-style-type: none"> • Overcrowding can be an issue in these units. • These units can also often be poor quality and below the required space standards. • Depending on the local market conditions, unused office accommodation may be in short supply. |

6.8.2. Attendees discussed some potential commercial office sites in the borough that are currently empty. The possibility of converting the current TMBC’s office building once it had been vacated was discussed, however it was deemed unlikely due to planning permission constraints on a grade 2 listed building and covenant restrictions from Kent County Council.

6.8.3. Workshop attendees agreed that the benefit of this option would be that it could allow local provision and a high amount of unit in-borough. However, there were more unknowns and uncertainties about costs for converting offices, particularly commercial offices, into residential units than other options which led to a low feasibility scoring.

6.8.4. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|-----------------------------------|-------------|-------------|---------------|---------------|
| 2b | Office to residential conversions | 3.2 | 2.8 | 3.8 | 9.8 |

6.9. Option 3a – Private Sector Leasing

6.9.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|--|--|
| <ul style="list-style-type: none"> The Council can have greater control on management, property standards, and voids. Supply is safeguarded for the duration of the lease. | <ul style="list-style-type: none"> Although there should be break clauses, it can reduce flexibility for the Council if the property is void for long periods. In the current market PSL may not be available other than at a loss to the council – particularly with low LHA rates. |

6.9.2. The attendees acknowledged that TMBC do already have properties on longer-term leases from the private sector but highlighted that it is a challenge to attract landlords within the borough due to the low LHA rates.

6.9.3. Another challenge for the Council is that this approach may result in competitive bidding for properties against local TA portfolio providers.

6.9.4. Although this was viewed as an acceptable option for TMBC, particularly as a shorter-term solution, attendees questioned how feasible and realistic it would be to get landlords to provide properties on the LHA rate basis.

6.9.5. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|------------------------|-------------|-------------|---------------|---------------|
| 3a | Private sector leasing | 3.8 | 2.8 | 4 | 10.6 |

6.10. Option 3b – Private Licensed Accommodation (Nightly-Paid)

6.10.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|--|--|
| <ul style="list-style-type: none"> PLA is easier to get out of quickly for both the council and the owner/agent. This flexibility can be good if a particular property is no longer needed. Maintenance responsibilities for the council may also be less than in PSL, reflecting the potentially shorter- | <ul style="list-style-type: none"> It is a very costly delivery model The flexibility for landlords to pull out of the market can also be a long-term challenge for this option. |

| |
|--|
| term use, though this depends on the terms of the agreement. |
|--|

6.10.2. After discussion, the attendees scored this option based on it being an as-is delivery model to increase TA supply within the borough.

6.10.3. Attendees noted that the location of the TA units acquired through this option would have to be flexible. Although in-borough units would be more acceptable, they would also be more costly.

6.10.4. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|---|-------------|-------------|---------------|---------------|
| 3b | Private licensed accommodation (nightly paid) | 2.2 | 1.6 | 1.8 | 5.6 |

6.11. Option 4a – Partnership to deliver TA

6.11.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|---|
| <ul style="list-style-type: none"> Reduces the Council's overall investment requirement for the project. May reduce the Council's up-front investment requirement (depending on how partnership is structured). Shared risk with the partner Lower total interest costs to the Council (because of lower total investment is shared). | <ul style="list-style-type: none"> Depending on the partnership, finance may be more expensive than Public Works Loan Board rates. Risk of loss of control to the partner. For a Joint Venture, there is a risk of financial failure. Partnership with an HA may depend on the willingness of RPs in the borough. For a partnership with a developer, the developer will expect the Council to 'bring something to the table'. |

6.11.2. The workshop attendees were presented with different partnership options to deliver TA such as joint venture, partnership with a developer and partnership with an HA.

6.11.3. Although the different partnership routes were discussed by attendees, there was not an agreement on which one they would take forward. As such, this option was not scored on its SFA. However, the attendees did agree to explore partnership working as a variation on each of the recommended options.

6.12. Option 4b – Join a social lettings agency

6.12.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|---|
| <ul style="list-style-type: none"> • Effective method of procuring properties from the private sector. • An established Kent social lettings agency is keen for TMBC to join its social letting agency. • Only costs to TMBC relate to tenant case management/referral. • Repairs costs are covered by the landlord or from the letting agency fee. | <ul style="list-style-type: none"> • LHA rates may be too low to attract landlords in the borough. • May be more suitable for settled accommodation than temporary accommodation (with more frequent voids). • TMBC involvement might have to be greater with TA tenants (and thus more costly). |

6.12.2. It was noted by attendees that social lettings agencies are more likely to be used for settled accommodation discharge into the private sector rather than for TA.

6.12.3. Although there were queries on how realistic this option would be for delivering TA, attendees agreed that they would like to explore whether TMBC could use local social lettings agencies for the use of TA. It was noted that in order to explore this option further, the Council would need to understand how the relationships would work between the agency, Council, residents and landlords to deliver TA and how they would be able to set up a potential discharge service from TA into private sector accommodation through the agency.

6.12.4. Attendees did acknowledge that joining a social lettings agency would strengthen their private sector offering but this was not within the scope of this assessment.

6.12.5. As the practicalities of this option still needed to be further explored by TMBC with local social lettings agencies, the attendees did not score this option on its SFA.

6.13. Option 5a – Re-purpose existing stock

6.13.1. The strengths and weaknesses of this option identified by Altair were:

| Strengths | Weaknesses |
|---|--|
| <ul style="list-style-type: none"> • Effective and sustainable use of existing properties. • More cost effective than developing new properties. • TMBC can have direct provision of the accommodation (if purchased). | <ul style="list-style-type: none"> • Properties may need retrofitting to bring up to adequate standard and to be energy efficient. • In the long-term, energy efficiency of properties may need addressing if below EPC C standard, therefore having future cost implications. • This option may present management challenges while existing residents are in situ |

6.13.2. It was noted that a block of accommodation would need to be re-purposed for this option to be feasible, rather than just individual bed spaces. Attendees highlighted that blocks of sheltered accommodation in the borough that could be re-purposed range between 5-20 units.

6.13.3. Some potential schemes were identified by the attendees for this option.

6.13.4. It was highlighted by attendees that this option is dependent on a partner having available stock and therefore it is out of the control of the Council to pursue. Although the financial viability of this option was good, the Council's lack of control made its ability to be implemented low and therefore reduced the feasibility scoring from attendees.

6.13.5. The SFA scoring for this option was:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|----------------------------------|-------------|-------------|---------------|---------------|
| 5a | Re-purpose existing stock for TA | 3.6 | 2.8 | 4 | 10.4 |

6.14. Conclusion

6.14.1. The overall SFA scorings from the options workshop were as follows:

| No. | Option | Suitability | Feasibility | Acceptability | Overall Score |
|-----|---|-------------|-------------|---------------|---------------|
| 1a | Building new homes | 4.4 | 1.6 | 2.8 | 8.8 |
| 1b | Modular construction of new homes | 4.8 | 4 | 4.6 | 13.4 |
| 1c | Shipping containers | 2.6 | 3.6 | 2 | 8.2 |
| 2a | Purchasing properties | 4 | 2.2 | 3.6 | 9.8 |
| 2b | Office to residential conversions | 3.2 | 2.8 | 3.8 | 9.8 |
| 3a | Private sector leasing | 3.8 | 2.8 | 4 | 10.6 |
| 3b | Private licensed accommodation (nightly paid) | 2.2 | 1.6 | 1.8 | 5.6 |
| 5a | Re-purpose existing stock for TA | 3.6 | 2.8 | 4 | 10.4 |

6.14.2. Based on the SFA scores from the workshop, the following options were rated most highly (more than ten out of a possible 15):

1. Modular construction of new homes
2. Private sector leasing
3. Re-purpose existing stock for TA

6.14.3. Although they were not scored in the SFA assessment, the following options were agreed to be explored further by attendees:

1. Partnership to deliver TA
2. Join a social lettings agency

7. Informal Cabinet

7.1. Introduction

- 7.1.1. The recommendations from the Optional Appraisal Workshop and the rationale for them were subsequently discussed at a meeting of the Council's Informal Cabinet on 26th September. Brief notes of the discussion are set out below.
- 7.1.2. Members discussed the fact that TA numbers are down significantly from the peak but still much higher than the 80 'target.' Even with improved processes in place, the increased demand will mean that the number of households in TA is not likely to reduce hugely, even though officers are managing it very closely. Therefore, managing down the net cost of each placement is key.

7.2. Modular Construction

- 7.2.1. Members expressed an interest in the possibility of progressing a modular scheme on a provisional site identified for further investigation and to look to fund this scheme – at least in part – through S106 affordable housing commuted sums. Although Members were aware that for a smaller scale project the set-up, project management and ground work costs might be disproportionately and prohibitively high, this was an option they wished to explore further.

7.3. Private Sector Leasing

- 7.3.1. Generally, the view from members was that they wished to move away from leasing. However, there was also recognition that leasing will remain part of the overall provision and that the strong relationships developed with some operators should be maintained. It was noted that alternative procurement routes could be utilised, for example 'competitive dialogue' type processes, whereby solutions are co-developed with the providers. This might be a better approach as some providers do not have an appetite for competitive bidding processes due to the high demand for their product.

7.4. Clarion

- 7.4.1. Clarion are already committed to working with the Council on TA provision and members acknowledged the positive working relationship. It was noted that the properties with Clarion do not remain static, as when one is vacated for TA, it is reassessed by Clarion/TMBC working jointly to consider best use at that time (which may be another TA household, direct nomination from a TA unit into this as permanent housing or advertising on CBL).
- 7.4.2. Members wondered if there could be a further push on use of additional Clarion units for TA, but understood that without increased supply Clarion would only be using existing homes that could be put to other use, for example, permanent rehousing.
- 7.4.3. Clarion have agreed to provide information on a longer-term leasing model they utilise with other boroughs and members were keen for officers to look at this more closely.
- 7.4.4. Given the very strong relationship members were keen to explore all the options for further collaboration with Clarion.

7.5. Appetite for borrowing

- 7.5.1. Members discussed whether they were prepared to take on additional borrowing to fund new TA delivery options and there was a consensus that it was not a good time to be taking on additional borrowing given current interest rates. Therefore, existing available funding should be utilised first. Additional borrowing was not ruled out over the longer term however.

8. Recommendations

8.1. Recommendations

8.1.1. Our recommendations take account of the SFA scoring by the key Council stakeholders; however, this has not been the only driver. Rather, our recommendations are also formed on the opportunities and issues identified within the options appraisal workshop discussions and with key Council stakeholders, as well as our own view based on experience.

8.1.2. These recommendations have been subject to consultation and discussion with senior Council officers and TMBC cabinet members at TMBC’s Informal Cabinet.

| No. | Recommendation |
|-----|--|
| 1 | <p>Modular construction of new homes – TMBC should explore the option to develop new TA through modular construction. This includes identifying possible sites, modular developers, capital available to the Council and grants available from Homes England to take forward this option.</p> |
| 2 | <p>Private sector leasing - TMBC should continue to explore opportunities to lease homes from the private sector on a longer-term basis than the nightly-paid properties. Initially, this may be through developing relationships with landlords with local portfolios.</p> |
| 3 | <p>Partnership – TMBC should explore opportunities to partner with a third party to provide new TA units within the borough. These opportunities could include, but are not limited to:</p> <ul style="list-style-type: none"> • Extending the current partnership arrangement with Clarion • Partnering with another local registered provider to explore a similar arrangement to the Clarion partnership |
| 4 | <p>Social Lettings Agency – TMBC should engage with local social lettings agencies to understand if and how a TA offering would work if the Council joined the agency. Areas that the Council will need to understand further before exploring this option further include (but are not limited to):</p> <ul style="list-style-type: none"> • How the relationships between TA stakeholders (resident, landlord, agent, TMBC etc.) would work in practice to deliver TA through the agency. • How a discharge service would be set up and work in practice. |

| | |
|---|---|
| 5 | Re-purpose existing stock – TMBC should identify if there are any existing sheltered accommodation schemes that could re-purpose for TA. TMBC should work with RPs in the borough to identify potential assets to re-purpose, such as ex or soon to be ex-sheltered accommodation blocks. TMBC should also be agile to any future opportunities that arise to re-purpose accommodation within the borough. |
|---|---|

8.2. Next steps

8.2.1. A final report will be presented at TMBC’s Housing Planning Select Scrutiny Committee in December 2023.

Appendix 1 Project Steering Group members

The project steering group comprised of the following TMBC officers:

- Julie Beilby – Chief Executive
- Eleanor Hoyle – Director of Planning, Housing and Environment
- Sharon Shelton – Director of Finance and Transformation
- Linda Hibbs – Head of Housing and Health
- Stuart Edwards – Head of Administrative and Property Services
- Andrew Rosevear – Benefits and Welfare Manager
- Gillian Aylett – Housing Strategy and Enabling Manager

Appendix 2 Longlist of Options

The following options were identified in the initial longlist presented in the interim report:

- Option 1 – Private Sector Leasing (PSL)
- Option 2 – Private Licensed Accommodation (PLA)
- Option 3 – Housing Association Leasing Schemes (HALS)
- Option 4 – Buy properties directly as the Council
- Option 5 – Wholly Owned Housing Company
- Option 6 – Joint Venture
- Option 7 – Property Purchase Fund
- Option 8 – Partner Organisation
- Option 9 – Modular Construction
- Option 10 – Working with Other Councils
- Option 11 – Office Block Conversions
- Option 12 – Shipping Containers
- Option 13 – Empty Properties
- Option 14 – Letting Agents
- Option 15 – Private Finance
- Option 16 – Repurposing existing stock

There were a number of options that were proposed by Altair team members that, after assessment, were not brought forward even onto the longlist. These included:

- **Caravans / mobile homes** – this type of accommodation can be a breach of planning as caravans / mobile homes usually have limitations to use and therefore for people to live in them for longer than a holiday can be the Council condoning a breach. Also, caravans don't need to meet building regulations so TMBC could be open to criticism if there are issues with damp/cold/mould etc.
- **Boats / canal barges** – housing benefit can only be claimed on cost of mooring and not on the rent of an actual boat. Therefore, it was deemed to be an unsuitable and unviable option for TMBC.

