

Despatched: 07.06.12

CABINET

14 June 2012 at 7.00 pm Conference Room - Council Office

AGENDA

Membership:

Chairman: Cllr. Fleming

Clirs. Mrs. Bosley, Mrs. Bracken, Mrs. Clark, Mrs. Davison, Mrs. Hunter and Ramsay

<u>Pages</u> <u>Contact</u>

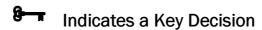
Apologies for Absence.

1. **Minutes** (Pages 1 - 8)

Minutes of the meeting of the Cabinet held on 10 May 2012 and Special meeting of the Cabinet held on 15 May 2012.

- 2. Declarations of interest
- 3. Questions from Members (maximum 15 minutes)
- 4. Matters referred from Council None
- 5. Matters referred from the Performance and Governance Committee and/or Select Committees (Paragraph 5.20 of Part 4 (Executive) of the Constitution)
 - (a) Community Infrastructure Levy (Environment Select Committee)
 - (b) Provisional Outturn 2011/12 and Carry Forward Requests (Performance & Governance and Finance Advisory Group)
 - (c) Property Review Local Needs Housing, Shoreham (Performance & Governance)

6.	Property Review - Local Needs Housing, Shoreham	(Pages 9 - 20)	Jim Latheron Tel: 01732 227209
7.	Provisional Outturn 2011/12 and Carry Forward Requests	(Pages 21 - 36)	Helen Martin Tel: 01732 227483
8.	Bank Account Signatories	(Pages 37 - 38)	Roy Parsons Tel: 01732 227204
9.	Consultation on the Community Infrastructure Levy	(Pages 39 - 108)	Hannah Gooden Tel: 01732 227178



indicates a matter to be referred to Council

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

CABINET

Minutes of the meeting of the held on 10 May 2012 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bracken, Mrs. Clark, Mrs. Davison, Mrs. Hunter and Ramsay

Apologies for absence: Cllr. Mrs. Bosley

Cllrs. Davison and Fittock were also present.

97. Minutes of the meetings of the Cabinet held on 12 April 2012

Resolved: That the minutes of the Cabinet meeting held on 12 April 2012 be approved and signed as a correct record.

98. Declarations of interest

There were no declarations of interest.

99. Questions from Members (maximum 15 minutes)

No questions were received.

100. Matters referred from Council

No matters were referred from Council.

101. <u>Matters referred from the Performance and Governance Committee and/or</u> Select Committees (Paragraph 5.20 of Part 4 (Executive) of the Constitution)

There were no references from the Performance and Governance Committee or the Select Committees.

102. Waste and Recycling - DCLG Weekly Collection Support Scheme and Health and Safety Executive Audit Of Waste and Recycling Services

The Portfolio Holder for the Cleaner and Greener Environment introduced a report which outlined the Department of Communities and Local Government (DCLG) Weekly Collection Support Scheme bidding process and reported on the results of the Health and Safety Executive (HSE) Audit of Waste and Recycling Services. It was agreed that these two issues would be considered separately.

A. DCLG Weekly Collection Support Scheme

The Department of Communities and Local Government, (DCLG), had announced a £250 million 'Weekly Collection Support Scheme' three year fund, available for Local

Authorities to 'increase the frequency and quality of waste collections and make it easier to recycle'. It was a challenge fund that would support Authorities in providing a weekly collection service. As an Authority that had worked hard to preserve weekly residual collections the District could only bid if a new recycling component such as weekly food (or organic) waste was agreed. Due to the timescales for submissions, it was noted that there had not been enough time to bring the report forward for consideration by the Services Select Committee first. Expressions of interest had to be submitted by 16 March 2012, and the outline bid had to be submitted by 11 May 2012.

Members were concerned that even if a bid were successful it was a five year commitment that would need to find its own funding for years four and five, and that it would be difficult to cease the service after the five year commitment as an expectation of provision would have been created.

The Chairman expressed disappointment that the Council was seemingly being penalised for protecting its weekly collection service. He tabled a draft letter for Members approval to send to Secretary of State for Communities and Local Government, which Members read and agreed subject to an amendment to reflect the need for future funding. The Chairman of Services Select Committee requested that any resulting correspondence be shared with the Services Select Committee.

Resolved: That

- (a) An outline bid and detailed final bid not be submitted to the DCLG Weekly Collection Support Scheme for the introduction of a separate weekly collecting of food waste for compositing; and
- (b) the Chairman submit the letter tabled at the meeting, to the Secretary of State for Communities and Local Government subject to the agreed amendment.

The Portfolio Holder for the Cleaner and Greener Environment thanked Officers for all their hard work.

B Health and Safety Executive (HSE) Audit of Waster Recycling Services

The Portfolio Holder for the Cleaner and Greener Environment reported on the findings and Officer's response to the Health Safety Executive (HSE) Audit of Waste and Recycling collecting operations undertaken on 20 and 21 February 2012. It was felt that the HSE seemed to favour a wheeled bin collection service over a sack collection method. Members were keen not to feel pressured into changing what was a favoured and well run service. Since publication of the report a further Inspector had looked at the new drop fronted bins, which had been funded by the Kent Waste Partnership, and given the impression that he was less concerned, however no formal response had yet been received. The Head of Environmental and Operational Services reported that, depending on that response, it may be advisable for the Council to engage it's own independent advisor.

Concern was expressed as to the Council's potential legal liability if all the recommendations within the letter were not adhered to and its potential use in a claim. The Head of Environmental and Operational Services advised that under the Health and Safety Work Regulations, if a risk was identified steps needed to be taken to mitigate that risk. The Council's Risk Assessment's with regard to refuse collection had been recently reviewed and reissued and he believed using the risk assessment employed along with suitable manual handling training should be sufficient to mitigate risk. The Chief Executive advised that it was an on going dialogue with the HSE, this was their offered opinion and they had invited the Council's response. It was a process of identifying the real issues and appropriate steps that needed to be taken.

Resolved: That

- (c) the recommendations from the HSE referring to the Waste collection methods currently employed be noted;
- (d) Officers advise the HSE that Cabinet had taken the matter very seriously and instructed them to discuss the best ways of remediation; and
- (e) Officers report back on the outcome of the on going dialogue with the HSE.

103. Community Safety Action Plan 2012/13

The Portfolio Holder for Safe Community commended a report detailing the Community Safety Action Plan 2012/13 which identified eight Community Safety priorities for the District, based on a Strategic Assessment of crime and disorder undertaken in November 2011. The Action Plan also identified areas of work that would have a positive impact.

The Chairman had concerns with regards to burglary and vehicle crime and wished to know more about how the police intended to tackle such a visible crime. It was agreed that the Chief Inspector be invited to attend a meeting of the Social Affairs Select Committee

Resolved: That the Community Safety Action Plan 2012/13 be approved.

IMPLEMENTATION OF DECISIONS

This notice was published on 14 May 2012. The decisions contained in minutes 102 and 103 take effect on 22 May 2012.

THE MEETING WAS CONCLUDED AT 7.50 PM

CHAIRMAN

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SPECIAL - CABINET

Minutes of the meeting of the held on 15 May 2012 commencing at 7.30 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bosley, Mrs. Bracken, Mrs. Clark, Mrs. Davison, Mrs. Hunter and Ramsay

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. TO APPOINT REPRESENTATIVES ON OUTSIDE ORGANISATIONS

Resolved: That the appointments to Outside Bodies, as contained at Appendix A to these Minutes, be approved.

3. TO APPOINT THE MEMBERSHIP OF ADVISORY GROUPS FOR THE ENSUING YEAR

The Portfolio Holder or Safe Communities requested that Cabinet reserve the right to recall the Members Affairs Advisory Group, should the need arise.

Resolved: That

a) the Membership of the Advisory Groups be as follows:

Finance Advisory Group

<u>Membership</u>

Cllrs. Firth, Fittock, Grint, McGarvey, Ramsay (Chairman) and Scholey.

Terms of Reference

- (a) The Value for Money Portfolio Holder to be a member of the Finance Advisory Group.
- (b) The Chairman of the Group to be selected from the membership of the Group.
- (c) To provide pro-active financial advice to the Cabinet and the Performance and Governance Committee.
- (d) To monitor the financial performance of the Council on a regular basis.

Cabinet - 15 May 2012

(e) To be involved in ensuring that the Council is financially consistent and focussed.

(f) To respond to requests from the Cabinet and the Performance and Governance Committee on any appropriate financial issue.

(g) To consider any external audit report resulting from the Statement of Accounts and any recommendations and comments received from the District Auditor.

(h) To monitor and advise on the delivery of the Council's Medium Term Financial Strategy.

Local Development Framework Advisory Group

<u>Membership</u>

Cllrs. Bosley, Mrs. Cook, Mrs. Davison (Chairman), Mrs. Dawson, Fittock and Walshe.

Other Members: Mr. R. Parry, Mr. Coupland, Mr. Czarnowski and a Management Team representative.

Terms of Reference

To create new reporting procedures for preparation of the Local Development Framework.

b) it be noted that the right would be reserved to recall the Members Affairs Group, should the need arise.

THE MEETING WAS CONCLUDED AT 7.32 PM

CHAIRMAN

APPOINTMENTS TO OTHER ORGANISATIONS 2012/13 - NON-EXECUTIVE - TO BE APPROVED BY COUNCIL

<u>Organisation</u>	No. of Reps	Period of Appoint- ment	<u>Renewal</u> <u>Date</u>	<u>Appointee(s)</u> 2012/13
Age UK:				
Darent Valley	2	Annual	May 2013	Mrs. F.P. Parkin M Fittock
Sevenoaks, Tonbridge & District	1	Annual	May 2013	R. Walshe
Biggin Hill Airport Consultative Committee	1	Annual	May 2013	Mrs. E.L.S. Bracken
Bough Beech Reservoir Recreation Consultative and Management Advisory Committee	1	Annual	May 2013	P.C.R. Cooke
Citizens Advice Bureaux:				
Edenbridge & Westerham	2	Annual	May 2013	K.J. Maskell C. Neal
Sevenoaks and Swanley CAB Ltd	2	Annual	May 2013	Mrs. A.D. Hunter Ms. I. Chetham
Kent County Council's Health Overview and Scrutiny Committee	1	Annual	May 2013	Representatives from Maidstone and Dartford
Kent County Playing Fields Association	1	Annual	May 2013	M. Fittock
Kent Rural Community Council – General Council	2	Annual	May 2013	Cam. Clark Miss. J. Thornton
RELATE: West Kent & Tunbridge Wells	1	Annual	May 2013	Ms. M.J.M. Lowe
Sevenoaks Churches Group for Social Concern	2	Annual	May 2013	P.R. McGarvey Mrs. A. Cook
Sevenoaks Conservation Council	4	Annual	May 2013	R.L. Piper P. Towell J. Edwards-Winser R. Walshe

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<u>Org</u>	<u>anisation</u>	No. of Reps	Period of Appoint- ment	Renewal Date	<u>Appointee(s)</u> 2012/13
Sev	renoaks District Access Group	5	Annual	May 2013	Mrs. A.E. Dawson Mrs. F.P. Parkin A.W.L. Pett R.L. Piper J.Underwood
Sevenoaks Leisure Board of Trustees		2	Annual	May 2013	Mrs. G.P.E. Davison Mrs. A. George
Volunteer Bureaux:					
	Sevenoaks Volunteer Transport Group	1	Annual	May 2013	R.J. Davison
	Edenbridge Volunteer Transport Service	1	Annual	May 2013	R. Orridge
	North West Kent Volunteer Centre	1	Annual	May 2013	T. Searles

PROPERTY REVIEW - LOCAL NEEDS HOUSING, SHOREHAM

Cabinet 14 June 2012

Report of the: Corporate Resources Director

Status: For Decision

Also to be considered

Finance Advisory Group 28 March 2012

by:

Performance and Governance Committee 12 June 2012

This report supports the Key Aim of

Effective Management of Council Resources

Balanced Communities

Community Plan Priority 11 – Providing affordable homes for local people

Portfolio Holder Cllr. Ramsay

Head of Service Head of Legal & Democratic Services – Christine Nuttall

Recommendation:

That the District Council dispose of its freehold interest in the land shown in Appendix A to the English Rural Housing Association to enable the provision of 8 affordable homes for local people in the sum of £25,000 and subject to such terms and conditions deemed necessary by the Council's legal advisors to protect the District Council's interests.

Introduction

- 1. In 2005 Shoreham Parish Council, supported by Sevenoaks District Council, asked the Rural Housing Enabler at Action with Communities in Rural Kent to carry out a housing needs survey in the Parish, to identify if there was a need for affordable housing for local people.
- 2. The results identified a housing need from 17 households and the Parish Council agreed that a small development of eight homes would go someway to meet this need. Such schemes are built on exceptions sites; this is land that would not usually receive permission for housing development. However the Sevenoaks Core Strategy Local Development Framework, Policy SP4 Affordable Housing in Rural Areas, allows the provision of affordable housing to meet a proven need, provided the homes remain affordable in perpetuity and restricted to local people only.

- 3. The Parish Council, supported by officers from Sevenoaks District Council has been seeking to identify a suitable site on which a small local needs housing development could be built. From an initial site search it has been agreed that the most appropriate available site is in Filston Lane and the Parish Council has asked English Rural Housing Association (ERHA) to investigate the feasibility of developing eight homes on this site.
- 4. ERHA has provided the following information: "The Parish Council is very supportive of the project and whilst no formal consultation event has yet taken place it has been very open about its support for the site. An article recently appeared in the Parish Magazine updating the community on progress. The Parish Council has formed a working group of Councilors which has met with ERHA. It was agreed that should the sale of the land be agreed in principle, ERHA would hold an information event to discuss the proposal and seek comments from the wider community. EHRA is pleased to report unanimous support from the Parish Council and in turn Parish Councilors feel there is significant support by the community in the original housing needs survey 66% of respondents said they would not object to a development which would meet the affordable housing needs of the Parish."
- 5. English Rural is a specialist rural housing association only working in small villages it owns and manages 1000 homes nationally, with over 260 of these located in 27 villages in Kent. All of these homes are only occupied by local people and can never be sold on the open market providing affordable homes in perpetuity.
- 6. The land identified in the above study forms part of Timberden Farm which is owned by the District Council and let on a Farm Business Tenancy which runs from year to year.
- 7. Timberden Farm was purchased by the District Council in 1990 and comprises some 87 hectares (215 acres) of grazing land which is subject to Countryside Stewardship Scheme.
- 8. The amount of land required to provide 8 rural exception houses is some 0.28 hectares (0.69 acres) and the proposed location is shown by heavy verge on the attached plan (Appendix A)
- 9. The land would have no other development use other than for agricultural purposes were it not for an identified local need and restrictions referred to above and as such has been valued by a valuer jointly agreed by the Council and the English Rural Housing Association in the sum of £25,000. The original purchase of the farm by the District Council provided for the vendor to receive 50% of any proceeds of sale of whole or part of the farm for development purposes. The effect of this restriction is to restrict the District Council's capital receipt should this land be sold to English Rural Housing Association to £12,500. An extract of the valuation report is appended to this report as Appendix C and a statement as to value from the valuers as requested by the Finance Advisory Group is appended as Appendix D (the Finance Advisory Group minutes are appended as Appendix E)
- 10. Local Needs housing is developed on exceptions site using Policy SP4 of the Core Strategy, because it allows the homes to be restricted to local people in perpetuity; i.e. the homes can never be sold on the open market tenants do not have a Right