Appendix 3 Case Studies

The following case studies were presented alongside the associated option at the options appraisal workshop:

| Proposed Option | Organisation/s | Case Study Description |
|-----------------------------------|--|---|
| Building new homes | Bournemouth, Christchurch and Poole Council (BCP) | <p>BCP Council developed 24 purpose-built temporary accommodation units through a mix of 1-, 2- and 3-bedroom self-contained units . The development, which is due for completion in autumn, is situated on the site of the former Bourne Valley Community Centre in Herbert Avenue.</p> <p>The development received the Affordable Housing Development of the Year accolade at the Insider South West Property Awards earlier this year due to the social impact of the scheme, tackling homelessness in a challenging area of the region while providing strong eco, accessibility and Passivhaus credentials.</p> |
| Modular construction of new homes | London Borough of Lewisham Council/PLACE's Ladywell Scheme | <p>In 2014, LB Lewisham Council decided to construct purpose-built housing for homeless families with children using pioneering modular construction techniques in partnership with PLACE.</p> <p>The units themselves are manufactured from standard timber components and fully fitted out with bathroom, kitchen, flooring and all finishes in the factory. Each apartment is made up of two 'boxes', one comprising the bedrooms and the other the bathroom, kitchen and living area with electrical and water connections. In February 2016, the apartments and four community/retail units were transported by road from the factory in Derbyshire and lifted into place, then linked together. Each of the 24 apartments provides a high-quality homes that exceeds the London Space Standards by 10%.</p> |

| Proposed Option | Organisation/s | Case Study Description |
|-----------------------|-------------------------------------|---|
| | | <p>Not counting the value of the land, PLACE/Ladywell cost about £160,000 per two-bed flat (including lifts and walkways fitted on site), compared to approximately £200,000 for a standard build two-bed flat.</p> |
| Shipping containers | Brighton and Hove City Council | <p>Richardson’s Yard, in New England Road, was built in 2013 by Brighton Housing Trust – now BHT Sussex – with an original lease of five years. The scheme is made up of 36 self-contained units of converted shipping containers used for TA.</p> <p>This was extended for another five years to May 2023 – but BHT Sussex and its partner QED Sustainable Urban Developments are asking for a further two years. Planning permission for the units to stay for another two years has been submitted.</p> <p>It was noted that there were “initial teething problems including isolated cases of ASB”.</p> |
| Purchasing properties | London Borough of Islington Council | <p>Islington Council were concerned about the amount spent on private accommodation for TA, which had reached about £9 million per annum. At the same time there were concerns about the standards of the accommodation being provided, as the LHA and benefits cap limited searches to the bottom decile of the property market.</p> <p>The acquisitions programme started in September 2018 with a target to purchase 50 properties for TA within the year. Six months later Islington had acquired 49 properties and 15 had been let. All 49 are within Islington and the majority of the properties are ex-right to buy properties on council estates. A ceiling of £400,000 per property means that most of the purchases are two- and three-bed flats.</p> <p>Islington’s success in acquiring the properties can be partly attributed to experienced staff with good negotiating skills, who are adept at building</p> |

| Proposed Option | Organisation/s | Case Study Description |
|-----------------------------------|--|---|
| | | <p>relationships with local estate agents. But Islington also presented as a cash buyer, able to progress the sale quickly and consequently was appealing to many sellers.</p> <p>Acquisitions were partly funded with RTB receipts. The borough’s analysis showed that the strategy would deliver significant savings over ten years, but there is now a question mark over whether the government will continue to allow the use of RTB receipts for this purpose.</p> <p>Through these and other actions, Islington’s overall target is to reduce reliance on the PRS (for TA) by 30% by 2020.</p> |
| Office to residential conversions | London Borough of Newham Council & Local Space | <p>In 2023, a small housing association set up by LB Newham Council, Local Space, recently signed a lease with Newham Council to manage a converted office block for TA.</p> <p>Acquired to accommodate homeless families, the block was refurbished using Local Space’s letting standard. This was done in consultation with residents and with a focus on access to communal space.</p> |
| Partnership to deliver TA | London Borough of Waltham Forest & Mears | <p>London Borough of Waltham Forest entered a Joint Venture (JV) with Mears Limited to secure homes for 40 years. The JV expects to purchase 400 homes to house people in temporary accommodation and those for whom the council has accepted homelessness duty.</p> <p>The council will lease homes from the JV paying a rent (Local Housing Allowance and top up) which will enable the JV to pay a return to investors and still represent good value for money to the General Fund.</p> <p>At the end of the 40-year period, the homes will revert to the ownership of Waltham Forest.</p> |

| Proposed Option | Organisation/s | Case Study Description |
|----------------------------------|-------------------------|--|
| Join a social lettings agency | Let Us | <p>Let Us is the Greater Manchester Ethical Letting Agency. It comprises a group of five housing providers (Salix Homes, Bolton at Home, Stockport Homes Group, Wigan Council and Forhousing), formed by the Greater Manchester Housing Providers partnership, and is funded by the GMCA.</p> <p>It manages over 40,000 private rented properties across the region.</p> <p>Rents are at, or very close to, the Local Housing Allowance rate and offered to homeless households.</p> |
| Re-purpose existing stock for TA | Birmingham City Council | <p>In 2018, Birmingham City Council converted an obsolete 1960's tower block, previously scheduled for demolition, into temporary accommodation. The 20-storey tower was converted into 160 units.</p> <p>Birmingham also converted a former care home, Magnolia House, into 55 units of temporary accommodation.</p> <p>The conversion of the former care home and tower block cost the Council a combined £16m (£5m and £11m respectively).</p> |

Appendix 4 Financial assumptions

General assumptions: rental income (90% 2011 LHA) ranges from £137pw to £345pw depending on the size and location of the property in TMBC. We have used an average rent of £141.59pw for modelling 1-bed units and £246.75 for 3-beds.

Option 1a – New build

Total build cost of £224k (including 10% on-costs) for 1-beds and £386k for 3-beds. It is assumed that 3-beds are more likely to be houses, not flats. Social housing grant at rates of 30% could reduce this cost to £157k and £270k respectively.

Option 1b – Modular units

The cost information was provided confidentially by the modular unit supplier. The indicative cost including installation ranges from under £100k/unit to nearly £160k/unit, but this cost would depend on the site. The modelling includes an additional 5% on-costs for costs such as planning, building control, landscaping, etc, plus £2,500–£3,500 per unit for a resident's starter pack including additional necessary furniture or items not already included in the unit.

Option 1c – Shipping container units

Shipping containers suitable for use as accommodation can be acquired for £40k–£65k depending on size (including some internal fit out). The modelling includes an additional 10% on-costs for costs such as planning, building control, landscaping and some basic furniture and white goods to the extent not already included in the unit. Installation and connection costs of £40k/unit have been assumed but this figure would depend on the site. We have modelled a 40-unit development – it is likely that there would be some economies of scale in site connection costs so much smaller scale schemes (e.g. 3–5 units) may be expected to have higher per unit installation costs, other things being equal.

Option 2a – Purchase of existing properties

The average lower quartile house price across TMBC ranged from £157k to £275k for 1-beds and £320k to £485k for 3-beds. We used averages of £208k and £383k respectively. 90% 2011 LHA rents across different parts of the borough also varied widely, so yields on cheaper properties were not necessarily higher than those on more expensive ones. Acquisition costs included SDLT including the additional property rate, on-costs of 3% (legal and professional fees), plus £12k–£20k works to bring the properties to a suitable standard for letting (redecorating, bringing the electrical installation up to current standards, making some improvements to thermal performance e.g. loft/cavity wall insulation).

Option 2b – Conversion of offices

For modelling we used BCIS residential conversion costs per sqm. We assumed a 1-bed flat of 50sqm and a 3-bed flat of 86sqm (net internal area) plus 20% for communal/circulation space in the building. The average BCIS median costs averaged £1,616/sqm but average upper quartile costs ranged from £1,963/sqm to £3,646/sqm depending on the numbers of storeys in the building (and the cost did not appear to be correlated with height). We allowed 10% on costs for legal, professional and design costs.

Option 3a – Private Sector Leasing

Average lower quartile market rents across TBMC are assumed to be £850pcm for 1-beds and £1,358pcm for 2-beds. This reflects a 5% uplift on ONS figures for 2022/23. A discount to market rent of 5% is then assumed since the landlords benefit from a guaranteed rent. Management and maintenance costs are assumed to be 40% lower than in the ownership models, as the landlord retains some repairs responsibility.

Option 3b – Nightly Paid Accommodation

The average nightly cost of accommodation (excluding Clarion) is £47.95, which equates to £335.65pw. This compares with an average nightly rental income of £23.63, or £165.43pw. This gives an average £170.22pw (£8,851 pa) gap between rent in and rent out for each property, to which is added the cost of TMBC management and maintenance (those costs borne by TMBC rather than the landlord, as with option 3a).

Option 4b – Social Lettings Agency

Landlords receive current LHA rent levels under this option. The average LHA rent across TMBC is £189.10pw for 1-beds (ranging from £172 to £207 across the borough) and £254.07pw for 3 beds (ranging from £196 to £345).

Option 5a – Repurposing sheltered housing stock

We assume a gross 1-bed rental income of £141.59pw, which gives a net rental income of c.£135 per unit after voids, bad debts, management and maintenance costs. We assume full management and maintenance costs, including major repairs, although this would be negotiable. This equates to £3,333 per unit per year. From the net rental income we assume that TMBC could pay up to £55 per unit per week in rent and remain in at least a break-even position. We assume a one-off minor works cost of £6,500 per unit (internal redecoration, some limited furniture and white goods).

For context, a lease rental of £55pw would represent approximately half the weekly formula rent for a Clarion unit of Supported or Older People's Housing (based on historic housing association Statistical Data Return information). Depending on the RP's previous operating margin on its sheltered housing stock, any level of rental income that was no worse than its current operating position should in theory be acceptable, which may mean a lower rent payment could be negotiated which recouped the cost of the minor works to the properties.

Appendix 5 Modular Option – Outline Implementation Plan

| No. | Action | Cost Est. |
|-----|---|------------------------------------|
| 1. | <p>The Council identify potential sites within the borough for modular development. Considerations for sites need to include:</p> <ul style="list-style-type: none"> - Suitability for client group(s) - Proximity to amenities - Proximity to existing support services - Development suitability e.g. ground conditions etc - Planning policy considerations and likelihood of achieving a planning permission | Nil (existing TMBC resources) |
| 2. | The Council identify capital available for development and grants available from Homes England to take option forward. If required, the Council should also begin exploring alternative finance options. | Nil (existing TMBC resources) |
| 3. | Undertake a desktop ground investigation on preferred site/s to understand potential suitability of the preferred sites for development of new homes. | £1,000 per site |
| 4. | Engage in early discussions with potential modular developers as soon as possible after the site/s have been identified. Discussions will need to explore the type of modular home, the potential location(s) for development and the Council's wider aspirations for this programme. | Nil (existing TMBC resources) |
| 5. | <p>Commission an employer's agent to undertake a two-phase approach:</p> <ol style="list-style-type: none"> 1) Employer's agent will need to work with the modular builders to understand their development model and likely additional costs (beyond the modular build) such as foundations, groundworks, external works etc. 2) Once due diligence is in hand, the employer's agent will work up site specific development costs. | £5,000-£10,000 depending on scope. |
| 6. | TMBC's legal team undertake legal searches and perform basic due diligence checks on the developer, finances, site etc. | Nil (existing TMBC resources) |
| 7. | Consult with Council's planning team to outline the proposed approach to development of new homes. | Nil (existing TMBC resources) |

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Temporary Accommodation (TA) Portfolio Action Plan 2024

| Type | Nature of provision: existing or additional | Action | Lead | Milestones | Finish date |
|---|---|---|--|---|----------------------|
| High Street & Pembury Rd, Tonbridge | Existing provision, Council owned TA | Secure Management for provision | Housing Improvement Manager | Preferred approach developed | Dec-23 |
| | | | Housing Improvement Manager | Management resource contracted | Mar-24 |
| Modular option | Future additional | | | | Mar-24 |
| | | Consider any suitable sites - TMBC owned | Housing Strategy and Enabling Manager | Internal Planning Advice | Dec-23 |
| | | | Housing Strategy and Enabling Manager | Legal position confirmed | Jan-24 |
| | | | Housing Strategy and Enabling Manager | Member approval to carry out expressions of interest exercise | Mar-24 |
| | | Carry out due diligence investigations for this option | Housing Strategy and Enabling Manager | Summary of soft market testing to date/update figures and company positions | Mar-24 |
| | | Full option appraisal to establish costs and feasibility if suitable site identified following steps in the Implementation plan of Appendix 5 in Altair's Sustainable TA delivery options report. | Housing Strategy and Enabling Manager | | Oct-24 |
| Private sector leasing | Future additional | Research options to lease homes for the provision of TA from private landlords; including through a letting agency | Housing Strategy and Enabling Manager | Explore option to provide a lettings agency offer to secure TA | May - June 2024 |
| | | Develop pilot leasing approach and offer | Housing Strategy and Enabling Manager | | July - Sept 2024 |
| | | Engage with local landlords with properties in the area to explore possible leasing arrangements for TA provision, pilot period for offer. | Housing Strategy and Enabling Manager | | Oct 2024 - Sept 2025 |
| Partnership working with Registered Providers | Existing and future additional | Continue to engage with Clarion about options to extend TA provision | Head of Housing and Health | Written agreement on current arrangement and numbers | Mar-24 |
| | | | Head of Housing and Health | Full review of leasing option | Jul-24 |
| | | Contact other stock holding Registered Providers to explore ways to provide existing stock as TA | Housing Strategy and Enabling Manager | | Mar-24 |
| Review existing TA charging policy | Existing and future revenue costs | Joint review by housing and finance. Report into MT and seek Member approval for any changes to approach. | Benefits & Welfare Manager | | Mar-24 |
| Identify and build upon finance resource | Future additional | Consider finance options and associated actions for TA delivery option actions in this plan as they progress | Director of Planning, Housing and Environmental Health | | Ongoing |
| Re-purpose existing stock | Future additional | Engage with housing providers to identify any existing housing provision that could be re-purposed for TA, e.g. sheltered accommodation schemes. Consider any possible stock as appropriate. | Housing Strategy and Enabling Manager | | Mar-24 |
| | | Monitor voids within sheltered schemes with RP partners | Housing Strategy and Enabling Manager | | Ongoing |
| Nightly paid private provision | Existing | Procurement exercise for nightly paid provision, possibly through competitive procurement approach. | Housing Improvement Manager | | Dec-24 |

Action Plan to be monitored via monthly meetings of Housing Portfolio OSG

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet – Non-Key Decision (Decision may be taken by the Cabinet Member)

1 UPDATE ON LOCAL PLAN INFRASTRUCTURE EVIDENCE

This report summarises the latest position in relation to the preparation of the Infrastructure Delivery Plan (IDP), with a specific emphasis on water resources and sewerage capacity and specific engagement with providers.

1.1 Background

1.1.1 Members approved the interim Infrastructure Delivery Plan in February 2022. This was following the withdrawal of the Local Plan and reflected the known infrastructure requirements including some of the key strategic sites relating of the then withdrawn local plan.

1.1.2 Work on identifying the infrastructure requirements to support growth has been progressing alongside the emerging local plan. This report also provides an update on work to date. Members have also raised some localised issues surrounding water resources, therefore this report summarises the relevant evidence in relation to water infrastructure.

1.2 Infrastructure Delivery Plan

1.2.1 The IDP covers all forms of infrastructure, including water, wastewater, electricity, gas and telecommunications as well as social and health facilities.

1.2.2 The requirements outlined within the most recent published version of the IDP (February 2022) reflected the anticipated strategic development opportunities which were identified in the now withdrawn Local Plan 2019. However the IDP is a live document and is regularly updated to reflect the council's progressing Local Plan and the revised business, service and delivery plans of infrastructure and service providers. The team has also worked with Sevenoaks District Council to create and update a shared list of contacts for all infrastructure providers. Requirements will be updated in due course to reflect the spatial strategy and strategic allocations which will be defined through the Local Plan process.

1.2.3 The team will be shortly commencing more detailed conversations with service providers to explore the adequacy of existing and proposed infrastructure to

support growth, and identify additional infrastructure where this is required in the borough. At present this will involve broad indications for the potential for growth and locations based on the emerging spatial strategy. Once this is refined further this will be followed with more detailed conversations.

1.3 Water resource and sewerage evidence

1.3.1 As set out above, water resources and sewerage capacity are a key part of the IDP process. However, some further scoping work has been undertaken to understand whether there is any need for some more dedicated evidence base work in relation to water. Table 1 below sets out the broad requirements of Water Cycle Strategies and how this is effectively covered within the IDP and other flood risk evidence.