- to Buy or Right to Acquire and shared owners cannot staircase above 80% ownership. It would not be possible to have these same restrictions on non-green belt sites.
- 11. Affordable housing can be built as part of any scheme, but only proposals on Green Belt sites, compliant with Policy SP4, that qualify as exceptions sites, can be restricted by legal agreement so they meet the affordable housing needs of local people.
- 12. The properties will allocated via Kent Home Choice to people on the Sevenoaks Housing Register who have a proven connection to the Parish of Shoreham. The process will be managed by English Rural Housing Association in partnership with Sevenoaks District Council. The Parish Council will be asked to verify the local connection of short listed applicants.
- 13. The development will be subject to a legal s106 agreement setting out the local connection criteria which applicants will be required to meet.

Other Options Considered and/or Rejected

14. The alternative to providing this land for affordable housing would be to retain it as part of the existing farm as the site cannot be used for open market residential development. (Appendix B)

Key Implications

<u>Financial</u>

15. This proposal will contribute £12,500 to the District Council capital reserves and as the area of land is small in relation to the remainder of the farm its disposal will have no significant impact on either the capital value of Timberden Farm nor on the rental received under the Farm Business Tenancy.

Community Impact and Outcomes

- 16. In 2005 Shoreham Parish Council, supported by Sevenoaks District Council, asked the Rural Housing Enabler at Action with Communities in Rural Kent to carry out a housing needs survey in the Parish, to identify if there was a need for affordable housing for local people.
- 17. The results identified a housing need from 17 households and the Parish Council agreed that a small development of eight homes would go someway to meet this need.

Equality Issues.

18. This proposal accords with equality issues in that it is beneficial to provide housing for disadvantaged sections of the local community especially in rural areas such as Shoreham.

Legal, Human Rights etc.

19. There are no identifiable legal or human rights issues

Resource (non-financial)

20. None other than officer time involved in transferring the land

Value For Money and Asset Management

21. The proposal generates a small capital receipt whilst providing an identified social need but not having any significant impact of the District Council asset base.

Conclusions

22. An investigation in to sites for affordable housing for local people within Shoreham has failed to identify any alternative suitable site.

Risk Assessment Statement

23. As the choice is between disposing of the land for affordable housing or retaining it as part of Timberden farm there is no significant risk to the district council

Appendices Appendix A – Location Plan

Appendix B – Planning Statement

Appendix C – Extract of valuation report

Appendix D - Valuers statement of value

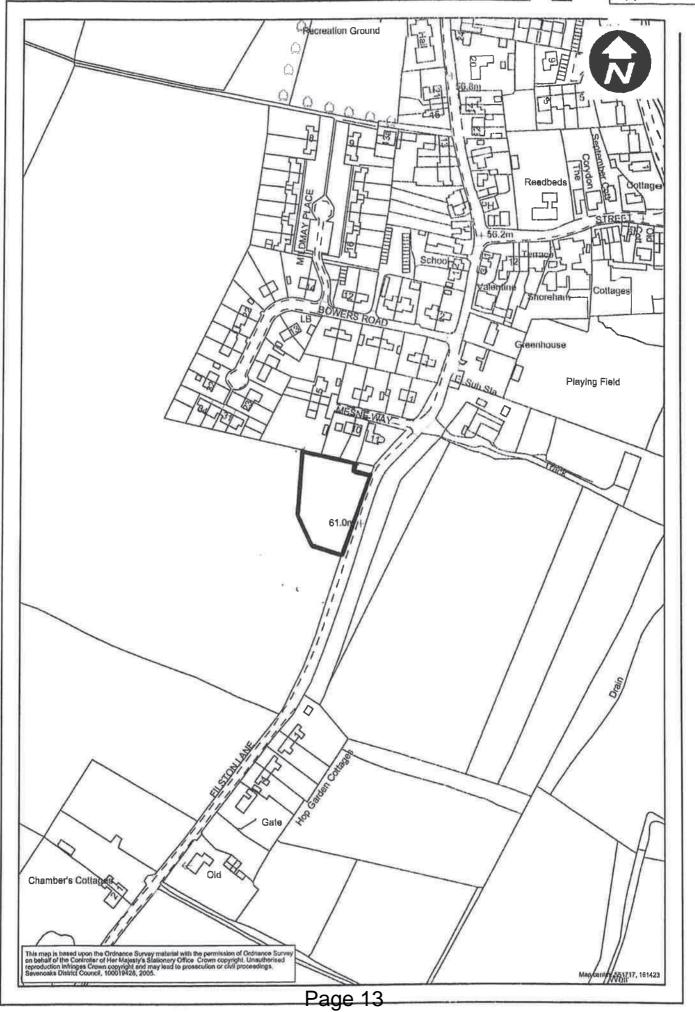
Appendix E - Finance Advisory Group minutes

Background Papers: Property _Timberden Farm file

Contact Officer(s): Jim Latheron Extn 7209

Dr. Pav Ramewal Corporate Resources Director

Appendix A



Appendix B

Mr J Latheron Tel No: 01732 227235

Ask for: Lesley Westphal

mail: Lesley.westphal@sevenoaks.gov.u

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My Ref: Your Ref:

Date 5th April 2011

Dear Jim,

Town and Country Planning Act 1990 (as amended) Rural Exceptions Housing – Site at Filston Lane, Shoreham

Further to our discussions on this matter, as requested, I set out below the planning policy situation in respect of the use of land at Filston Lane for the provision of affordable housing to meet local needs.

The site in question fronts onto Filston Lane and lies immediately adjacent to Mesne Way at the southern end of the village. I believe the District Council could support a Rural Exceptions housing scheme on this site — to comply with and meet the need for local affordable housing as identified within the 2005 Housing Needs Survey.

This site lies within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. The presumption on Green Belt land is against new housing development unless for agriculture or forestry purposes. Even then a sound economic and functional case has to be made to demonstrate that the accommodation is required for an agricultural worker in that particular location in association with a particular agricultural or forestry business. National Guidance (Planning Policy Guidance 2 'Green Belts'), Regional Guidance (The South East Plan)and Local Guidance (Sevenoaks District Local Plan and the Core Strategy) is quite specific that new housing within the Green Belt is considered inappropriate development unless either for agricultural or forestry purposes *or* if the land is identified as a rural exceptions site. This site therefore cannot be used for open market housing.

The Council has recently, through its Development Plan process (the Core Strategy) identified the location of new housing sites within the district which will meet the projected housing needs of the district for a period until 2026. It has also identified a hierarchy for new housing development. This site was not identified nor considered for new housing during that plan period. Increasingly central Government seeks to ensure that new development is provided in sustainable locations and it is not anticipated therefore, even at the end of the Local Plan period, that there would be

releases of land from the Green Belt around Shoreham to permit the development of open market housing. The Core strategy identifies that most new development should take place within the confines of the three main towns within the District (ie Sevenoaks, Swanley and Edenbridge). Shoreham is identified in policy LO7 as a village that may provide for a modest increase in residential development through infilling or modest re-development. However this is predicated upon the fact that such sites are located within the built confines of the village, not in the green belt.