Table 1- Approach to water infrastructure

| | |
|---|--|
| Scoping Stage - Identifies if the water infrastructure capacity could constrain growth and if there are any gaps in the evidence. | |
| The area and amount of proposed development. | This is the borough and the housing delivery target (OAN or 'sufficient') |
| <p>Review of existing evidence –</p> <ul style="list-style-type: none"> ○ drainage and wastewater management plans – to identify where there is limited capacity within the sewerage and wastewater treatment infrastructure, and proposals to address these issues. ○ river basin management plans – to identify environmentally sensitive waterbodies at risk of not meeting water quality targets, and opportunities to protect and improve them. ○ areas of water stress classifications – to identify areas of water stress, accounting for levels of abstraction and anticipated impact of climate change. ○ water company water resource management plans – to get information on planned investment by the water company to address water stress and invest in new resources. ○ abstraction licensing strategies – to get information on current water availability for abstraction. ○ strategic flood risk assessments – to identify areas at risk of flooding from all sources (including surface water) and to account for the impact of climate change. | <p>Reviewed through IDP engagement with South East Water, Southern Water and WRMP responses.</p> <p>This is captured in WRMPs and EA catchment management plans.</p> <p>EA catchment management plans and review of abstraction licenses.</p> <p>Outlined in WRMPs and water company business plans.</p> <p>EA can provide this.</p> |

| | |
|--|---|
| <ul style="list-style-type: none"> ○ flood risk management plans – to find out how risk management authorities will work with communities to manage flood risk from all sources, including surface water. ○ catchment flood management plans – to identify measures to manage flood risk across a river catchment | <p>Strategic Flood Risk Assessment Level 1 Underway as part of Local Plan evidence base.</p> <p>KCC prepare this as lead local flood authority for Kent. This is also done as part of the emergency Planning role.</p> <p>Prepared and led by the EA on a partnership basis e.g. Medway Flood Partnership</p> |
| <p>Identify evidence gaps and constraints on growth- working with partners.</p> <ul style="list-style-type: none"> ○ constraints – for example, flood risk, wastewater and water supply. ○ barriers – for example challenges to providing new infrastructure. ○ opportunities – for example natural flood risk management, sustainable drainage, or funding sources. | <p>This is identified though the IDP process through liaison with water companies once a draft spatial strategy and strategic sites have been defined.</p> |
| <p>Detailed Study- the evidence to inform an integrated water management strategy</p> | |
| <p>It should address the evidence gaps and identify the:</p> <ul style="list-style-type: none"> ○ specific risks and constraints and how these are likely to affect development proposals (for example, will wastewater capacity be exceeded?) ○ likely infrastructure you need to accommodate the development proposals and any constraints on increasing capacity. ○ opportunities within the water cycle to increase the capacity for a development without new infrastructure. ○ key partners needed to make use of any opportunities. ○ outstanding concerns about infrastructure provision that need more evidence. ○ opportunities to change development locations. | <p>The IDP will identify gaps and the need for new water/wastewater infrastructure to support growth, utility providers typically prepare capacity assessments for site allocations</p> |
| <p>Water supply and efficiency- whether there is enough water to deal with:</p> | <p>The IDP will identify the need for new water/wastewater infrastructure to support growth,</p> |

| | |
|--|--|
| <ul style="list-style-type: none"> ○ projected growth levels and needs for existing development. ○ the needs of the environment. ○ changes in water availability due to climate change. <p>Consider if you can harvest rainwater to improve water efficiency.</p> | <p>utility providers typically prepare capacity assessments for site allocations</p> |
| <p>Sewerage and drainage- Examine whether the existing sewerage and wastewater treatment networks can cope with the increased load. Also look at whether the environment can cope with the resulting increased flow and pollutant loads from the treated effluent. If you will use non-mains drainage, make sure it will discharge at locations that will not:</p> <ul style="list-style-type: none"> ○ adversely affect water quality or groundwater quality ○ compromise meeting water or groundwater quality targets and legislation <p>Look at whether there is a risk of overloading sewerage systems. An increase in impermeable surfaces due to development, and supporting infrastructure such as new roads, could cause overloading due to an increase in surface run off. This can result in adverse water quality impact. For example, this could be due to spills from combined sewers. Can sustainable drainage systems be used to manage the risk of overloading sewerage systems?</p> | <p>The IDP will identify the need for new water/wastewater infrastructure to support growth in liaison with utility providers.</p> <p>Water company new site connection teams can model demand upon wastewater services infrastructure (capacity assessments, on a site-by-site basis).</p> <p>If required local plan policies can address any mitigation measures required to support growth.</p> |
| <p>Flood risk- Is there enough land for your development with a low risk of flooding. If land in flood risk areas will be needed, identify if the flood risk can be managed at the catchment scale through natural flood risk management. Also check whether increased discharge from wastewater treatment works will increase flood risk.</p> <p>Location-specific environmental risks Assess whether there are other location-specific environmental risks that you need to consider. For example biodiversity or conservation requirements, or historic activities such as mining.</p> | <p>This will be covered through the SFRA process and the sequential and exceptions test assessment of sites.</p> <p>Biodiversity would be covered by the Green Infrastructure Strategy.</p> <p>This matter will be discussed/assessed through</p> |

| | |
|--|--|
| Check if development and infrastructure proposals will directly modify water bodies. If so, identify how this is likely to affect Water Framework Directive objectives and flood risk. | detailed IDP discussions with water and wastewater companies. |
| Climate change - the impact of climate change on your development. Will it be resilient to changes in the water cycle due to climate change? Look at whether there are opportunities to contribute to climate change mitigation, for example through planting woodland. | We have commissioned AECOM to produce some further climate change evidence which will cover this. We have commissioned Kent Wildlife Trust to produce a Green Infrastructure Strategy which will look at opportunities. |

1.4 Other engagement with water providers

1.4.1 In relation to water resources, the team also regularly attends engagement meetings organised by South East Water and Southern Water. The Council is also a member of the Southern Water Local Authority Stakeholder Group. Over the past year these have related to the preparation of Water Resource Management Plans (WRMPs) that are being prepared by both companies.

- South East Water Consulted upon their draft WRMP from November 2022 - February 2023. The policy team responded to this consultation. Further details can be found on the [company's website](#).
- Southern Water consulted upon their draft WRMP from November 2022 – January 2023. The policy team responded to this consultation Further details can be found on the [company's website](#).

1.4.2 The above documents and the Thames Water WRMP have also been reviewed by the consultants for the purposes of producing the Strategic Flood Risk Assessment.

1.4.3 The team also attend other related group meetings, such as the below:

- Medway Flood Partnership
- Medway Estuary and Swale (MEAS)

1.5 Next steps

1.5.1 As identified above the next steps in preparation of the IDP are to conduct a series of meeting with infrastructure providers, to update the IDP with the output of these discussions and the spatial strategy as it emerges. These meetings will take place in late November. The water resource and capacity matters are considered to be adequately covered as set out within Table 1.

1.6 Financial and Value for Money Considerations

- 1.6.1 There will not be any direct financial and value for money considerations associated with this matter.

1.7 Legal Implications

- 1.7.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The preparation of evidence is key to the preparation of the local plan, and the Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

1.8 Risk Assessment

- 1.8.1 The planning policy team maintains and updates a risk register which includes risks associated with the development of evidence base documents. There are no specific risks associated with the preparation of the IDP or water evidence.

1.9 Equality Impact Assessment

- 1.9.1 There are no equalities issues associated with this report.

1.10 Recommendations

HPSSC is asked to recommend to the Cabinet Member for Planning to:

- (1) NOTE the contents of the report; and
- (2) APPROVE the approach to infrastructure matters as set out in the report.

Background papers:

None

contact: Gudrun Andrews
Planning Policy Manager

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 INFRASTRUCTURE FUNDING STATEMENT (22/23)

Approval is sought for the publication of the annual Infrastructure Funding Statement [Annex 1] and associated documents outlining S106 contributions secured, allocated and spent where appropriate over the monitoring period of 22/23.

1.1 Background

- 1.1.1 The council has a statutory requirement under regulation 121A to publish an annual Infrastructure Funding Statement (IFS) by the end of December, the IFS must outline S106 matters including how funds held are being utilised in accordance with the legal agreement wording. The IFS for the reporting period of 22/23 covers a variety of factors including the updated S106 protocol, and S106 contributions.
- 1.1.2 The IFS contains an overview of S106 agreements signed within the reporting period and what financial and non-financial contributions have been agreed to mitigate the impact of the planning application.
- 1.1.3 As part of the publication of the IFS a spreadsheet showing all monies held in relation to S106 contributions is included [**Annex 2**] what TMBC has in the relevant S106 account at the time of writing and provide the opportunity for queries to be raised with the Senior Development Obligations Officer (SDOO).
- 1.1.4 During and after the reporting period a consultation was undertaken in relation to a newly proposed system to largely replace S106 agreements in lieu of contributions being received via the Infrastructure Levy, a response has been issued to the consultation and we are awaiting information on the decision from central government.

1.2 Financial and Value for Money Considerations

- 1.2.1 The report outlines the financial standing of S106 monies held overseen by our finance department and monitored by the SDOO.

1.2.2 Any queries relating to contributions should be raised with the SDOO.

1.3 Legal Implications

1.3.1 The council is obligated as set out within the agreements to collect developer contributions, oversee the monitoring of the development and the spend of the relevant funds.

1.3.2 The information set out within the report is accurate and has been extensively checked and coordinated.

1.4 Risk Assessment

1.4.1 TMBC has undertaken risk assessments when using S106 funds and implements a multistage checking system to ensure the monies are being spent on the relevant projects as required within the legal agreement.

1.5 Recommendations

HPSSC is asked to:

1.5.1 Endorse the Infrastructure Funding Statement and associated documents and recommend its publication by the end of December 2023 for approval by the Cabinet Member for Transformation and Infrastructure.

Background papers:

Annex 1 – Proposed Infrastructure Funding Statement

Annex 2 – Spreadsheet outlining S106 funds held

Annex 3 – Infrastructure Levy consultation response

contact: Chelsea Honey-

Bradfield

Senior Development

Obligations Officer

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Tonbridge and Malling Borough Council
Infrastructure Funding Statement
November 2023



Tonbridge
& Malling

DEBBIE draws MAPS



1. Introduction and Context:

- 1.1 This document represents the borough's third infrastructure funding statement in accordance with the Community Infrastructure Levy Regulations (CIL) 2010 (as amended), the Infrastructure Funding Statement requirement was introduced on the 01 September 2019, the reporting period for this statement is 01 April 2022 to 31 March 2023. Section 2 of this statement sets out infrastructure delivery and contributions collected from S106 agreements. Section 3 sets out the planned expenditure and future priorities.
- 1.2 Tonbridge and Malling is not a Community Infrastructure Level (CIL) charging authority. It was decided at the meeting of the Community Infrastructure Levy Panel on 19 December 2011 to not move forward with production of such a schedule, although this position is continually kept under review. In determining planning applications for new development, the Council therefore relies on S106 provisions of The Town and Country Planning Act 1990 to ensure that appropriate and successful mitigation of development takes place in all instances.
- 1.3 Section 106 agreements are a mechanism designed to ensure a development proposal is acceptable in planning terms where it would not otherwise be acceptable. S106 income is used to help fund the provision of supporting infrastructure in association with development and maximise the benefits and opportunities from growth, such as employment opportunities and affordable homes. The statutory tests for such agreements are that the obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 1.4 The use of Planning obligations in relation to developments may:
- restrict development or use of the land in any specified way;
 - require specified operations or activities to be carried out in, on, under or over the land;
 - require the land to be used in any specified way; or
 - require a sum or sums to be paid to the authority on a specified date or dates or periodically.

- 1.5 Common examples of what mitigation may be sought within planning obligations to make a development acceptable within this Borough can be as follows:
- Affordable housing;
 - Provision of public open space and public realm enhancements;
 - Highways, transport and travel schemes including cycle and public transport improvements, highway infrastructure works, pedestrian links and facilities;
 - Educational facilities
 - Healthcare facilities
- 1.6 However, the above list is not exhaustive and the precise details of what will be sought by way of a planning obligation will always be dependent on the scale, nature of the application, the above tests, and will be governed by relevant development plan policies in force in the area and any other material considerations (including the National Planning Policy Framework and associated Planning Practice Guidance).
- 1.7 The Development Plan currently in force continues to be the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD), and Tonbridge Central AAP adopted April 2010.
- 1.8 Tonbridge and Malling Borough Council have been working alongside parish councils to produce a Parish Infrastructure Statement which enables the parish councils to put forward infrastructure/community projects that have supporting evidence and a direct positive impact for the community in close proximity to development. All proposed projects are required to meet the statutory tests in Regulation 122 (as amended by the 2011 and 2019 Regulations), being necessary to make the development acceptable, directly related in kind and fairly and reasonably related in scale and kind to the development.

2. Infrastructure delivery and financial contributions collected from S106 (2022/23)

- 2.1 Annex 1 to this Statement sets out all financial contributions held by the Council as of 01 April 2022. The Annex includes the following information:
- Development site;

- Planning reference;
- Purpose of the contribution;
- Opening balance as at 1st April 2019 (this includes sums going back to 1996, although three are commuted sums);
- Contributions received during 2022/23;
- Accrued interest if contribution not spent during the year;
- Amount of contribution that has been used;
- Closing balance as at 31st March 2023;
- What project the contribution has been spent on / to be spent on / or if transferred to a third party (where this has been determined at the time of publication);
- A final column gives the original amount received.

2.2 Annex 3 to this statement is a link to KCCs Infrastructure Funding statement which outlines as above the current monies held, allocated, and spent by the County Council.

3. Summary of obligations agreed within S106 (2022/23)

3.1 A total of 250 affordable housing units have been secured within the S106 for on-site provision via signed S106 agreements for the reporting period.

3.2 In terms of financial contributions secured, where agreements entered into give a firm, final amount, the following have been secured for the reporting period:

- £273,524.88 towards off-site affordable housing provision
- £371,635 towards provision and/or enhancement of medical practices to account for additional demand generated by new development. These will be transferred to the ICB upon receipt in accordance with the terms of the individual agreements.
- £1,781,873 towards off-site public open space provision
- £190,000 towards rail station improvements
- £1,516,400 towards primary education
- £2,998,591 towards secondary education

- 3.3 Where obligations have been agreed within the S106 to be directed to projects delivered by the County Council (in respect of schools, off-site highway works, community facilities, bus services, social services etc.), KCC was removed as a formal party to S106 agreements from April 2023 as set out within the new S106 Protocol (annex 2), however it is noted that this change does not apply to all agreements, there are circumstances in which KCC will be required to be a signatory to an agreement, for example on developments where there are reciprocal covenants. The Borough Council does in certain instances collect and transfer funds to the County, this is outlined on the spreadsheet at Annex 1 clearly marking which ones relate to Kent County Council. The County Council will be required to publish its own Statement in these respects.
- 3.4 The Council has published its updated Section 106 Protocol which is intended to provide a clear and transparent process for all parties involved with the provision of such infrastructure to follow, thus ensuring those opportunities are maximised wherever possible. The council changed the protocol and removed Kent County Council as a signatory to S106 agreements, therefore all contributions from 01 April 2023 will be collected by TMBC and transferred to KCC once the appropriate documentation has been received. The change in proposal is to ensure contribution requirements are being met for the spend of any S106 funds as well as keeping an accurate record of when/where monies were utilised.

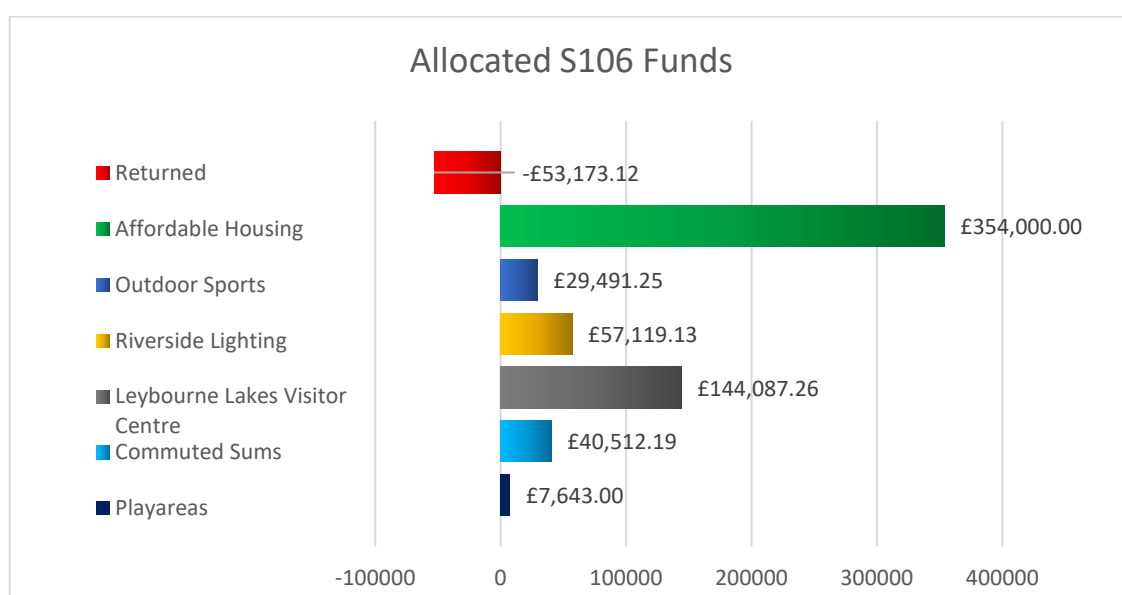
4. Planned expenditure (2023/2024) and future priorities

- 4.1 This section sets out how S106 income will be spent and prioritised over the next reporting period (as per the requirements set out in relevant planning practice guidance and the 3 tests set out in CIL regulation 122). The level and timing of income will depend on the nature and scale of the development, the number of implemented planning permissions, build-out rates, and the phasing of development etc. Due to the uncertainty over forecasting, particularly over the last two years, the level of income will be based on the total receipts collected from the previous financial year and any unspent receipts from previous financial years.
- 4.2 In terms of future spending priorities, the Council will continue to ensure wherever possible and appropriate to do so affordable housing will be provided on site in accordance with prevailing adopted policy. Where this is not possible, and where exceptional circumstances have been identified and agreed between the parties, commuted sums will be collected, and the Council will seek to direct them in a manner that will best address our identified need. In this respect, the Council has also published an Affordable Housing Delivery Protocol which sets out how affordable housing will be secured across the Borough at this time, particularly given the current position regarding the Local

Plan progression. Prospective developers will be directed to this in all circumstances.

4.3 Chart 1 below shows how S106 monies currently held by Tonbridge and Malling Borough Council have been allocated and utilised over the current reporting period (2022/2023).

4.4 There are instances such as below where the contribution deadline passed and the contribution funding was not utilised within the required timeframe, the returned contribution below related to Youth and Community funding from the Former Ryarsh Brickworks development. Unfortunately, after liaising with KCC it appeared that the works were not undertaken within the deadline and therefore the monies had to be returned to the Redrow Homes.



| Allocated S106 monies | |
|--------------------------------|------------------|
| Allocated project | Amount allocated |
| Returned funds | £53,173.12 |
| Affordable Housing | £354,000 |
| Outdoor Sports | £29,491.25 |
| Leybourne Lakes Visitor Centre | £144,087.26 |
| Commuted Sums | £40,512.19 |
| Play Areas | £7,643 |

Open space enhancements

4.5 Requirements for public open space provision, enhancement and maintenance are still set out within the MDE DPD. In this Borough, the types of open space that can be addressed through S106 agreements include Parks and Gardens,

natural and semi-natural green spaces, green corridors, outdoor sports facilities, amenity green space, play areas, allotments, cemeteries and other burial grounds.

- 4.6 The Open Space Strategy sets out our standards regarding the provision of open space and identifies the locations where obligations are required through S106 and other sources to address deficiencies in the borough's open space network.
- 4.7 Tonbridge and Malling Borough Council are working closely with local Parish councils to provide open space enhancements to the parish owned sites, including those such as sports and play facilities. Contributions are currently being allocated for various outdoor sports and play area enhancements which will be reported on in the next period (23/24).
- 4.8 Contributions collected in connection with Leybourne Lakes Country Park have been directed towards making improvements to the park including the recently opened new purpose-built building which houses a café/water sports area. A total of £384,693.71 was allocated in 21/22 and was spent on the project within the monitoring period, this does not include the additional funds allocated to this project outside of the monitoring period as shown in the above table.



4.9 Contributions have been collected and allocated to various open space sites based within the Tonbridge area, monies have been utilised on upgrading the existing play areas and installing outdoor gym equipment to the Tonbridge Farm Sportsground as shown in the below photographs.



4.10 The Council has been in communication with Parish Councils across the borough to create an in-depth list of projects that would benefit the local parish residents, the list and quotations are utilised by the borough council planning officers when undertaking negotiations with local developers. There have been multiple projects which have received allocations which will be reported on in the 23/24 Infrastructure Funding Statement.

4.11 Liaising with the local parishes in relation to current S106 funding held has greatly improved the facilities they are able to offer local residents, schemes such as the new outdoor tennis table and benches have been provided in Aylesford Parish, as well as improves to Outdoor Sports facilities such as new signage for the outdoor gym as well as the maintenance and repairs to the MUGA and Skatepark within East Malling & Larkfield Parish.

Affordable housing:

4.12 The affordable housing secured over the reporting period has been via on-site provision and a financial contribution to provide affordable housing as an off-site provision, as required by policy. The Council has progressed and completed works to Affordable Housing units in Tonbridge which has been funded via S106 contributions as allocated above.

Monitoring arrangements:

4.13 From 01 April 2021, the Council commenced charging a monitoring fee of £300 per obligation, we have received a total of £13,700 in the monitoring period (2022/2023). The monitoring fee charge was reviewed and a decision was made to increase the fee to £330 per obligation, this will be reviewed annually as part of the discretionary fee process.

4.14 The monitoring fees relating to S106 agreements are due to be paid at the time of signing the S106 agreements, the monitoring of agreements is undertaken by the Senior Development Obligations Officer. Part of this role is to ensure contribution amounts are correct, paid at the appropriate moment and in a timely manner whilst ensuring the funds are spent on appropriate projects that meet the tests as outlined within the regulation 122 (as amended by the 2011 and 2019 Regulations).

4.15 The agreed change in the protocol meant two monitoring groups were to be created to oversee S106 matters, currently a monitoring group comprised of internal team members and external bodies from KCC has been created to provide a current view of ongoing S106 negotiations, allocations and spends. The group discussions enable various bodies to have an input and create a conversation in relation to the ongoing S106 matters. The strategic monitoring group is set to be created which will include a politically balanced group of members and internal colleagues to discuss S106 negotiations, allocations and any other matters.

5. Conclusions

5.1 Tonbridge and Malling Borough Council continues working with the local community and other stakeholders to ensure that planning contributions are used in a fair and transparent way to maximise the benefits and opportunities arising from development, such as new affordable homes, community infrastructure, jobs and environmental improvements.

5.2 Whilst Tonbridge and Malling Borough Council are not a CIL charging authority, we are aware of the consultation published by central government in relation to the new Infrastructure Levy. As part of the consultation process a number of presentations were attended to enable an informed response to be issued in June 2023 (Annex 4), as part of the consultation a decision was made to put TMBC forward to become a 'testing authority' for the proposed Infrastructure Levy.

5.3 A part for the next reporting period will be to monitor current S106 agreements and new agreements, the creation of a strategic monitoring group to enable inform members of the current S106 allocations, spends and negotiations creating a transparent service. Tonbridge and Malling Borough Council remains committed to the monitoring of agreements ensuring the monies are used in the proper manner.

6. Background papers

Annex 1 – Infrastructure funding statement 2022/23 spreadsheet.

Annex 2 – Updated S106 protocol.

Annex 3 – Link to KCCs Infrastructure Funding Statement

Annex 4 – Infrastructure Levy consultation response.

Developer Contributions - 2022/23
Analysis of balances held, receipts and spend

| Site | Planning Ref. | Purpose | Opening Bal 01/04/22 £ | Received in 2022/23 £ | Accrued Interest £ | Third Party Payment £ | Transfer to Revenue £ | Transfer to Capital £ | Closing Bal 31/03/23 £ | Revenue / Capital / Third Party | Project / Other |
|---|---------------|--|---------------------------|--------------------------|-----------------------|--------------------------|--------------------------|--------------------------|---------------------------|---------------------------------|---|
| Bow Road (Phoenix Drive), Watlington | 96/00483 | Maintenance of Public Open Space | -9,829.37 | | | | 593.64 | | -9,235.73 | Revenue | Grounds Maintenance - Other Areas |
| Royal Avenue, Tonbridge | 97/01036 | Maintenance of Public Open Space | -6,577.58 | | | | 1,707.76 | | -4,869.82 | Revenue | Grounds Maintenance - Other Areas |
| Land east of High Street, Wouldham | 99/01428 | Contribution towards Play Area equipment & Commuted sum for maintenance | -29,182.99 | | -588.65 | 3,365.00 | | | -26,406.64 | Third Party | Wouldham Parish Council - Maintenance |
| Leybourne Lakes | 99/00032 | Contribution towards maintenance of Country Park | -269,333.08 | | | | | 269,333.08 | 0.00 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (2022/23) |
| Rowan House, Dernier Road, Tonbridge | 01/03247 | Enhancement and maintenance of play facilities at Tonbridge Farm Sportsground | -39,258.72 | | | | | 39,258.72 | 0.00 | Capital Plan | Tonbridge Farm Sportsground Improvements (2022/23) |
| New Road Business Estate, Ditton | 06/02288 | Contribution towards Highway Improvements / Rec. & Leisure Schemes | -51,600.63 | | | | | 51,600.63 | 0.00 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (2022/23) |
| Robin Hood Lane, Chatham | 04/04222 | Contribution towards Highway Improvements | -9,935.24 | | -226.52 | | | | -10,161.76 | Third Party | Kent County Council |
| 73 and 75 Carpenters Lane, Hadlow | 07/03517 | Contribution towards enhancement of off-site play facilities | -14,973.49 | | -96.61 | 14,456.00 | | | -614.10 | Third Party | Hadlow Parish Council |
| Former Mill Stream School Site, East Malling | 08/03256 | Provision of children's play space within the vicinity of the development | -41,581.85 | | | | | | -41,581.85 | | Scheme to be identified |
| Blossom Bank, Tonbridge | 12/03523 | Contribution towards tow path improvement (in lieu of footbridge) | -25,000.00 | | | | | | -25,000.00 | Capital Plan | River Medway Riverside Environmental Improvements, Tonbridge |
| Ryarsh Park, Ryarsh | 03/03377 | Contribution towards the provision of youth and community services in Ryarsh | -52,778.05 | | -395.07 | 53,173.12 | | | 0.00 | | Repaid to Developer |
| Priory Works, Tudeley Lane, Tonbridge | 13/02307 | Provision or enhancement of open space in Tonbridge, Hadlow and Hildenborough area | -3,048.76 | | -1.11 | | 3,000.00 | | -49.87 | Revenue | Haysden Country Park - Path Improvements |
| 1st and 2nd floors, 1 East Street, Tonbridge | 12/00805 | Enhancing and improving existing local open space provision | -8,627.83 | | | | | | -8,627.83 | Capital Plan | Racecourse Sportsground Rugby Pitch Drainage (2023/24) |
| The Old Power Station, The Slade, Tonbridge | 15/02817 | Primary Education contribution towards Slade Primary School | -5,379.02 | | -122.64 | | | | -5,501.66 | Third Party | Kent County Council |
| Peters Pit, Wouldham, Kent | 05/00989 | Adult Education contribution + supplement for providing / improving opportunities and services on or off-site | -94,988.94 | | -2,165.75 | | | | -97,154.69 | | Scheme to be identified |
| Peters Pit, Wouldham, Kent | 05/00989 | Youth and Community contribution + supplement for providing / improving facilities and services on or off-site | -172,441.45 | | -3,931.66 | | | | -176,373.11 | | Scheme to be identified |
| Former Teen & Twenty Club, River Lawn Road | 17/02468 | Public Realm contribution - Improvements to footpath MU30 | -16,634.34 | | -379.26 | | | | -17,013.60 | Capital Plan | River Medway Riverside Environmental Improvements, Tonbridge |
| The Primrose PH, Pembury Road, Tonbridge | 18/02488 | Provision, enhancement, maintenance of open space and children's play equipment in the locality | -3,756.00 | | | | | | -3,756.00 | | Scheme to be identified (Balance) |
| Taddington Wood, Robin Hood Lane, Bluebell Hill | 17/02248 | Provision, enhancement of open space or play equipment in the vicinity of the development | -27,546.00 | | | 4,200.00 | | | -23,346.00 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (23/24) / Scheme to be identified |
| Land at Former Rose & Crown, Branbridges Rd, East Peckham | 18/00273 | Open space improvements in the vicinity of the development | -30,193.67 | | -688.42 | | | | -30,882.09 | | Scheme to be identified |
| The Primrose PH, Pembury Road, Tonbridge | 19/01890 | Provision, enhancement, maintenance of open space and children's play equipment in the locality | -6,565.00 | | | | | | -6,565.00 | | Scheme to be identified |
| Land at Riverside Garage, Lyons Crescent, Tonbridge | 17/02635 | Improvements to open space in the locality of the development | -33,919.79 | | -773.37 | | | | -34,693.16 | Capital Plan | River Medway Riverside Environmental Improvements, Tonbridge |
| Land at Rocfort Road, Snodland | 20/01333 | Open space improvements in the vicinity of the development | -25,046.73 | | -414.41 | | | 6,871.00 | -18,590.14 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (22/23) / Scheme to be identified |
| Quarry House, Quarry Hill Road, Borough Green | 19/02047 | Contributions towards Community Learning, Education, Library, Social Care, Waste and Youth Services | -41,388.40 | | -943.66 | | | | -42,332.06 | Third Party | Kent County Council |
| The Old Coal Yard, New Hythe Lane, Larkfield | 19/02589 | Improvements to existing open space in the locality of the development | -44,102.52 | | -286.36 | 11,060.68 | 2,858.14 | 17,624.00 | -12,846.06 | Capital Plan / 3rd Party | Leybourne Lakes Country Park (22/23) / T&MLT / East Malling & Larkfield PC |
| 3 Station Road, Borough Green | 18/02230 | Provision or improvement of open space facilities | -4,751.00 | | | | | | -4,751.00 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (23/24) / Scheme to be identified |
| Hope House, 7 Lyons Crescent, Tonbridge | 18/02983 | Open space contribution | -16,565.08 | | -377.68 | | | | -16,942.76 | | Scheme to be identified |
| Quarry House, Quarry Hill Road, Borough Green | 19/02047 | Contributions towards Community Learning, Education, Library, Social Care, Waste and Youth Services | -41,381.72 | | -943.50 | | | | -42,325.22 | Third Party | Kent County Council |
| Former Holborough Quarry, Snodland | 09/02664 | Add'l contributions - Secondary Education, Libraries, Youth & Community, Community Facilities, Potyns Field | -31,026.37 | | -707.40 | | | | -31,733.77 | Third Party | Kent County Council / Snodland Town Council |
| Oakhill House, 130 Tonbridge Road, Hildenborough | 20/02245 | Affordable housing provision within T&M | -427,515.64 | | -1,676.16 | | | 354,000.00 | -75,191.80 | Capital Plan | Temporary Accommodation 22/23 - Pembury Road Properties |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Contribution towards a bike scheme and maintenance | -371,877.26 | | -8,478.80 | | | | -380,356.06 | | Scheme to be identified |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Biodiversity contribution | -100,000.00 | | | 100,000.00 | | | 0.00 | Third Party | Kent Wildlife Trust |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Contribution towards local employment training and business promotion | -75,010.54 | | -1,710.24 | | | | -76,720.78 | | Scheme to be identified |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Contribution towards Public Right of Way improvements | -302,542.52 | | -6,897.97 | | | | -309,440.49 | Third Party | Kent County Council |
| Land at 20 Rochester Way, Aylesford | 20/02377 | Children's and Young peoples play area (Forstal Road) | -2,614.00 | | | 2,614.00 | | | 0.00 | Third Party | Aylesford Parish Council |
| Land at 20 Rochester Way, Aylesford | 20/02377 | Outdoor Sports Facilities (Forstal Road) | -19,907.00 | | -38.11 | 18,235.57 | | | -1,709.54 | Third Party | Aylesford Parish Council |
| Land at 20 Rochester Way, Aylesford | 20/02377 | Parks and Gardens (Leybourne Lakes or Cobtree Park) | -10,851.00 | | | | | 10,851.00 | 0.00 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (2022/23) |
| Land East of King Hill, West Malling | 18/01013 | Healthcare contribution (West Malling Group Practice) | 0.00 | -124,766.55 | -2,470.58 | | | | -127,237.13 | Third Party | Kent and Medway Clinical Commissioning Group |
| Land East of King Hill, West Malling | 18/01013 | Parks & gardens contribution (Leybourne Lakes Country Park or Manor Wood West Malling) | 0.00 | -92,583.82 | -1,270.67 | | | 28,414.00 | -65,440.49 | Capital Plan | Leybourne Lakes Country Park Visitor Facility (2022/23 and 2023/24) |
| Land East of King Hill, West Malling | 18/01013 | Outdoor Sports Contribution (enhancements to West Malling or Kings Hill Playing Fields) | 0.00 | -169,858.98 | -3,363.49 | | | | -173,222.47 | | Scheme to be identified |
| Land at Carpenters Lane, Hadlow | 20/00597 | Healthcare contribution - Improvements to Hadlow Medical Centre | 0.00 | -28,300.96 | -546.26 | | | | -28,847.22 | Third Party | Kent and Medway Clinical Commissioning Group |
| Land at Carpenters Lane, Hadlow | 20/00597 | Open Space Commuted Sum (Management and Maintenance of Haysden Country Park and Williams Field Rec) | 0.00 | -101,770.14 | -1,964.35 | | | | -103,734.49 | | Scheme to be identified |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Station Improvement Contribution | 0.00 | -91,500.00 | -1,737.55 | | | | -93,237.55 | Third Party | Network Rail |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Bus Service Contribution | 0.00 | -132,892.00 | -2,523.56 | | | | -135,415.56 | Third Party | Kent County Council |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Biodiversity Contribution | 0.00 | -100,000.00 | -1,898.96 | | | | -101,898.96 | Third Party | Kent Wildlife Trust |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Highways Contribution | 0.00 | -50,000.00 | -949.48 | | | | -50,949.48 | Third Party | Kent County Council |
| Site 5.1 Kings Hill | 18/03030 | Healthcare contribution - Improvement works at West Malling Group Practice or Watlington Surgery | 0.00 | -56,535.11 | -826.37 | | | | -57,361.48 | Third Party | Kent and Medway Clinical Commissioning Group |
| Site 5.1 Kings Hill | 18/03030 | Contribution towards facilities for Outdoor Sports within 3 miles of the development | 0.00 | -113,510.76 | -1,659.19 | | | | -115,169.95 | | Scheme to be identified |
| Site 5.1 Kings Hill | 18/03030 | Contribution towards provision of Public Parks and Gardens within 3 miles of the development | 0.00 | -62,264.42 | -910.12 | | | | -63,174.54 | | Scheme to be identified |
| Site 5.6 Kings Hill | 18/03033 | Healthcare contribution - Improvement works at West Malling Group Practice or Watlington Surgery | 0.00 | -53,859.95 | -787.27 | | | | -54,647.22 | Third Party | Kent and Medway Clinical Commissioning Group |
| Site 5.6 Kings Hill | 18/03033 | Contribution towards facilities for Outdoor Sports within 3 miles of the development | 0.00 | -108,351.43 | -1,583.77 | | | | -109,935.20 | | Scheme to be identified |
| Site 5.6 Kings Hill | 18/03033 | Contribution towards provision of Public Parks and Gardens within 3 miles of the development | 0.00 | -59,958.33 | -876.41 | | | | -60,834.74 | | Scheme to be identified |
| Sites 5.2 and 5.3 Kings Hill | 18/03034 | Healthcare contribution - Improvement works at West Malling Group Practice or Watlington Surgery | 0.00 | -223,732.80 | -3,270.30 | | | | -227,003.10 | Third Party | Kent and Medway Clinical Commissioning Group |
| Sites 5.2 and 5.3 Kings Hill | 18/03034 | Contribution towards facilities for Outdoor Sports within 3 miles of the development | 0.00 | -474,684.26 | -6,938.45 | | | | -481,622.71 | | Scheme to be identified |
| Sites 5.2 and 5.3 Kings Hill | 18/03034 | Contribution towards provision of Public Parks and Gardens within 3 miles of the development | 0.00 | -94,548.80 | -1,382.02 | | | | -95,930.82 | | Scheme to be identified |
| Land at Aylesford Newsprint, Aylesford | 20/01820 | Indexation (Station Improvements / Bus Service / Biodiversity / Highways) | 0.00 | -20,560.62 | -263.29 | | | | -20,823.91 | Third Party | Network Rail / Kent County Council / Kent Wildlife Trust |
| 14 Western Road, Borough Green | 19/02455 | Open spaces (LLCP; Field adj to Wrotham Sch; Maidstone Road Rec; Staleys Acre Play Area; Crow Hill) | 0.00 | -18,919.87 | -210.37 | | | | -19,130.24 | | Scheme to be identified |
| 180 High Street, Tonbridge | 19/02109 | Play areas contribution - Maintenance and improvement of Tonbridge Racecourse Sportsground | 0.00 | -2,492.15 | | | | | -2,492.15 | | Scheme to be identified |
| 180 High Street, Tonbridge | 19/02109 | Outdoor Sports contribution - Maintenance and improvement of Tonbridge Racecourse Sportsground | 0.00 | -18,983.35 | | | | | -18,983.35 | | Scheme to be identified |
| 180 High Street, Tonbridge | 19/02109 | Parks and Gardens contribution - Maintenance and improvement of Haysden Country Park | 0.00 | -10,347.29 | | | | | -10,347.29 | | Scheme to be identified |
| Land East of Clare Park Estate, East Malling | 18/03008 | Healthcare - Improvement works at Thornhills Medical Practice, Watlington Surgery or West Malling Group | 0.00 | -55,456.83 | -200.92 | | | | -55,657.75 | Third Party | Kent and Medway Clinical Commissioning Group |
| Land East of Clare Park Estate, East Malling | 18/03008 | Outdoor Sports contribution - Provision and / or improvement of open space facilities | 0.00 | -147,320.53 | -533.74 | | | | -147,854.27 | | Scheme to be identified |
| Land East of Clare Park Estate, East Malling | 18/03008 | Parks and Gardens contribution - Provision and / or improvement of open space facilities | 0.00 | -80,289.24 | -290.89 | | | | -80,580.13 | | Scheme to be identified |
| Land at Brickfields Depot, West Malling | 12/00774 | Contribution towards Affordable Housing (within administrative area) | 0.00 | -179,151.28 | | | | | -179,151.28 | | Scheme to be identified |
| Land East of King Hill, West Malling | 18/01013 | Parks & gardens contribution (Leybourne Lakes Country Park or Manor Wood West Malling) | 0.00 | -91,726.76 | -137.51 | | | | -91,864.27 | | Scheme to be identified |
| Land East of King Hill, West Malling | 18/01013 | Outdoor Sports Contribution (enhancements to West Malling or Kings Hill Playing Fields) | 0.00 | -168,277.42 | -252.28 | | | | -168,529.70 | | Scheme to be identified |
| | | | -2,467,731.58 | -2,932,643.65 | -68,691.15 | 207,104.37 | 8,159.54 | 777,952.43 | -4,475,850.04 | | |