Government guidance in Planning Policy Statement 3 'Housing' allows for small scale affordable housing to be provided through the use of a "rural exceptions site policy" and clarifies that rural exception sites should only be used for affordable housing in perpetuity. It identifies rural exceptions housing sites as small, solely for affordable housing and on land within or adjoining existing small rural communities which would not otherwise be released for general market housing.

Policy H3 of the South East Plan identifies a role in increasing affordable housing provision for small scale affordable housing schemes within or well-related to rural settlements, possibly including land which would not otherwise be released for development. Policy SP4 of the Core Strategy interprets this guidance at a local level stating that such sites will only be considered if:

- the local need cannot be met by any other means within or where appropriate in an adjacent parish
- the proposal is of a type to meet the local need identified and available at an appropriate affordable cost
- the site is considered suitable for such purposes by virtue of its scale, is close to available services and public transport and there are no overriding countryside, conservation, environmental or highway impacts.

The Council's approach to the consideration of rural exception sites is based on firstly assessing need, then searching for suitable sites and then supporting the development of an agreed scheme. The development of Green Belt land for rural exception sites will only be acceptable where there is evidence of a local need in the parish for affordable housing, identified through the needs survey that could not be met by developing non Green Belt land.

That is the relevant planning policy background to this site which I hope is helpful. At a practical level I can confirm that I have surveyed the village and its surrounding land to try and identify land that could provide for the affordable housing needed for Shoreham and I am happy to discuss that if need be to show how limited the options around the village actually are. Indeed this work has been ongoing for some time. There are no sites within the built confines of the village that could accommodate the housing required and in fact there are only very limited areas surrounding the village that could accommodate such housing. Factors such as flood plains, Conservation Areas, Landscape designations and proximity/access to the village all play a part in determining potentially suitable land. We also of course have to get the permission of the land owner and as you know that has been a difficulty and why in fact, so far, we have failed to get a scheme off the ground. I had hoped that since the Council owns this land, that this part at least would be easier — being unaware though of the redevelopment clause until recently.

I hope this is helpful and explains the planning side of this issue but if I can be of any further assistance on this I am more than happy to help and can be contacted by phone or small as detailed at the head of this latter.

Yours sincerely,

Lasley Westphal Principal Planning Officer

Extract from Valuation Report

Appendix C

Private Market Rental Values September 2011 We have spoken with a number of letting agents who operate in the vicinity of Shoreham. We understand that the village is popular, with insufficient supply of rental stock to meet demand from prospective tenants.

There is a scarcity of rental evidence in the village and in applying our Indicative opinion of the Private Market Rental Values to the proposed dwellings, we have given consideration to those comparables tabulated in Appendix 2.

Our opinion of the current Private Market Rental Values of 8 proposed dwellings at the subject rural exception site, on the special assumption that they are built and completed, as at the date of our report, are as contained below:-

Unit	Unit Type	No. Beds	GIA Sqin	GIA Sqft	Car Parking Assumed	Indicative Market Rent 06,09,11 (pcm)
1	Apl	1	51	549	1 x Surface Space	£700
2	Apl	1	51	549	1 x Surface Space	£700
3	Apl	2	61	656	2 x Surface Spaces	£825
1	Apt	2	61	656	2 x Surface Spaces	£825
5	Terraced House	2	76	818	2 x Surface Spaces	£875
6	Torraced House	2	76	818	2 x Surface Spaces	£876
7	Terraced	3	86	925	2 x Surface Spaces	£1000
B	Terraced House	3	86	925	2 x Surface Spaces	21000
4)	110000		548	5896		

Illustrative Residual Appraisal A copy of our illustrative residual appraisal is attached in Appendix 3, which should be self explanatory to interpret

Illustrative Appraisal - Assuming all 8 dwellings to be for Affordable Rented tenures, once built and completed.

In summary, we have allowed for site acquisition costs, all inclusive build costs at £1576psm / £146psf due the absence of proposed plans, and finance costs. We have assumed that the dwellings will to be built to Code 3 for Sustalnable Homes.

We have assumed a construction period of 10 months to complete the development.

Our revenue figures for the Affordable Rentod tenure dwellings have been established by adopting the weekly rental breakdown of the 60% of the Private Market Rental Values as contained above, which we have inputted into our discounted cash flow spreadsheet. We have as advised deducted the sum of £9 per week to account for service charges. We have, as advised, assumed voids at 1.75%, with maintenance costs, per unit, per annum of £400 from years 1 - 5, reverting to the sum of £800 per unit, per annum from year 6. We have also, as advised, assumed management costs at £400, per unit, per annum. We have applied a discount rate of 6%.

We have assumed that no grant funding will be provided.

We have not made an allowance for a Registered Provider's on-costs.

Our appraisal indicates a site value of £25,000.

Therefore, our opinion of the site value on the special assumption that the subject site benefits from planning permission for 8 affordable rented tenure dwellings to be built, with vacant possession, as at the date of our report is,

£25,000 (Twenty Five Thousand Pounds)



Contact Direct Dial Sarah E L Mason 01622 607462

Email

sarah.mason@cluttons.com

Fax

01622 695536

Our Ref

201210964 / SELM / DGP

J Latheron

Professional Services Manager Sevenoaks District Council Argyle Road Sevenoaks Kent TN13 1HG Clear-roll invoyors a Property Consultante

Cluttons LLP, 26-28 Albion Place Maidstone, Kent ME14 5DZ Tel 01622 756000

www.cluttons.com

8 May 2012

Dear Sir

Re: Land at Filston Lane, Shoreham, Sevenoaks, Kent

Further to your recent letter and subsequent email, we have since made contact with English Rural Housing Association to ascertain whether any inputs used in our calculation of the land value, as contained in our jointly addressed report to both them and yourselves, dated 8 September 2011 have altered, and we have now received confirmation from them that all inputs remain as detailed within that report.

We can therefore confirm that our opinion of value of the subject land (£25,000), which we understand will extend to 0.28 acres (when we carried out our valuation the exact land area was not precisely know) on the special assumption that the land is redeveloped as a Rural Exception site for the development of 8 residential properties, which once built and completed will be for affordable rented tenures, remains, as at the date of this letter.

We have been informed by yourselves that aside from a continuation of the land as farmland, the only alternative permitted use for the land by the Council, is as a Rural Exception site for affordable housing. On this restricted development basis, in our opinion the land value of £25,000 represents the best value that the Council would achieve, at the present time.

We hope the content of this letter is satisfactory; however, should you require any further amplification, then please do not hesitate to contact us.

Yours faithfully

SA

Sarah E L Mason MRICS Associate For and on behalf of Cluttons LLP Reviewed by

David G Parry FRICS

Partner

For and on behalf of Cluttons LLP

Bronze









INVESTORS |

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FINANCE ADVISORY GROUP

Minutes of the meeting of the Finance Advisory Group held on 28 March 2012 commencing at 9.30 am

PROPERTY REVIEW - LOCAL HOUSING NEEDS, SHOREHAM 46.

The Professional Services Manager explained that all land in Shoreham was investigated following a Parish Survey in 2005 which identified a need for affordable housing. The land defined in the report, which was owned by the Council, was considered as most appropriate.

The site would not normally receive permission for housing development, as it was agricultural land in the Green Belt, but it would become an exception site. The land would be sold to English Rural Housing as the rural housing association. The valuation report had put the value of the land at £25,000 but a condition of the original purchase by the Council meant that 50% of the receipts would go to the original vendor.