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| | Question | Draft TMBC response |
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| | <p>1. Do you agree that the existing CIL definition of 'development' should be maintained under the Infrastructure Levy, with the following excluded from the definition:</p> <ul style="list-style-type: none"> - developments of less than 100 square metres (unless this consists of one or more dwellings and does not meet the self-build criteria) – Yes/No/Unsure - Buildings which people do not normally go into - Yes/No/Unsure - Buildings into which peoples go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery - Yes/No/Unsure - Structures which are not buildings, such as pylons and wind turbines. Yes/No/Unsure | <p>Yes, this would provide a consistent approach when introducing the levy. Evidence would be invited to give reasoning which shows why the exclusions to the definition are still valid.</p> <p>Concern is raised over the fees due to Sqm; this is a consistent approach for Open Space requirements, however infrastructure that has direct impacts on local services e.g., GPs, schools etc could use the average occupancy rates instead as this will give a more direct and true impact on local services.</p> |
| | <p>2. Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.</p> | <p>Yes, we do agree that developers should continue to provide infrastructure which is incorporated into the site. To release burdens and costs to local authorities and county councils it would be beneficial for developers to provide build out infrastructure such as schools or GP practice buildings in lieu of the levy being paid, the local councils would still be required to ensure the completion of the infrastructure in a timely manner alongside the development to ensure the facilities are available for the occupiers and local residents.</p> <p>Developers should be responsible for ensuring the provision of highways enhancements is completed prior to the occupation of more than 25-50% of units to ease the current infrastructure requirements.</p> <p>Negotiation would need to take place, if developers were not willing to provide the build out infrastructure it should be stringent in the process to enable local authorities to provide the infrastructure without risk of having to pay back or borrow from levy receipts.</p> |
| Page 155 | <p>3. What should be the approach for setting the distinction between integral and Levy-funded infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.</p> | <p>Option B (Nationally Set list) to prevent any potential inconsistencies to approach.</p> <p>A nationally set type of infrastructure reduces the ability for questioning of definitions for the infrastructure. There may be instances that the national set list is also used alongside the locally set principles and typologies to ensure all requirements are covered to mitigate the impact of the specific development to the area.</p> |
| | <p>Do you agree that local authorities should have the flexibility to use some of their levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.</p> | <p>Yes, in certain circumstances. The main focus should be towards the provision of Levy funded infrastructure (Affordable Housing, GP services and Waste). Circumstances such as an excess remaining levy fund could be used towards providing a new service to the area that does not receive it.</p> <p>In the circumstances that the County Council provides the infrastructure, concerns over who the receiving authority would be, and whether there is a specific evidence requirement to release funds.</p> |
| | <p>5. Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.</p> | <p>Yes, the LA should prioritise local infrastructure and affordable housing for the development prior to providing non infrastructure which would not be a priority to mitigate the development.</p> <p>E.</p> |
| | <p>6. Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.</p> | <p>Community used facilities, e.g., Cemeteries.</p> <p>We have received a large number of queries requesting help with the funding to maintain or provide the village halls or extend the cemeteries by Parish Councils. The impact of the development does also branch further out than the schools, it would be useful for funds to go towards other community projects to emphasise to local residents how the development has improved the area.</p> |
| | <p>7. Do you have a favoured approach for setting the 'infrastructure in-kind' threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above]. Please provide a free text response to explain your answer, using case study examples if possible.</p> | <p>Due to the high numbers set out within the proposed thresholds, the favoured approach for TMBC will be the Local Authority Discretion threshold, giving the local authority the ability to set our own threshold to ensure it reflects local circumstances and works alongside the policies within the Local Plan.</p> |
| | <p>8. Is there anything else you feel the government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition? Please provide a free text response to explain your answer.</p> | <p>Further distinctions and definitions would be a useful guide for the role of S106 agreements, whether there are any particular development types which will require the S106 only routeway e.g., no residential development proposed but a significant commercial use which has other infrastructure impacts.</p> |

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| 9. | Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary. | Yes, the levy should capture the value uplift, there should still be a levy charges on new PD dwellings as there may not be a change in floor space, but there will still be an additional impact on the local infrastructure services. This may over complicate a system which is already complicated, therefore it may be simpler to use the standard thresholds applied as the same impact on the local area will be increased. The only PD applications which should charge no levy would be the standard Housing extensions, or provision of a form of infrastructure to an area e.g., telecoms. |
| 10. | Do you have views on the proposal to bring schemes brought forward through permitted development rights within scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how that might be decided? | Schemes brought forward by PD rights would still be causing an additional impact on the local infrastructure and would bring additional maintenance and costs for the Local Authority to provide without a levy in place. TMBC supports capturing PD in the instances where it has additional infrastructure demands first. The appropriate value threshold for qualifying permitted development would be difficult to implement as it would vary by area within the local authority. The ceiling rate applied to PD sites would be best to be set as a percentage within the local levy charging rates to ensure that PD sites are still viable but there is still funding provided for the local infrastructure. |
| 11. | Is there is a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible. | Currently TMBC cannot give any other cases for additional offsets from the Levy. The view at the time of this consultation is that this could bring elements of further negotiations with developers which may complicate the system, requiring the levy rates to be adjusted for individual parcels of land. It is understood that there are potential increases to costs for developers when dealing with issues on brownfield sites e.g., contamination, however the infrastructure will still see the same increase in pressure whether the site is brownfield or not. In these cases, further investigation would be required to resolve the above. |
| 12. | The government wants the Infrastructure Levy to collect more than the existing system, whilst minimising the impact on viability. How strongly do you agree that the following components of Levy design will help achieve these aims? - Charging the Levy on final sale GDV of a scheme [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] - The use of different Levy rates and minimum thresholds on different development uses and typologies [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] - Ability for local authorities to set 'stepped' Levy rates [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] - Separate Levy rates for thresholds for existing floorspace that is subject to change of use, and floorspace that is demolished and replaced [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] | Responses are highlighted. See Q13 for explanations. |
| 13. | Please provide a free text response to explain your answers above where necessary. | It is understood why the proposed changes are to charge on the final GDV of the development, however this brings multiple challenges for the local authority. We will require valuation assessments at 3 stages of the development prior to the funds being transferred , there is a significant increase in manpower required to monitor, guidance on when, and how you capture final sale values and a tight definition of 'completion' of the development would be required e.g. is this at the last occupation or is this when the developer moves off site? A close definition is required with measures in place to ensure the payment cannot be avoided or delayed. Whilst it is seen as an innovative idea in writing to charge the Levy on the final sale of the scheme, there is apprehension due to the possibility of developers withholding the final sale to ensure no further payments are required. In instances such as this is there going to be legislation put in place to ensure the LA receives funding for the levy? |

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| 14. | Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary. | <p>TMBC is increasingly concerned as the table suggests that it has not yet been decided that the funds will be paid on completion of sales, funding paid via commencement supports the infrastructure delivery alongside the progression of the development which is a much better measure for the local authority. The risk of having to pay monies back to developers is a significant red flag and causes increased pressure for LA.</p> <p>The LA would need to set up a provision to hold back some funding, which will increase pressure on existing local services</p> |
| 15. | Is there an alternative payment mechanism that would be more suitable for the Infrastructure Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary. | <p>The potential idea of payment of the Levy being made on an annual/phase basis by the developer depending on how many units were sold/let to create a financial income within the financial year, the GDV of these units and then charging the levy to this – this would ensure the Local Authority receives funds that also include any market changes at the time, whilst enabling the LA to provide infrastructure during the development.</p> <p>TMBC would prefer payments to be completed upon commencement over completion.</p> |
| 16. | Do you agree with the proposed application of a land charge at commencement of development and removal of a local land charge once the provisional levy payment is made? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary | <p>Concerns raised due to the transfer of land charges data to the land registry. This could result in data sharing complications with an external authority. The other concern would be whether the LA would be required to pay for the information.</p> <p>Further concerns over whether the information could cause legal complications for prospective buyers when purchasing a property onsite, clauses will need to be completed to state that enforcement action would not be taken against individual householders to ensure the market could still move.</p> |
| 17. | Will removal of the local land charge at the point the provisional Levy liability is paid prevent avoidance of Infrastructure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/ Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary. | <p>Unfortunately, previous experience with developers has showed that they will seek loopholes or variations of agreements to ensure they do not need to make further payments, due to this it would be requested that the Land Charge remains until the final payment is made.</p> |
| 18. | To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer. | <p>It is the view of TMBC that the payment of the Levy should be made prior to site completion to ensure the new residents onsite have access to the essential services they require e.g., GP surgeries or schools. These services need to be provided prior to/as close to the occupation as possible rather than after the occupation which could in turn cause a lengthy delay for residents.</p> <p>Partial payment upon commencement would be preferred to enable the LA to provide services and ensure projects are completed close to occupation without risking LA funding.</p> |
| 19. | Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your where necessary. | <p>Essential services such as GP provision, schools and youth services which appear to be excluded from the definition of 'Integral Infrastructure' should be prioritised as these will be needed as soon as the new residents are in situ, payment post completion could delay the infrastructure provision and cause an increased pressure on existing services within the area.</p> <p>Partial payment for these services at commencement stage of the development would be preferred to enable the LA to ensure the infrastructure is ready when the site is occupiable.</p> |
| 20. | Do you agree that the proposed role for valuations of GDV is proportionate and necessary in the context of creating a Levy that is responsive to market conditions [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary. | <p>No there are concerns over the process, the amount of extra administration that will be required for the 3 valuations on multiple developments would put a large strain on current staffing levels that are also trying to monitor existing agreements and obligations.</p> <p>Further comments can be provided when the process is outlined further.</p> |
| 21. | To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/ Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary. | <p>This presents many difficulties for the LA and therefore would be avoided where possible. It is better if the payments were received earlier in the process so as not to allow on LA borrowing. If interest is added to the figure that is borrowed or if payback is required to the developer, there is a substantial risk for the LA and monies would need to either come from Capitol or reserves which could jeopardise local projects not relating to developments.</p> <p>By borrowing funds, it creates an additional cost for the council as well as reducing a source of investment income (funding received in advance are invested until needed.)</p> |

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| 22. | To what extent do you agree that the government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary. | Essential infrastructure not included within the definition of #Integral Infrastructure' such as GP Surgeries, Schools etc should be specified in the upfront costs as this is where the strain of a new development is most prevalent. By making the provision of this infrastructure an upfront cost via the use of planning condition it ensures the money can be received sooner and the services provided for when residents begin to occupy properties, reducing the impact on the local area. |
| 23. | Are there other mechanisms for ensuring infrastructure is delivered in a timely fashion that the government should consider for the new Infrastructure Levy? [Yes/No/Unsure] Please provide free text response to explain your answer where necessary. | Investigation into further financing models and payments of the levy should be sought. All comments from the outcome of this consultation should be taken into account and any other payment mechanisms outlined from the consultation should be consulted on. |
| 24. | To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary. | This will create more forward thinking when it comes to funding, ensuring that monies are used effectively rather than any last-minute spending, we would require further detail on what would be required to be included within this. Assuming this will work alongside council's capitol plans, we need to consider the extra administration that will be required by multiple departments within the LA, ensuring that we are able to identify the needs and site management plans. |
| 25. | In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs? | The process outlined within the consultation in relation to the IDS is longer and not as streamlined. It could be streamlined if infrastructure providers are required by government to release information in a standardised way on a defined and regular basis. A lot of time is currently taken up by engaging with providers, finding contacts. By bringing the providers into the loop on a regular basis and them providing the information it would streamline the work for the LA. |
| 26. | Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary. | Whilst utilising the local parish councils to obtain information on a local level concern would be raised as this can cause an exceeding expectation from the local community as to what can be achieved which in turn will raise pressure for the LA to ensure expectations are managed as well as projects being provided. |
| Page 158 27. | Do you agree that a spending plan in the Infrastructure Delivery Strategy should include: - Identification of general integral infrastructure requirements - Identification of infrastructure/types of infrastructure that are to be funded by the Levy- Prioritisation of infrastructure and how the Levy will be spent - Approach to affordable housing including right to require proportion and tenure mix - Approach to any discretionary elements for the neighbourhood share - Proportion for administration - The anticipated borrowing that will be required to deliver infrastructure - Other – please explain your answer - All of the above | In principle all the information should be in the delivery strategy, but the apportionment/ ownership of tasks would be key to considering the levy. Admin cost and the cost of borrowing should also be considered in the first instance to enable the LA to consider all routes and spending. |
| 28. | How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities? - Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when - Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy - Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies - Guidance to local authorities on prioritisation of funding - Implementation of statutory timescales for infrastructure providers to respond to local authority requests - Other – please explain your answer | All of the above as well as: Engagement with County Council by use of regular monitoring group meetings, opportunities to comment at consultation stage and outline what would be requested at a county level. Use of Pre apps to include meetings with county and other service providers to negotiate Levy at initial stage. |
| 29. | To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary. | This should be possible to complete and similar to the existing process used, the processes should be integrated however additional details will be required on the expectations of the LA in this matter. |

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| 30. | To what extent do you agree that the 'right to require' will reduce the risk that affordable housing contributions are negotiated down on viability grounds? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary. | This appears to include a minimum amount via the local plan; however, the method seems increasingly complex compared to the current system in place. Concerns over the redirection of other Levy resources, this seems to imply that the onus is on the LA to ensure the provision of AH rather than the developer providing it on site and transferring to an RP via the system currently in place. |
| 31. | To what extent do you agree that local authorities should charge a highly discounted/zero-rated Infrastructure Levy rate on high percentage/100% affordable housing schemes? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary | We have found in contrary to the statement a point 5.20, in economic downturns affordable housing continues to be delivered through the RSLs as based on different finance models. It may be seen that a discounted approach to ensure deliverability of affordable housing is the most appropriate. There will still be impact on other local services with any type of development and therefore some levy should be charged to cover the essential services at least. it could be argued that the higher the affordable housing the greater the need for community facilities. |
| 32. | How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples. | TMBC cannot provide any examples at present, all AH schemes have been provided via inclusion of S106 contributions. With this being the case, we have been unable to do the analysis as required for this question. |
| 33. | As per paragraph 5.13, do you think that an upper limit of where the 'right to require' could be set should be introduced by the government? [Yes/No/unsure] Alternatively, do you think where the 'right to require' is set should be left to the discretion of the local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary. | Each local authority has different circumstances with the amount of development they can undertake and therefore the amount of Affordable Housing they are able to provide via the right to require. The right to require should be set by the local authority based on local evidence. |
| 34. | Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?] | Assurance and agreement of monitoring and receipts of spend to be supplied to local authority to enable record keeping for the annual reports. Generic guidance on who would be the receiving authority would be required, and who would report the spend to central government from the levy funds. |
| 35. | In calculating the value of the Neighbourhood Share, do you think this should A) reflect the amount secured under CIL in parished areas (noting this will be a smaller proportion of total revenues), B) be higher than this equivalent amount C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary | At the time of the consultation the view of TMBC would be for a preference to selection A to ensure the total area could benefit from the levy. It has been noted whilst attending a training sessions provided by PAS that although the figure has the potential to be lower, as the amounts being received are set to increase from the current level, parish councils within the borough will still see an increased income from the Levy. |
| 36. | The government is interested in views on arrangements for spending the neighbourhood share in unparished areas. What other bodies do you think could be in receipt of a Neighbourhood Share such areas? | The most logical way would be to keep the arrangement similar to the existing CIL arrangement, whereby local providers can place bids for some of the income which can be reviewed and distributed fairly by the local authority. |
| 37. | Should the administrative portion for the new Levy A) reflect the 5% level which exists under CIL B) be higher than this equivalent amount, C) be lower than this equivalent amount, D) Other, (please specify), or E) unsure. Please provide a free text response to explain your answer where necessary. | Unsure at the time of the consultation, TMBC have no experience as a CIL charging authority, and this would require further investigations of the current administrative portion within similar sized Local Authorities. Potentially a higher amount to ensure fees are covered and use of council funds is kept to a minimum. |
| 38. | Applicants can apply for mandatory or discretionary relief for social housing under CIL. Question 31 seeks views on exempting affordable housing from the Levy. This question seeks views on retaining other countryside exemptions. How strongly do you agree the following should be retained: - residential annexes and extensions; [Strongly Agree/Agree/Disagree/Strongly Disagree] - self-build housing; [Strongly Agree/Agree/Disagree/Strongly Disagree] If you strongly agree/agree, should there be any further criteria that are applied to these exemptions, for example in relation to the size of the development? | Residential extensions and annexes will cause an increase on the local infrastructure however this is likely to be kept to a minimum as there will not always be an increase in residents at the property. Currently with systems available and how the layout of planning application forms are set, it is difficult to identify whether a build is going to be self-build or completed by a developer. Equally this raises questions such as whether this is sufficient justification? There will be an increase to infrastructure without any contribution to offset this. As a local authority we would need to see further justification in the approach relating to diversification of supply. |

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| Page 160 | <p>39. Do you consider there are other circumstances where relief from the Levy or reduced Levy rates should apply, such as for the provision of sustainable technologies? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.</p> | <p>No, the Levy will be implemented to ensure infrastructure is delivered, by providing relief for sustainable technologies it will risk a lesser amount being supplied for essential services that will impact the surrounding area as well as the new development.</p> <p>There are arguments for the sake of new sustainable technologies, ensuring areas have sufficient internet access and mobile signal where required, however these are forms of infrastructure that should be considered by the developer at the time of the application.</p> <p>The levy rate will cover infrastructure for the development, and this could include sustainable green infrastructure however there is still going to be an increased impact on the essential services within the local area which should be a priority.</p> |
| | <p>40. To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.</p> | <p>Measures need to be put in place to ensure that the larger developments cannot be broken down into smaller sites to ensure they avoid the levy fees.</p> <p>Currently TMBC only seek open space contributions for sites under 10 units. AH being sought is a fair system and ensures affordable housing in all areas creating a more diverse and inclusive development.</p> |
| | <p>41. What risks will this approach pose, if any, to SME housebuilders, or to the delivery of affordable housing in rural areas? Please provide a free text response using case study examples where appropriate.</p> | <p>One of the main risks we can foresee as a local authority is small development builders separating plots and applying under the minimum threshold to avoid providing AH on site.</p> |
| | <p>42. Are there any other forms of infrastructure that should be exempted from the Levy through regulations?</p> | <p>Other exemptions should include telecoms and internet services, including to rural areas.</p> |
| | <p>43. Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.</p> | <p>The enforcement methods set out within the consultation document appear to be sufficient in enabling the local authority to obtain the required levy funds. Training documentation would be welcomed to enable the local authorities relevant team members sufficiently informed of the required process.</p> <p>There may need to be more investigation of immediate action that could be taken, the Temporary stop notices and other enforcement methods could take a lengthy amount of time to put in place whilst the breach continues.</p> |
| | <p>44. Do you agree that the proposed 'test and learn' approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary</p> | <p>It would be requested that various authorities could partake in the 'test and learn' process, including those who are not currently CIL charging authorities to cover all aspects of change for the new levy system.</p> <p>Currently there is no outlined timeframe for when the new IL approach would apply to all authorities- the graph provided states 2029/2032.</p> <p>Further detail is required on the selection of the testing authorities. If a Local authority were to request to become a testing authority, how would it be decided on which is chosen? And how long would it be until the relevant authorities find out the decision?</p> |
| | <p>45. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.</p> | <p>The council does not currently have any view on impacts on people with protected characteristics from the information supplied within the consultation document.</p> |

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 ACTIVE TRAVEL STRATEGY

This report provides an update on progress and next steps in the preparation of the Tonbridge and Malling Active Travel Strategy (ATS). This is being prepared in accordance with the DfT's published Local Cycling and Walking Infrastructure Plan (LCWIP) guidance. Once adopted this will replace the current borough [Cycling Strategy](#).

1.1 Background

1.1.1 An update on the ATS was last provided to members at the March 2022 meeting of the former Planning and Transportation Advisory Board; the report can be found [online](#). Following this meeting it was agreed with the Leader and portfolio holder for infrastructure that the Strategy would be progressed in line with the emerging Local Plan. This is to ensure that future developments are supported by appropriate infrastructure and makes best use of officer resource.

1.1.2 Consultants DHA have been retained by the council following their appointment in December 2019, to complete the preparation of the Strategy including any additional walking and cycling route audits to inform this. The focus of the audits has been to further develop:

- the borough's network of urban cycle routes.
- cycle routes that connect with potential areas of strategic growth.
- routes that are otherwise of benefit to the enhancement of the National Cycle Network, and
- walking infrastructure within Tonbridge, West Malling, Borough Green, Snodland and Larkfield urban areas.

1.1.3 Following member engagement, a cycle route priorities consultation was undertaken between March and April 2022, to inform the preparation of the

Strategy. This set out a suggested network of cycle routes in the four urban areas of Tonbridge, Kings Hill and West Malling, Borough Green, and the Medway Gap.

1.1.4 A full summary of the consultation feedback received is included at **Annex 1**. Headlines from the consultation include the following.

- 76 respondents engaged with the consultation, 24% of whom represented a local business or organisation.
- 36% of respondents never cycle for local journeys and 64% do, 39% cycle more than once per week.
- The most prominent barriers to cycling were considered to be traffic volume and vehicle speeds, a lack of dedicated and segregated infrastructure, inadequate cycle parking as well as perceptions of road safety.
- Broadly mixed views were received in response to the route proposals included in the consultation. Many concerns were raised about inadequate and inconsistent infrastructure in local communities for all non-motorised users including horse riders, and suggestions were made for additional routes and links. Views remain polarised between those who wish to see bold ambition and investment in active travel infrastructure and those who don't consider cycling as a practical alternative to the car.

1.1.5 The project team which comprises the lead officer and DHA team, has given careful consideration to the feedback received, particularly with regard to alternative route suggestions and ideas to improve infrastructure for active travel on local roads and public rights of way. The route suggestions are set out in **Annex 2** by area and include comments from the project team. Of the routes and links suggested there are issues with deliverability and viability of many of these given known constraints, anticipated resourcing for active travel projects, and likely route priorities that align to future development, which will be set out in the full draft of the Strategy. Points of detail made by respondents are and will be addressed in the route audit recommendations where relevant.

1.1.6 Of the routes suggested the following should be investigated further for potential inclusion within the Strategy.

- Alternative route from Hildenborough to Tonbridge via Leigh Road, Powder Mills and the Tudor Trail.
- Pembury Road should be included in the east of Tonbridge route proposals; so that members can fully consider this alongside other available options. This area requires particular focus within the ATS given the challenges of providing infrastructure between Vauxhall junction and the town centre.

1.2 Progress Update

- 1.2.1 Given the agreed Local Development Scheme for the progression of the Local Plan and the fact that Regulation 18b consultation will take place in Q1 of 24/25, it is not proposed to alter the approach to the ATS and complete a version of it ahead of that timescale, as some of the work may well be abortive.
- 1.2.2 Additional route audit work has been commissioned with consultants DHA. The route audits supplement those prepared previously and seek to provide a complete evidence base to inform potential cycle route options east of Tonbridge, and to provide better footpath provision between New Hythe Station and Larkfield. All route proposals will be subject to further detailed design work and public consultation before these could be delivered.
- 1.2.3 The following timetable has been agreed with the consultant team to progress a full draft of the Strategy.
- Progress drafting of Active Travel Strategy – October 2023-March 2024.
 - Undertake any further audit work required to align the Strategy to the draft Local Plan spatial strategy and site allocations – January-March 2024.
 - Draft ATS to be presented to members for agreement to publish for public consultation alongside the Regulation 18b Local Plan consultation – spring-summer 2024.

1.3 Kent Cycling and Walking Infrastructure Plan

- 1.3.1 To supplement the existing and emerging LCWIPs, KCC has decided to develop a Kent Cycling and Walking Infrastructure Plan (KCWIP), to identify priorities for improvement and to ensure that each Borough/District LCWIP forms a coherent county wide plan for delivery.
- 1.3.2 Following initial officer engagement earlier in 2023 KCC has launched a consultation to gather views on the proposed cycling routes and walking and wheeling zones. Further information can be found on [KCC's consultation site Let's Talk Kent](#).

The key outcomes of the KCWIP are:

- A network plan for walking and cycling, which identifies preferred routes and core walking and wheeling zones.
- A plan for integrating the KCWIP into active travel planning policies, strategies, and delivery plans.
- A prioritised programme of infrastructure improvements for future investment.

- A robust, evidence-based document which sets out the underlying analysis conducted and provides a narrative which supports the identified improvements and network.

1.3.3 No proposed cycling routes are included for West Kent. There are proposals for enhancing a 'walking and wheeling' route in Tonbridge town centre and this will be considered and addressed in the consultation response.

1.3.4 It is hoped that once prepared proposals and priorities included in the borough Active Travel Strategy will be integrated into the KCWIP. The consultation closes on 10 January 2024, a response will be drafted for approval by the Cabinet Member for Transformation and Infrastructure to submit by the deadline.