It was considered difficult to value the land as agricultural land was usually valued at £9,000-10,000 per acre whereas residential land would be between £1.5 million and £2 million per acre. A Member was concerned that the land had not been put on the market for valuation. The Officer suggested there was a limited market for this agricultural land which could only be used residentially by a Registered Social Landlord. The Homes and Community Agency advised against public bodies competing one Registered Social Landlord against another. The Officer agreed to see if the valuation wording by the agents, Cluttons, could be clarified to show the Council was getting best value.

The Officer had been informed that English Rural Housing would not sell the land completely but only rent it or give shared ownership up to 80%. It would be exempt form the Right to Buy. The Officer confirmed a condition could be added to the title of the land to ensure money was due to the Council should, in fact, the properties eventually be sold on.

A Member was concerned that Shoreham Parish Council may not have been consulted recently. The Chairman assured him that the land would not be transferred until all matters were satisfied, including consultation.

It be recommended that the District Council dispose of its Resolved: freehold interest in the land shown in Appendix A of the report to the English Rural Housing Association to enable the provision of 8 affordable homes for local people in the sum of £25,000 and subject to such terms and conditions deemed necessary by the Council's legal advisors to protect the District Council's interests.

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PROVISIONAL OUTTURN 2011/12 AND CARRY FORWARD REQUESTS

CABINET - 14 JUNE 2012

Report of the: Deputy Chief Executive and Director of Corporate Resources

Also considered by: Finance Advisory Group 13 June 2012

Status: For Decision

Executive Summary: This report sets out the provisional outturn for 2011/12 and requests to carry forward budgets into 2012/13.

Since the February forecast, the Council has successfully obtained a VAT refund of £552,000 which has significantly improved the position for the year.

Compared to the revised budget (i.e. including supplementary estimates), the overall result was a favourable variance of £560,000 after allowing for carry-forward requests.

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Ramsay

Service Manager Group Manager - Financial Services - Adrian Rowbotham

Recommendation: It be RESOLVED that:

- (a) The Revenue 'carry forward' requests totalling £72,010 as set out in paragraph 13 of the report be approved, subject to any amendments suggested by the Finance Advisory Group; and
- (b) The capital carry forward requests totalling £490,107 as set out in paragraph 15 of the report also be approved.

Introduction

- 1. Provisional Financial Outturn figures for 2011/12 are attached at Appendix A. These results will be scrutinised by the Finance Advisory Group at its meeting on 13th June.
- 2. The report also sets out the requests to carry forward unspent budgets into 2012/13 for Revenue and Asset Maintenance items. In practice any items agreed for carry forward will be set aside in an Earmarked Reserve to be used to finance those costs in 2012/13.

Overall Financial Position

- 3. 2011/12 was the first year of a four-year savings plan, which set out to achieve savings of £4 million over that period. It is pleasing to report to Members that a provisional favourable variance of £632,000 has been achieved. Revenue carry forwards of £72,000 have been requested; if these are approved the favourable variance will reduce to £560,000.
- 4. At the end of February the forecast outturn (which took account of likely carry forward requests) was a favourable variance of £50,000. Since then a VAT refund of £552,000 has been received making an amended February forecast favourable variance of £602,000. Therefore the provisional outturn position is £30,000 better than the February forecast.
- 5. The figures above all take into account the supplementary budget of £14,000 approved during the year for Christmas car parking.
- 6. It was approved by Cabinet on 8th December 2011 that any favourable variance achieved on the 2011/12 budget be put to the Budget Stabilisation Reserve.

High Level Analysis of Results

- 7. VAT refund (£552,000 income): The council received a refund in respect of overpaid VAT relating to the period prior to 1996 for Trade Refuse. The refund includes statutory interest which is payable in cases of official error.
- 8. Pay costs (£257,000 underspent): Almost all services are showing an underspend; in some cases these are offset by agency costs (particularly Direct Services).
- 9. Income from fees and charges (£555,000 favourable): Part of this variance relates to the VAT refund explained above. In total, income received from fees and charges is close to budget, but on the main income sources; Development Control, Building Control and Legal income, the position was difficult during 2011/12 and these remain risk areas for 2012/13.
- 10. Direct Service Trading Accounts show a deficit of £21,000 at the year end, which is £95,000 lower than the budgeted surplus due to increased fuel and disposal costs.
- 11. Interest and Investment Income was £122,000 better than budget. This was due to the Council holding higher balances than budgeted, which has increased investment income.
- 12. The latest information from CIPFA regarding the £1m Landsbanki investment is that authorities should now account for a 100% return although this will continue to be reviewed.

Revenue Carry Forward Items

13. There are four Revenue carry forward requests. Further details including the implications of not carrying forward these budgets are set out at the end of this report.

No.	ITEM	HEAD OF SERVICE/SERVICE MANAGER	£
A1	Corporate Health and Safety	Env. & Ops	3,995
A2	Street Cleansing – counsel appeal	Env. & Ops	7,000
АЗ	IT Training	Human Resources	7,000
A4	Asset Maintenance items	Finance and Env & Ops	54,015
	Total		72,010

14. Asset Maintenance budgets were underspent by £54,015. During 2011/12 some projects could not be completed before the end of the financial year and there were also some positive variances on budgets for that year. In previous years, any unspent budgets for Asset maintenance would have been returned to the Asset maintenance fund. From 2011/12 onwards there is no longer a separate fund, but it is requested that the unspent balance be approved for carry forward to 2012/13. Dependant on the needs for asset maintenance in 2012/13, it is possible that carried forward funds may be required to be spent on different projects from those underspent in 2011/12.

Capital Programme

15. The following capital schemes were underspent at the year end. These relate to partially completed previously approved projects.

No.	SCHEME	AMOUNT
		£
C1	Vehicle replacement programme	343,779
C2	Disabled facilities grants	146,328
	Total	490,107

Key Implications

Financial

16. All financial implications are covered elsewhere in the report.

Community Impact and Outcomes

17. None

Legal, Human Rights etc.

18. None

Value For Money and Asset Management

19. Asset management implications are covered elsewhere in the report.

Conclusions

- 20. Both Members and Officers were fully aware that 2011/12 would be an extremely challenging year. However, in light of the financial pressures arising during the year it is pleasing to report to Members a positive year end position.
- 21. The outturn position could not have been achieved without the commitment and hard work of both Members and Officers, in particular the Heads of service and the Finance Advisory Group, who have played an essential challenge, advisory and scrutiny role reviewing not only the budget but also the corrective action planning.
- 22. The 2012/13 budget includes savings totalling £0.8m. Achieving this ambitious level of savings whilst managing the financial risks will require continued close and proactive financial management during 2012/13.

Risk Assessment Statement

The approval of these carry forward requests should reduce the risk of the Council exceeding its planned expenditure in 2012/13.

These results are provisional and may change due to issues arising from the closure of the Council's accounts, which will be completed by 30 June.

Sources of Information: Provisional Outturn results 31st March 2012

Carry Forward Requests

Contact Officer(s): Adrian Rowbotham Ext. 7153

Helen Martin Ext. 7483

Dr. Pav Ramewal

Deputy Chief Executive and Director of Corporate Resources

Budget Carry Forward Request 2011/12 A1

Head of Service: Richard Wilson

Budget description: Corporate Health and Safety

Type of expenditure: Revenue

Cost Centre code : XBBB

Budget unspent at 31/3/12: £3,995

Amount requested for carry forward: £3,995

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2011/12 and timescales for expenditure in 2012/13:

The total budget for corporate health and safety for 2012/13 [excluding salary charges] is £6,235. This budget needs to cover any expenditure on corporate H&S matters, training, literature, equipment, adaptations etc.

Due to work pressures and the setting up of the Environmental Health Partnership, it was not possible to carry out all the planned initiatives.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

Allowing this budget to be carried forward allows greater spending power and allows proposed activities to take place as part of the Councils duties as an employer.

Budget Carry Forward Request 2011/12 A2

Head of Service: Richard Wilson

Budget description: Direct Services Training

Type of expenditure: Revenue

Cost Centre code: XAXU

Budget unspent at 31/3/12: £9,908

Amount requested for carry forward: £7,000

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2011/12 and timescales for expenditure in 2012/13:

Comprehensive training, either to refresh safe working methods or to develop employee skills, underpins the ongoing delivery of safe and efficient services that are generally highly regarded by residents. The Council has a duty under the Health and Safety at Work Act 1974 and subsequent legislation to ensure necessary training is delivered to all its employees.

The Council is also legally obliged to provide a minimum of 35 hours Continuing Professional Competence (CPC) training over a five year period for every vocational (HGV) driver it employs.

Eleven Direct Services posts became vacant during 2011/12 either due to retirement, relocation or dismissal of employees. These posts have only recently been advertised and the new entrants will require additional training to ensure they have necessary skills to work safely and efficiently and achieve similar levels of competence to established employees.

Three years ago the Council achieved a Gold Award under the Choices accreditation scheme operated by Investors In People. The Council will be re-assessed in November this year and evidence of a well supported established training programme is likely to be one of the criteria under review.

The training budget allocation for 2011/12 was £20,167. Actual spend in 2011/12 amounts to £10,259. Primary reasons for the difference in spend are: Deferment of planned new vehicle technology maintenance courses from 11/12 to 12/13 to manage release of workshop personnel while ensuring continuity of vehicle maintenance operations; Deferment of training identified for vacated posts and long term sickness absentees; Deferment of non-essential but corporately beneficial employee development training due to operational demands.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

Sevenoaks District Council is legally obliged to ensure the Health and Safety of all its employees and must be able to demonstrate that necessary training has been provided. Failure to do so can result in intervention measures by the Health and Safety Executive.

Without this carry forward, payment for training deferred from 11/12, as well as additional training requirements for newly appointed employees, will have to be met from the current year budget allocation, which could be insufficient to meet final 12/13 training needs.

Budget Carry Forward Request 2011/12 A3

Head of Service : Syreeta Gill

Budget description : Training

Type of expenditure: Revenue

Cost Centre code: XBXP

Budget unspent at 31/3/12: £30,601

Amount requested for carry forward: £7,000

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2011/12 and timescales for expenditure in 2012/13:

£7,000 is IT budget for training that the team were unable to arrange due to work pressures, including support to partnership working and roll out of Windows 2010 software across the council. Therefore, this budget needs to be carried forward to enable the training to take place this year.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

Staff not up date with latest technology, and unable to fulfil duties efficiently.

Budget Carry Forward Request 2011/12 A4

Head of Service: Various

Budget description: Asset Maintenance

Type of expenditure: Revenue

Cost Centre code: YM*

Budget unspent at 31/3/12: £54,015

Amount requested for carry forward: £54,015

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2011/12 and timescales for expenditure in 2012/13:

During 2011/12 some projects could not be completed before the end of the financial year and there were also some positive variances on budgets for that year. In previous years, any unspent budgets for Asset maintenance would have been returned to the Asset maintenance fund. From 2011/12 onwards there is no longer a separate fund, but it is requested that the unspent balance be approved for carry forward to 2012/13. Two of the larger items requested for carry forward are repairs to the flat roof areas of the Argyle Road building (£34,000) which is best carried out during summer months; and Car Park re-surfacing (£8,300) where the successful contractor was not able to complete the required works during 2011/12. Dependant on the needs for asset maintenance in 2012/13, it is possible that carried forward funds may be required to be spent on different projects from those underspent in 2011/12.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

Inability to maintain assets to appropriate standards with potential for increased expenditure on maintenance.

Budget Carry Forward Request 2010/11 C1

Head of Service: Richard Wilson

Budget description: Vehicle Replacement Fund

Type of expenditure: Capital

Cost Centre code : YLLP

Budget unspent at 31/3/12: £343,779

Amount requested for carry forward: £343,779

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2011/12 and timescales for expenditure in 2012/13:

The annual vehicle replacement programme is supported by a rolling, self-renewing capital fund. Expenditure on vehicles is repaid through depreciation payments made to the Vehicle Replacement Fund (VRF) over the life of each vehicle. Slippage in expenditure in any one year keeps the balance in the VRF higher, which should remain available for expenditure in the following year.

The agreed vehicle replacement programme for 2011/12 required estimated expenditure of £722,000. Actual spend total in 2011/12 after vehicle disposal credits amounts to £669,045. The slippage results primarily from the deferment of purchases from 11/12 to 12/13 and a saving realised on a small used freighter purchase against budgeted value. The purchases deferred are a used Loader/backhoe, as a vehicle with sufficient residual life and to the required specification could not be sourced, and vehicle tracking equipment, which is pending further investigation of the most suitable system with cost effective installation and operating costs.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

The annual vehicle replacement programme underpins the ongoing delivery of efficient services that are generally highly regarded by residents. These services have challenging performance targets and the rolling vehicle replacement is crucial to continuous improvement of each service.

The Council also has an obligation to reduce carbon emissions including those from its commercial vehicle fleet. The Vehicle Replacement Fund allows for purchase of cleaner, fuel-efficient vehicles, manufactured to meet ever higher European emissions standards, so reducing fuel costs and vehicle emissions as well as ensuring the commercial fleet remains operationally effective.

C2

Budget Carry Forward Request 2011/12

Head of Service: Pat Smith, Head of Housing Services

Budget Description: Disabled Facility Grants 2011/12

Type of expenditure: Capital

Cost Centre code: YLTB (HIA) and YLPT (WKHA)

Budget unspent at 31/03/2012: £146,328.40

Amount requested for carry forward: £146,328.40

Reason for request, including the benefits of this expenditure, why the budget was not spent in 2011/12 and timescales for expenditure on 2012/13.

In accordance with guidance issued by Department for Communities and Local Government (DCLG), such funding commitments are able to be carried forward.

All DFG must be completed within 12 months of approval.

There have been two main issues why there is a significant under spend which is unusual. These are;

- The Kent wide scheme of the Home Improvement agency (In Touch) has under performed and KCC (Lead Authority) is currently tendering for a more efficient and effective service. This has contributed to the under spend.
- The KCC Occupational Therapist (OT) service has seen staffing difficulties
 resulting in delays for scheme appraisals and there have been complex cases
 where the OT service has not liaised with the Local Authority leading to
 disagreements over recommendations. This has also contributed to the under
 spend.

Of the unspent budget, Sevenoaks received almost £43,000 extra grant at the end of the year which was unexpected.

Implications of not carrying forward this budget (e.g. impact on achievement of performance targets, etc):

If £65,239.63 is not carried forward, the under spend for 20011/12 would need to be repaid to DCLG and the commitment would need to be funded from the DFG allocation for 2012/13. It is possible that this would have a negative impact upon:-

- the Council's ability to fund adaptations for the benefit of disabled persons during 2012/13;
- the Council's performance in meeting its target in relation to the number of DFGs completed; and
- the outcome of future funding bids if previous allocations have not been fully utilised.