1.4 Legal Implications

1.4.1 There are no direct legal implications arising from this report. The DfT guidance sets out a recommended approach for local authorities in planning networks for walking and cycling, which the ATS is being prepared in accordance with.

1.5 Financial and Value for Money Considerations

1.5.1 There are no direct financial or value for money considerations arising from this report. The infrastructure priorities that will be identified in the draft ATS in most cases are unfunded. Infrastructure funding continues to be sought from all sources including government grants and s106.

1.6 Risk Assessment

1.6.1 The planning policy team maintains a risk register, and at present no high risks are associated with the preparation of this Strategy, however given the decisions on alignment with the Local Plan, some of the over-arching Local Plan risks may be relevant to this project. These were most recently reported to members at the July Cabinet meeting.

1.6.2 The delivery of active travel infrastructure will help to provide transport mode choice for residents and those who work in the borough and support the borough council to progress towards net zero. The strategy is an important policy tool to help the council achieve these outcomes.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users. Infrastructure projects identified in the Active Travel Strategy would be subject to Equality Impact Assessment as part of subsequent detailed design work.

1.8 Recommendations

HPSSC is asked to recommend to the Cabinet Member for Planning to:

- (1) Note the feedback received to the cycle route priorities consultation and the progress being made;
- (2) Agree that the alternative routes detailed in 1.1.6 be investigated further for potential inclusion within the Strategy;
- (3) That the updated timetable as detailed in 1.2.3 of the report be noted.

Background papers:

Annex 1 - Cycle route priorities consultation feedback
Annex 2 - Alternative route suggestions received from consultees.

Contact: Bartholomew Wren
(Principal Planning Officer)

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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Annex 1 - Cycle route priorities consultation feedback received online and by email, including summaries of comments submitted.

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| General Questions | Q1 - Are you a local resident? | | |
| | | Number of Respondents | % of Respondents |
| | Yes | 70 | 92 |
| | No | 8 | 11 |
| | Total number of respondents | | |
| | | 77 | |
| | Q2 - Do you represent a local business or organisation? | | |
| | | Number of Respondents | % of Respondents |
| | Yes | 19 | 24% |
| | No | 59 | 76% |
| | Q2a - If yes, please specify: | | |
| | | Number of Respondents | % of Respondents |
| | Councils Including Parishes | 9 | 12 |
| | Schools / Education | 3 | 4 |
| | Rail Sector | 2 | 3 |
| | Community Groups | 1 | 1 |
| | Developers | 2 | 3 |
| | Resident Groups | 1 | 1 |
| | Other | 1 | 1 |
| | Q3 - What is your gender? | | |
| | | Number of Respondents | % of Respondents |
| | Male | 38 | 50 |
| | Female | 30 | 39 |
| | Non binary / gender neutral | 0 | 0 |
| | Prefer not to say | 10 | 13 |
| | Q4 - On average how often do you cycle for local journeys? (Please select one) | | |
| | | Number of Respondents | % of Respondents |
| | I never cycle for local journeys | 27 | 36 |
| Less than once per month | 10 | 13 | |
| Once per month | 6 | 8 | |
| More than once per month | 4 | 5 | |

| | | | |
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| | Once or more per week | 31 | 41 |
| | Q5 - What do you consider are the barriers to cycling? (Please select one or more) | | |
| | | Number of Responses | % of Responses to Question |
| | Perceptions of road safety | 56 | 26 |
| | Traffic volume and vehicle speeds | 62 | 28 |
| | Lack of dedicated or segregated infrastructure | 59 | 27 |
| | Lack of cycle parking | 22 | 10 |
| | Too hilly | 15 | 7 |
| | There are no barriers to cycling | 5 | 2 |
| | Q6 - Do the suggested cycle routes at Tonbridge align with the trips that you normally make or would like to make by bicycle? | | |
| | | Number of Respondents | % of Respondents |
| | Yes | 26 | 34 |
| | No | 24 | 32 |
| | Q7 - If no, please explain why? | | |
| | <p>22 comments received, summarised as follows. 1. Provide a direct and continuous route from the north to the south of the town. 2. Too much consideration is being given to cyclists, they don't use the existing lanes provided and are a risk to pedestrians. 3. Shared use paths don't work for faster road cyclists. 4. Cycles can't be used for all journeys especially when trying to transport bulky items. 5. Provide more cycle parking. 6. Link up River Walk with the north end of the High Street / Bordyke. 7. Goldsmid Road is too steep to cycle, heavily parked and used as a rat run, hazardous. 8. No links provided via A26 to Hadlow or East Peckham or via A227 to Shipbourne. 9. Bordyke is too narrow to accommodate any segregated infrastructure. 10. Alternative route via Tonbridge School - use Watersfield Lane to Hawden Road footpath. 11. Waterloo Road not considered to be a desire line from Brook Street, which itself requires improvement. Potential conflicts with other pedestrians, make this a non-through road to reduce rat running. 12. Shared paths need to be wide enough to accommodate all potential users. 13. Concern regarding potential infrastructure on west side of Quarry Hill due to traffic speeds. 14. A full network planning exercise is suggested to engineer the traffic out of Tonbridge town centre and reallocate road space for cycling.</p> | | |
| Tonbridge | Q8 - Additional routes or measures you would like to see in Tonbridge that would encourage you and others to cycle more? | | |

32 comments received, summarised as follows. 1. Provide direct routes for cycling along Hadlow Road (towards Higham), Pembury Road (towards A21 NMU) and improve infrastructure on Shipbourne Road A277, Quarry Hill Road A26 (towards Tunbridge Wells), and the B245 to Hildenborough. 2. Tonbridge station is a key destination provide routes to the cycle hub. 3. Direct and segregated routes through the town are needed, linking to schools. 4. Wider measures to deter traffic in the town centre may be required to make mode shift happen. 5. Link Waterloo Road to Avebury Avenue via the station. 6. Remove 20mph limits and revert to 30mph. 7. Segregation helps cyclists to feel safe and avoids conflicts, this should be prioritised over shared use. 8. The High Street is congested with poor air quality, need to provide an alternative. 9. White lines are not sufficient for on-carriageway lanes, use light segregation. 10. Good signage and wayfinding is needed, consider coloured surfacing for cycle lanes and paths. 11. Provide more cycle parking. 12. Provide better crossing facilities with priority for cyclist at side turnings and at junctions. 12. Make routes continuous and avoid dismount signs. 13. Provide cycle channels over footbridges between Douglas Road and Clare Avenue. 14. Make Douglas Road a low traffic neighbourhood. 15. Close the road tunnel at Strawberry Vale to motorised traffic, suggested LTN. 16. Put cycle infrastructure on Higham Lane and reduce running lane widths. 17. Consider alternative route from Hildenborough to Tonbridge via Leigh Road, Power Mills and the Tudor Trail. 18. Provide clearer signage and priority for cyclists on all routes. 19. Infrastructure on B245 is not continuous and crossings are dangerous, design these out. 20. PrOW maintenance is poor; vegetation encroachment restricts use of routes.

Q9 - Do you have any other comments about the proposed cycle routes in Tonbridge?

36 comments received, summarised as follows. 1. Insufficient routes proposed to facilitate meaningful mode shift from cars. 2. The cycle route along the B245 is inadequate, easier to cycle on the road. 3. Provide a route along the River Medway from Tonbridge to Maidstone and Rochester. 4. Don't make driving around the town more difficult, some people need to use their cars, disrupting traffic flow could worsen pollution. 5. Consider the needs of horse riders where possible, including the potential extension of a cycle path / bridleway to Haysden Country Park. 6. Route via Town Lock requires lighting for this to be safe. 7. Police need to enforce speed limits including 20mph. 8. Follow the Dutch model, separate cyclists from motorists and pedestrians. 9. More ambition is needed if we are to achieve climate change and air quality goals. 10. Review infrastructure along Brook Street, paths are busy at times with students, it's easier to cycle on-carriageway. 11. Woodgate Way is not a direct route into the town centre, comply with LTN 1/20 and remove on-street parking to provide a route on Pembury Road to link schools, the alternatives proposed a not desirable. 12. Cyclists don't use Waterloo Road to access Tonbridge Station, use the A26 instead. 13. The safer you make cycle routes the more people will use them. 14. Diverting cycle paths down narrow and steep side roads should be avoided, keep them direct. 15. Improve the route across the Racecourse Sports Ground to link The Slade and Tonbridge School to the station. 16. Provide high quality routes or nothing at all, learn the lesson from the temporary Quarry Hill scheme. 17. Remove central reserves and right turn lanes on arterial roads to create space for segregated cycle lanes. 18. Provide a route connecting to Hildenborough Station. 19. Segregated paths are preferred by some users so that dedicated pedestrian routes are maintained, this can result in less conflicts however segregation is not always respected.

Q10 - Do the suggested cycle routes at Kings Hill & West Malling align with the trips that you normally make or would like to make by bicycle?

| | Number of Respondents | % of Respondents |
|-----|-----------------------|------------------|
| Yes | 15 | 20 |
| No | 7 | 9 |

Q11 - If no, please explain why?

7 comments received, summarised as follows. 1. Some of the proposed routes are too heavily used by traffic. 2. Improve connections between West Malling and Kings Hill. 3. Provide more direct routes that are convenient for cyclists. 4. Cycling between Kings Hill, Mereworth, West Peckham and Hadlow is perceived as dangerous if using A228 and A26, dedicated/segregated routes are required for less confident and fit cyclists. 5. Suggested route via North Pole Road will require measures on Watlingbury Road to slow traffic and/or provide segregation for cyclists.

Kings Hill

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| | Q.12 - Are there any additional routes or measures you would like to see in Kings Hill & West Malling that would encourage you and others to cycle more? | | |
| | 14 responses received; these are summarised as follows. 1. KCC need to do more to fill potholes. 2. Link Kings Hill to East Malling. 3. Provide better cycle routes around Kings Hill linking to the Sports Park. 4. Provide better cycle infrastructure between Kings Hill and West Malling including via King Hill. 5. Make cycle routes direct and provide full segregation alongside main roads. 6. Stations are key destinations, ensure links are provided to West Malling and Watlingbury stations. 7. Consider quieter alternative to Hadlow Road A26 via West Peckham. 8. Integrate Broadwater Farm with Kings Hill to support walking and cycling. 9. Provide bridleways where possible to improve routes for horse riders. 10. Provide safe links to all schools including proposed secondary school at Broadwater Farm. 11. Provide more cycle parking at stations. 12. Proposed link to Mereworth appears dangerous, link to and improve existing PrOWs including MR260. | | |
| | Q.13 - Do you have any other comments about the proposed cycle routes in Kings Hill & West Malling? | | |
| | 12 responses received; these are summarised as follows. 1. Provide secure cycle storage including at Tonbridge and Larkfield leisure centres. 2. Cycling infrastructure needs to be well designed with Segregation, plan for middle distance trips too. 3. Plan for house riders too where possible. 4. The proposed route from Victory Drive via Old Teston Road and North Pole Road should be improved, as it provides a direct link to Maidstone. 5. Consider a link to Watlingbury via Bancroft Lane and Canon Lane. 6. Support for better infrastructure in Kings Hill to improve access to Liberty Square. 7. Concern expressed about the proposed link between West Malling Station and West Malling via Swan Street. This road is too narrow to accommodate any dedicated infrastructure for cyclists. 8. Cycle routes should be LTN 1/20 compliant and a minimum of 2.5m wide for shared use. 9. Route 13 Tower View to A228 to be widened. 10. The quiet lanes at East Malling are not shown on the route map. 11. The Lavenders Road proposal is not considered safe for high numbers of cyclists, use route via Ashton Way instead. 12. Provide more cycle parking in West Malling. | | |
| Borough Green | Q14 - Do the suggested cycle routes at Borough Green align with the trips that you normally make or would like to make by bicycle? | | |
| | | Number of Respondents | % of Respondents |
| | Yes | 4 | 5 |
| | No | 5 | 7 |
| | Q15 - If no, please explain why? | | |

| | | | |
|------------|---|-----------------------|------------------|
| | 5 comments received; these are summarised as follows. 1. A waste of time and money, not everyone wishes to cycle so leave things as they are. 2. The proposed routes are better than at present. 3. Cycle routes should be along the A25 as this is busy and some might switch to bicycles. 4. Routes to serve Borough Green Gardens are not supported as the development is not wanted. | | |
| | Q16 - Are there any additional routes or measures you would like to see in Borough Green that would encourage you and others to cycle more? | | |
| | 4 comments received; these are summarised as follows. 1. Provide more fully segregated routes along main roads with well-designed junctions. 2. Public right of way MR251 needs to be upgraded to a bridleway to provide a north/south link. 3. Consider a 20mph zone in the centre of the village. | | |
| | Q17 - Do you have any other comments about the proposed cycle routes in Borough Green? | | |
| | 3 comments received. 1. Routes should be provided for horse riders too. 2. The proposed routes are inadequate. 3. Design of infrastructure should take account of DfT Gear Change document. | | |
| Medway Gap | Q18 - Do the suggested cycle routes in the Medway Gap area align with the trips that you normally make or would like to make by bicycle? | | |
| | | Number of Respondents | % of Respondents |
| | Yes | 11 | 14 |
| | No | 2 | 3 |
| | Q19 - If no, please explain why? | | |
| | 1 comment received - 'The plan does not show the existing footway cycleway along New Court Road which provides a connection between Peters Village and Burham'. | | |
| | Q20 - Are there any additional routes or measures you would like to see in the Medway Gap area that would encourage you and others to cycle more? | | |
| | 10 comments received; these are summarised as follows. 1. Provide a better link between Aylesford and Burham via Eccles. 2. Existing NCN network should be extended all the way along the Medway between Rochester/Strood, Maidstone and Tonbridge to provide a mostly traffic free route. 3. Show all stations on route proposal maps, and work with operators to provide better information at stations. 4. Better links between New Hythe and Aylesford stations connecting with Aylesford Village and Eccles. 5. Better connectivity across the Medway River which is a barrier to movement. 6. Bridleways to be considered where possible when designing routes in the Medway Valley so that the needs of horse riders are integrated too. 7. Provide a cycle path between Snodland and Larkfield/Leybourne via Castle | | |

Way. 8. Provide a link between East Malling and West Malling. 9. Provide a link to Walderslade Woods.

Q21 - Do you have any other comments about the proposed cycle routes the Medway Gap area?

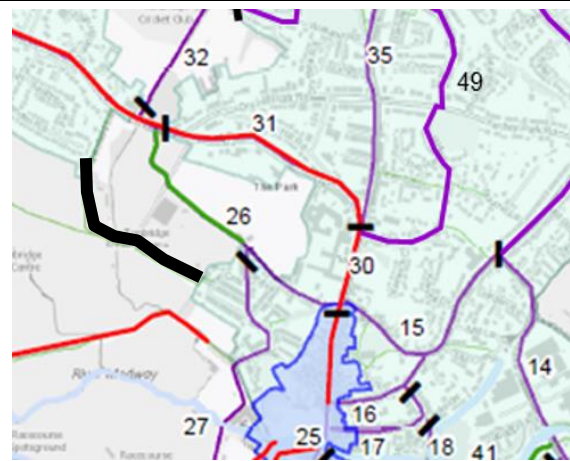
6 comments received; these are summarised as follows. 1. Improve connectivity from Aylesford village to the business park along Forstal Road and from the A228 to Snodland Station. 2. Improve the proposed route from Aylesford to Larkfield. 3. Enforce 20mph speed limits. 4. Route designs should take account of the DfT Gear Change document.

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Annex 2 – Alternative route suggestions received from consultees.