This carry forward is needed to fund several expensive DFGs and DFG applications for children (please see below). It is a statutory duty to provide DFGs where needed.

£30,000 – 1 St Martins Meadow, Brasted refers to 1 Disabled Facilities Grant (DFG) case which was formally approved late during Quarter 1 2011/12. Due to the planning permission problems no progress has currently been made. Works must be completed before 28th June 2012 (HIA).

£3074.08 – Silver Birches, Highlands Hill Swanley BR8 7NB refers to a Facilities Grant (DFG) that was formally approved during Quarter 3 2011/12. No payments have been released and it is anticipated that the works will be completed and the payment released during Quarter 1 2012/2013 (HIA).

£5736.54 - 75 Farm Avenue, Swanley BR8 7HZ refers to a Disabled Facilities Grant (DFG) that was formally approved during Quarter 4 2011/12. No payments have been released and it is anticipated that the works will be completed and the payment released during Quarter 1 2012/2013 (WKHA).

£15,305.08 – 5 Magpie Green, Edenbridge, TN8 6BP – refers to a Disabled Facility Grant that was formally approved in Quarter 4 2011/12. A request for payment was received during March 2011, however due to problems identified during our final inspection payment has been delayed. Remedial works are to be carried out during April 2012 with payment being made during Quarter 1 2012/2013.

£8484.00 - 4 Sandstone Cottages, Marsh Green TN8 5PX – refers to a Disabled Facility Grant that was formally approved during quarter 4 2011/12. Materials required for the works have been ordered and it is anticipated that works will be completed and final payment released during Quarter 1 2012/2013.

£2,639.93 - 29 Chapel Wood, New Ash Green DA3 8RA – refers to a Disabled Facility Grant that was formally approved during Quarter 4 2011/12. No payments have been released and final payment will be made during Quarter 1 2012/2013.

The additional under spend of £81,088.77 , if carried forward, will help towards the high cost of 9 potential DFG claims in 12/2013 (for children) which are in excess of £220,000. In addition, there are 2 complex and expensive grants for 2 adults in the pipeline and these will cost £30,000 each, If the carry forward is not agreed , these claims will use the majority of the funding for 12/2013.

Children Cases.

Grant assistance can be provided to adapt a property for both adults and children. The vast majority of adult cases are for grants usually around £5,000, however due to the complexity surrounding children cases grants for this small but growing group of applicants are mostly for £30,000. One important consideration is that unlike adult applications, children are exempt from a means test so all costs are borne by the DFG.

Currently we are working on the following cases.

Multon Road West Kingsdown

This case was received in Quarter 3 2011/12 and after undertaking a feasibility it has been decided that a substantial extension is required costing around £70,000 of which the maximum mandatory grant of £30,000 will be applicable.

New Street Road, Meopham

This case was received in Quarter 2 2011/12 and involves extensive internal remodelling and extending existing dwelling. Estimates have been obtained and the grant is ready for approval for a sum of £30,000.

Farley Lane, Westerham

This case was received in Quarter 4 2011/2012 and involves provision of a Hi/Low Bath and making alterations both internally and externally to ensure Wheelchair Access is available for the child. Estimates have not been received but we expect the costs to be around £20-25,000.

Grassy Lane, Sevenoaks

This case was received in Quarter 4 2011/12 and involves major adaptations to enable the disabled child access into and around the dwelling. Bathing adaptations are also required. Although no estimates have been received we expect the costs to be the maximum mandatory grant of £30,000.

Squirrels Close, Swanley

This case was received during the last few day of Quarter 4 2010/2011 and involves provision of a stairlift and alterations to the existing bathing facilities. The delay in approving this grant is due to continuing discussions with an Occupational Therapist. Although no estimates have been obtained we expect costs to be no more than £20,000.

March 12 - Provisional outturn as at 30/05/12 Budget Actual Variance Actual Variance Community and Planning Services From	2. Overall Summary	Period	Period	Period	Period	Y-T-D	Y-T-D	Y-T-D	Y-T-D	Annual	Annual Forecast	Annual	2010/11
Community and Flanning Services		Budget	Actual	Variance	Variance	Budget	Actual	Variance	Variance	Budget	(including	Variance	Actual
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Supplementary appropriation from Reserves -14 -14 - 171 -171	Overall total	64	- 409	473	504	- 741	- 1,373	632	157	- 708	- 759	51	590
Supplementary appropriation from Reserves -14 -14 - 171 -171									İ				
- 171	Planned appropriation (from)/to Reserves											-	-
	Supplementary appropriation from Reserves									- 14	- 14	-	-
50 51 419													- 171
	Surplus									-	- 50	51	419

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BANK ACCOUNT SIGNATORIES

Cabinet - 14 June 2012

Report of the: Deputy Chief Executive and Director of Corporate Resources

Status: For decision

Key Decision: No

Executive Summary: This report seeks approval for a change to the list of Officers authorised to sign cheques and other banking instruments on behalf of the Council.

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Ramsay

Head of Service Group Manager - Financial Services - Mr Adrian Rowbotham

Recommendations: That

- (a) Mrs P Marshall, former Head of Finance and Human Resources, no longer be authorised to sign cheques and other banking instruments on behalf of the Council; and
- (b) pursuant to Finance Procedure Rules 4.72 and 4.73, Mrs J Weyman, Service Accountant, be authorised to sign cheques and other banking instruments on behalf of the Council in respect of all bank accounts other than the Chief Executive's Imprest Account.

Background

- 1. As a result of Mrs Marshall's departure from the Council, it is now necessary to replace her with another authorised signatory. It is proposed that the recently appointed Service Accountant fills this position.
- 2. It should be noted that the authority of Mrs Marshall to sign cheques etc was cancelled with the bank immediately upon her departure. The recommendation in this report merely formalises this action.

Risk Assessment Statement

3. For day to day practical reasons, Officers need to be authorised to sign cheques and other banking instruments on behalf of the Council. Failure to have authorised signatories would result in the Council being severely restricted in the way it could operate bank accounts and deal with its financial needs. Protection is in place by the requirement for two signatures on items over £10,000 (£5,000 for housing benefit or local tax payments).

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Appendices: None

Background Papers: Finance Procedure Rules

Banking mandates

Contact Officer(s): Roy Parsons ext.7204

Dr. Pav Ramewal

Deputy Chief Executive and Director of Corporate Resources

COMMUNITY INFRASTRUCTURE LEVY (CIL) - PUBLIC CONSULTATION DOCUMENT AND PRELIMINARY DRAFT CHARGING SCHEDULE

Cabinet - 14 June 2012

Report of the: Deputy Chief Executive and Community and Planning Services

Director

Status: For Decision

Also considered by: Environment Select Committee – 29 May 2012

LDF Advisory Group - 7 June 2012

Key Decision: Yes

Executive Summary:

The Community Infrastructure Levy (CIL) is a new mechanism for securing contributions from developers towards the provision of infrastructure that is required to support development. In order to begin charging CIL, SDC must prepare a Charging Schedule, which will set out what developers will need to pay in £ per sq m of new buildings and any variations by area or type of development. The consultation document at Appendix B to this report would form the first formal stage in the Council's preparation of CIL. It is proposed that this should be subject to a 6 week consultation between June/July and August 2012.