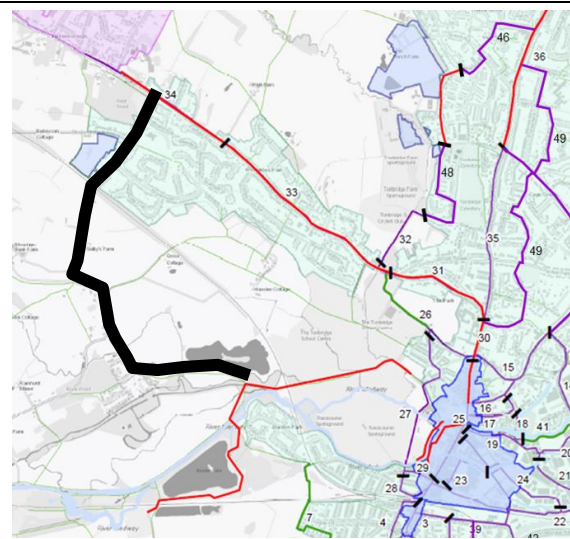
Tonbridge - Alternative route via Tonbridge School – use Watersfield Lane to Hawden Road footpath.

Project team response - This crosses Tonbridge School land, and it is informally understood that the school does not support this alternative alignment. Discussion is required with the school to understand their support and any concerns for the assessed and alternative route suggested. Both help to avoid a section of the B245 which is positive for both pedestrians and cyclists.



Tonbridge - Alternative route from Hildenborough to Tonbridge via Leigh Road, Powder Mills and the Tudor trail.

Project team response - The proposed route would utilise the Leigh Road (on carriageway) to Powder Mills then follow an existing public right of way which would need to be upgraded/improved to link with the Tudor Trail. This requires further investigation / assessment.



Tonbridge

Other route suggestions which have been previously considered by the project team.

- Links via A26 to Hadlow/East Peckham, A227 to Shipbourne, Pembury Road, Higham Lane, A26 to Tunbridge Wells.

Project team response - Pembury Road should be included in the east of Tonbridge route proposals, this area is likely to require particular focus within the ATS given the available options and challenges. We have previously dismissed a route via the A26 to Higham, Elm Tree Lane and on to Hadlow given the distance and constraints, including available highway width in places and the requirement by KCC highways to retain right turn lanes at junctions with The Ridgeway and Yardley Park Road to help maintain traffic flow.

The A227 is included in the route proposals to Willow Lea, extending this further north towards Shipbourne would be challenging and could only be funded with s106 from strategic growth. The A26 Quarry Hill to Mabledon remains in the route proposals.

- River Medway route to Maidstone and Rochester.

Project team response – An ambitious suggestion but likely to be very expensive. This would require significant feasibility, co-ordination and funding to deliver and would need to be backed by KCC and the EA as a county priority. This should be considered by KCC separately within the scope of the KCWIP.

- Route across the Racecourse Sports Ground.
Project team response - This is included in the route proposals for Tonbridge.
- Route to Hildenborough station.
Project team response - Given the distance of the station from the village this would be very challenging to achieve via the B2027 Stocks Green Road or Noble Tree Road/Rings Hill, without significant enabling development.

Kings Hill & West Malling

Stations are key destinations, ensure links are provided to West Malling and Watringbury stations.

Project team response - West Malling station can be accessed via the shared path on the A228 Ashton Way. Links into the station and at Tower View Kings Hill could be improved.

The A26 and Bow Road B2015 at Watringbury are very constrained due to available carriageway width, side turnings and driveway access. A link to Kings Hill is proposed Via Canon Lane. A 20mph zone could be included as a proposal for Bow Road to encourage road space to be shared, but this is unlikely to encourage significant cycling due to gradient and traffic volumes at peak times.



Kings Hill & West Malling

Other route suggestions previously considered by the project team.

- Improve existing PRoWs including MR260.
Project team response – This links the A228 at Kent Street to Comp Road, Offham. This is not considered to be a key desire line for non-motorised users.
- Alternative to A26 Hadlow Road via West Peckham.
Project team response - A good suggestion for a lower traffic route, but long distance and unlikely to be able to fund dedicated or segregated infrastructure to improve this.

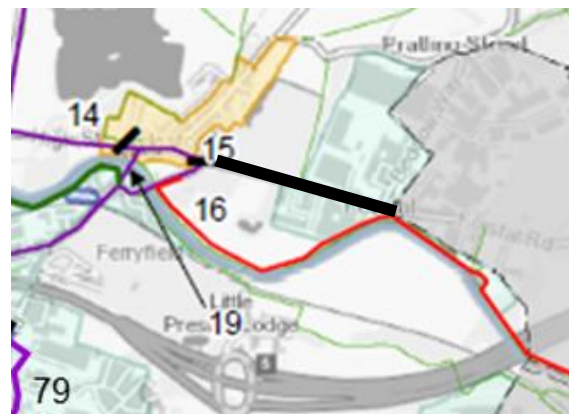
Borough Green

No additional routes put forward.

Medway Gap

Improve connectivity from Aylesford village to the business park along Forstal Road.

Project team response - Forstal Road is subject to heavy traffic flows at peak times but does provide access to employment premises. An alternative to The Medway Tow Path, this would require assessment. Given the distance and aspiration for segregation, this would be unlikely to secure funding.



Medway Gap

Other route suggestions previously considered:

- Cycle route alongside the River Medway.
Project team response - The idea is highly ambitious and would require significant funding and partner support. Further feasibility required to understand constraints and opportunities, likely to be cost prohibitive.
- Better connectivity across the River Medway.
Project team response - The Medway is a barrier to movement for all, new structures would be cost prohibitive.
- Link between Snodland and Larkfield via Castle Way.
Project team response - A busy main road with verges, M20 Jn 4 would require upgrades to accommodate cyclists on segregated paths. Further feasibility would be required but not considered preferable to routes proposed though Leybourne Lakes which would be traffic free.
- Provide a link to Walderslade Woods.
Project team response - Walderslade Woods/Taddington Valley are valued green spaces for local residents but are not transport nodes. Further feasibility would be required but this is not a high priority.

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 KEY PERFORMANCE INDICATORS

Following on from the adoption of the Corporate Strategy 2023-2027, a new set of Key Performance Indicators (KPIs) have been adopted that enable the Council to measure progress on its priorities. In order to improve their effectiveness, trend analysis and targets have also been included. This covering report and appendix provides data on KPIs relating to the period up to the end of September 2023.

1.1 Overview of KPIs and Next Steps

- 1.1.1 As reported at the last meeting, now that the Corporate Strategy 2023-2027 has been adopted, a new suite of KPIs that are aligned to our priorities come into effect. These KPIs are designed to give a good strategic overview of performance rather than providing detailed service specific indicators.
- 1.1.2 Where applicable, for each KPI a trend analysis along with some explanatory information is provided. This is aimed at giving Members a quick illustration of performance as well as providing some narrative on any external factors that are worth being aware of when considering the trends.
- 1.1.3 For the majority of KPIs, targets for the end of the financial year have also been introduced in order to demonstrate where we want our performance to be by the end of March 2024.
- 1.1.4 The Corporate KPIs are provided in **Appendix 1**, with additional KPIs provided in **Appendix 2**. A baseline covering the period 2022/23 has for the most part been used, with some KPIs having an earlier baseline solely due to lags in certain datasets. The data for July-September 2023 represents the most up-to-date available statistics in most instances, specifically where the data is captured on a quarterly basis. The majority of data that is captured annually is normally collated during the January-March period.

1.1.5 From the KPI data provided in the appendices, there are some trends that can be identified and highlighted in this report. These include:

- The Planning Policy Team are working towards approval for the Regulation 18B Consultation in April 2024.
- The number of people in Temporary Accommodation was at 113, a slight increase from the previous quarter and above the target/aspiration set out for the end of the year.
- Whilst the number of properties improved has reduced slightly from last quarter, it is still on track to meet the target set for the end of 2023/24.
- National targets are exceeded on all the determination of planning applications. There has been a slight drop in the determination of minor applications, but a slight increase in 'other' applications.
- The number of appeals received has dropped significantly to 5 in this quarter, and the number of appeals dismissed and allowed have both dropped as there were fewer appeals determined.
- The number of enforcement cases opened and closed both increased this quarter.

1.2 Targets and Benchmarking

1.2.1 As referred to in 1.1.3, targets have been added as part of the changes to the aligned KPIs, which now set a clearer ambition for improvement and allow our performance to be measured. The use of targets and developing our use of benchmarking are both vital components of performance management.

1.2.2 In addition to the creation of targets, it is also important to benchmark these KPIs in order to address some of the weaknesses set out in the Auditor's Annual Report regarding performance management. Whilst there is a considerable amount of benchmarking being undertaken at a departmental level this isn't being captured as part of the new Corporate KPIs. This benchmarking is predominantly with national and countywide data.

1.2.3 It is proposed that for those KPIs that are already being benchmarked, that the inclusion of benchmarking data be added in the next cycle of reporting. As benchmarking is being introduced, further work will be undertaken to build up benchmarking for the remaining KPIs.

1.3 Questions at Scrutiny Select Committees

1.3.1 Any questions regarding the KPIs should be submitted to the relevant Director at least 2 days in advance of the scrutiny select committee meeting in order to ensure that a suitable response can be provided at the meeting. However, this does not prevent questions being raised at the scrutiny select committee meeting. Any questions raised at the meeting will be responded to within 5 working days.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

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Appendix 1: HPSSC Key Performance Indicators – July-September 2023

| Priorities | Actions | Aligned KPI | BASELINE | | | | 2023/24 | | Target/ Aspiration 2023/24 | TREND | Data Assurance | Comments |
|--|--|--|-----------------------------------|--------------|-----------|-----------------|--|------------------------------|---|-------|-------------------|--|
| | | | Value | Date | Frequency | Source | Apr-Jun | Jul-Sept | | | | |
| 881 egep Page 183 Improving housing options for local people | Develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community. | Housing Land Supply (years) | 3.22 | 2022 | Annually | HLS Study | N/A | N/A | 5 | → | Yes | Position improving slightly since 2021 but still below 5-years. |
| | | Milestones achieved on delivering the T&M Local Development Scheme | Regulation 18 Consultation Closed | Nov-22 | Quarterly | LDS | Report to Cabinet on impact of NPPF on plan-making | Feedback on Reg 18 to HPSSC. | Reg 18B consultation approved for April 2024. | → | Yes | Uncertainties around the National Planning Policy Framework (NPPF) |
| | Ensure a supply of affordable housing for people who would struggle to buy on the open market | Number of affordable homes built out per annum | 30 | 2022/23 | Annually | New Homes Bonus | N/A | N/A | 75 | | | . |
| | Use every power we can to support those who are most in need of housing support and at risk of becoming homeless. | Number of people on Housing Register (HR) | 1208 | Jan-Mar 2023 | Quarterly | Locata | N/A | N/A | 1000 by end of financial year. | | Yes | A new IT system was implemented from June 2023 and all households on the housing register were asked to reapply. To provide these figures at this stage would not be reflective of usual business. |
| | | Number of HR applications received | 541 | Jan-Mar 2023 | Quarterly | Locata | N/A | N/A | 350 by end of financial year | | Yes | |
| | | Waiting time for assessment of HR applications (days) | 140 | Jan-Mar 2023 | Quarterly | Locata | N/A | N/A | 100 by end of financial year | | Yes | |

| Priorities | Actions | Aligned KPI | BASELINE | | | | 2023/24 | | Target/ Aspiration 2023/24 | TREND | Data Assurance | Comments |
|------------|---|---|----------|--------------|-----------|-----------------------------------|---------|----------|----------------------------------|-------|-------------------|---|
| | | | Value | Date | Frequency | Source | Apr-Jun | Jul-Sept | | | | |
| | Use every power we can to support those who are most in need of housing support and at risk of becoming homeless. | Number of people in Temporary Accommodation | 91 | Jan-Mar 2023 | Quarterly | Locata/ TA System | 110 | 113 | 80-100 | ↓ | Yes | |
| Page 184 | Improving standards in rented accommodation. | Number of properties where property conditions have been improved | 10 | Jan-Mar 2023 | Quarterly | Uniform | 19 | 14 | 60 for 2023/24 | ↓ | Yes | But still on course to meet target of 60 per annum. |
| | | Number of housing enforcement notices served | 0 | Jan-Mar 2023 | Quarterly | Notices Register | 0 | 0 | Reactive to Need | → | | |
| | | Number of disabled facilities grants completed in the borough. | 80 | 2022/23 | Annually | Housing Improvement Team Database | N/A | N/A | 80 | | | |

Appendix 2: HPSSC Other Key Performance Indicators – July-September 2023

| Corporate/Other KPIs | | | | | | | | | | | |
|---|----------|--------------|-----------|---------------|--------------|---------------|--------|-------|----------------|--|--|
| Planning KPIs | Baseline | Date | Frequency | Source | Apr-Jun 2023 | July-Sep 2023 | Target | TREND | Data Assurance | Comments | |
| % against Government target of 60% (for major apps) | 100% | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 100% | 100% | 75% | → | Yes | Performance remains strong with major applications with the use of Planning Performance Agreements (PPA) and Extension of Time (EOT) Agreements | |
| % against Government target of 65% (for minor apps) | 85% | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 91.89% | 88.16% | 80% | ↓ | Yes | Slight drop from Apr-June but still above the initial baseline and above national target. | |
| % against Government target of 80% (for 'others') | 93% | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 94.09% | 96.02% | 92% | ↑ | Yes | Performance remains strong for others with less use of EOTs and a greater focus on determining applications within the 8-week deadline. | |
| Number of appeals received | 15 | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 11 | 5 | | ↑ | | The number of appeals received has gone down from the previous quarter but it is difficult to predict. | |
| Number of appeals determined - allowed | 3 | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 8 | 5 | | ↑ | | We have seen a drop in the number of appeals allowed in this quarter in line with a reduced number of determinations. A monitoring review for Team Leaders and training to ensure the quality of decision making is maintained have been put in place. | |

| Planning KPIs | Baseline | Date | Frequency | Source | Apr-Jun 2023 | July-Sep 2023 | Target | TREND | Data Assurance | Comments |
|---|----------|--------------|-----------|---------------|--------------|---------------|--------|-------|----------------|---|
| Number of appeals determined - dismissed | 4 | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 12 | 7 | | ↓ | | The number of appeals dismissed in the quarter has fallen although this is in line with a reduced number of determinations. The quality of decision making is continually monitored with appeal success being a significant measure of quality. |
| Number of planning enforcement cases opened | 80 | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 66 | 81 | | ↑ | | The number of cases opened fluctuates over the quarters with no apparent pattern. |
| Number of planning enforcement cases closed | 117 | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 45 | 64 | | ↑ | | |
| Number of planning enforcement notices served | 0 | Jan-Mar 2023 | Quarterly | PS1/2 Returns | 0 | 0 | | → | | |

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE – UPCOMING MATTERS

2024-25

C=Council; CAB = Cabinet; DEL = Delegated to Committee; INFO = matters for information. Cabinet are responsible for ALL Key Decisions (KD). Some Non-Key Decisions (NKD) can be taken by Cabinet Members outside of/following the meeting.

| DECISION (TITLE) | DESCRIPTION | C/CAB/ DEL/INFO | KD/NKD | CAB MEMBER DN Y/N | PART 1 OR 2 | MEETING DATE | OFFICER IN PERSON ATTENDANCE Y/N |
|--|--------------------------|----------------------------|---------------|----------------------------------|------------------------|------------------------------------|---|
| TCPA/Living Streets | Requested by Cllr Hood | Info | | | 1 | 31 January 2024 (Extraordinary) | |
| SE and Southern Water Reps | Requested by Cllr Hood | Info | | | 1 | | |
| Appeals and Costs Awards | Requested by Cllr Mehmet | Info | | | 1 | 19 March 2024 | |
| Housing Strategy Year 3 Action Plan | | CAB | NKD | | 1 | | |
| Leveling Up Bill | TBC | | | | | | |
| Approach to Empty Homes | | CAB | NKD | | 1 | | |
| Key Performance Indicators | Standing Item | Info | | | 1 | | |
| Work Programme | Standing item | Info | | | 1 | | |
| TPO Protocol and TPO Enforcement Protocol | | | | | | 21 May 2024 | |
| Key Performance Indicators | Standing item | Info | | | | | |
| Work Programme | Standing item | Info | | | | | |

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Agenda Item 14

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Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 16

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 17

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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