This report supports the key aims of a green environment and safe and caring communities of the Community Plan

Portfolio Holder Cllr. Mrs Jill Davison

Head of Service Group Manager Planning – Alan Dyer

Recommendation to Cabinet:

- (a) Cabinet agree that the CIL Preliminary Draft Charing Schedule Consultation Document be published for consultation;
- (b) the Portfolio Holder be authorised to agree minor presentational changes and detailed amendments, including any minor changes to the proposed charging levels as a result of the completion of the CIL Viability Study, prior to publication to assist the clarity of the document; and
- (c) copies be made available for sale at a price to be agreed by the Portfolio Holder.

Reason for recommendation:

To ensure that the Council is able to progress the CIL Charging Schedule in accordance with the Local Development Scheme

Introduction

The Community Infrastructure Levy (CIL) is a new mechanism for securing contributions from developers towards the provision of infrastructure that is required to support development. In order to begin charging CIL, SDC must prepare a Charging Schedule, which will set out what developers will need to pay in £ per sq m of new buildings and any variations by area or type of development. The consultation document at Appendix B to this report would form the first formal stage in the Council's preparation of CIL. Consultation at this stage would give stakeholders and the public an early opportunity to comment on the proposed CIL charges and some of the issues that the Council must consider in preparing the Charging Schedule and operating CIL. Members, stakeholders and the public will have another opportunity to comment on these proposals and any revisions before the Council submits the Charging Schedule for independent Examination.

National Policy and Legislation

- Appendix D to this report provides an introduction to CIL. It provides a summary of national policy and legislation, which is highly prescriptive about matters such as how CIL must be charged, who CIL is paid to, what the receipts can be spent on, what types of development are automatically exempt, and what types of development councils can offer relief or exemptions to.
- In drafting a CIL Charging Schedule, a charging authority must be able to show that the charge would not make the overall scale of development proposed in the District unviable. The Council has commissioned a CIL Viability Assessment to consider what level CIL could be set at in different parts of the District for different types of development. This assessment is now sufficiently complete to allow this consultation document to be considered by Members and will be published alongside the consultation document. In setting the CIL Charge, the Council is not required to consider the viability of all development sites and it is recognised that it may lead to some developments not proceeding at the time or the form anticipated by a developer, or at all. This does not make a Charging Schedule unsound.
- A charging authority must also show that a funding gap exists that needs to be met to deliver the infrastructure required to support development. In doing this, the authority must take account of other mainstream funding sources that are, or are expected to become, available. This may include an increase in Council Tax receipts or Grant as a result of the additional number of households. Further detail on how the Planning Policy team have identified schemes that could be funded through CIL is set out in the 'Infrastructure' section, below. The funding gap must exceed or match the charging authority's forecast receipts from CIL.
- How a charging authority decides to balance the aim of securing as much money for infrastructure as possible against the aim of ensuring that development

remains viable is up to the authority to decide. The level of charge proposed in the consultation document seeks to balance these aims. The proposed charge is not set at the limits of viability to ensure that some flexibility is built in to allow for any changes in viability considerations over time and in the case that any assumptions in the viability assessment do not entirely accurately reflect the situation 'on the ground'.

The Consultation Document

The consultation document sets out an initial proposal for the level that CIL could be set at. This proposal is based on the CIL Viability Assessment that the Council has undertaken and the engagement with infrastructure providers that is detailed in a subsequent section. The proposed rates of CIL are:

Development Type	Area A	Area B		
Residential	£125 per sq m	£75 per sq m		
Large Retail – Supermarkets	£125 pc	£125 per sq m		
and Retail Warehouses				
Small Retail - Convenience	£50 pe	£50 per sq m		
stores and town centre				
comparison retail				
Other forms of development	£0 per sq m			

A map of the different areas is set out in appendix A to this report.

- A nil charge has been set out for some uses, including offices, warehousing, hotels, residential care homes and agricultural buildings, because the Viability Assessment concludes that the development of units in that use would be at a significant risk of not being viable if a CIL charge was to be levied. To propose higher rates than the Viability Assessment finds would be viable would be highly likely to lead to the CIL Charging Schedule being found unsound at Examination.
- The different areas have been identified on the basis of the findings of the viability assessment. In accordance with the CIL guidance, these areas are intended to be broad areas where the majority of developments would remain viable with this level of charge. In reality, viability will vary from site to site and road to road. However, it is not possible to consider viability at such a detailed level in advance of development proposals being prepared. Preparing a CIL Charging Schedule on this basis is therefore not possible.
- The document also seeks views on a number of the issues that the Council will need to address in operating CIL. This includes sections and consultation questions on whether the Council should offer relief from CIL in exceptional circumstances, for investment developments by charities (as opposed to development of facilities to be used for charitable purposes, which are already exempt). Policies on these issues do not need to be set out at the time that the Council adopts the Charging Schedule and do not need to be subject to Examination. If the Council were to offer exemptions in exceptional circumstances there are stringent regulations governing when this relief can be offered and it is for the Council to ensure that any exemption is compliant with EU State Aid legislation. The offer of exemptions in exceptional circumstances is not comparable with the flexibility and negotiation that is available on the Core

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- Strategy affordable housing policy (SP3) and it is anticipated that this policy will be applied very rarely, if at all.
- Other issues on which views are sought in the consultation document include the priority types of infrastructure that the Council should be allocating receipts to, the need for an instalments policy, monitoring arrangements and the soundness of the assumptions used in CIL Viability Assessment.
- It is proposed that the consultation document is published alongside the final version of the CIL Viability Assessment and the draft CIL Infrastructure Plan.

Forecast Receipts

- The receipts that are generated by CIL are dependent on a number of factors, including:
 - The amount of development that comes forward and where it occurs;
 - The amount of affordable housing, which is offered 100% relief from CIL, that is secured on development sites;
 - The size of dwellings built; and
 - The floospace of existing buildings on development sites that have recently been in use (for 6 of the previous 12 months) as this is subtracted from the new floorspace to be developed when CIL is calculated.
- The uncertainty created by these factors makes it difficult to predict annual receipts that will be generated from CIL. However, as a very rough estimate, it is predicted that SDC may receive approximately £5-6 million over the period 2014 (when it is assumed the Charging Schedule will be adopted) to 2026 (which is the end of the Core Strategy Plan Period). This figure has not been adjusted for inflation, which will be applied automatically under CIL, in line with the All-in Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors.

CIL Viability Assessment

The CIL Viability Assessment (Background Paper 1) has considered the viability of a range of different types of development (a summary is set out in the draft Consultation Document – Appendix B), using a residual land valuation model. The approach taken seeks to ensure that after development costs, including developers profit (20%), the provision of affordable housing and CIL, are taken into account, the residual value left in the overall value of development is sufficient to ensure that land can be purchased at a reasonable price. Research undertaken by the consultants and information from the Valuation Office Agency, RICS and the Land Registry has been used in assessing what overall values of development should be considered and what reasonable purchase prices for development land are in the District. A range of other sources, including consultation with a number of developers and agents, have been used to identify reasonable figures for other elements of the assessment, such as build costs.

Infrastructure Planning

15 CIL receipts can only be spent on infrastructure that is required to support new development. It can not be used to fund projects that are only required as a result

- of existing deficiencies. CIL receipts can be spent on the provision, improvement, replacement, operation or maintenance of infrastructure. A list of indicative types of infrastructure for which CIL can be used is set out in the Planning Act 2008 and is cited in the proposed consultation document (Appendix B).
- 16 An Infrastructure Delivery Plan was prepared to identify the infrastructure projects that relevant organisations considered to be necessary to deliver the level of development proposed in the Core Strategy or resolve existing deficiencies. Using this as a starting point, the Planning Policy Team has been engaging with infrastructure providers, including SDC teams, to identify schemes that they consider are to be necessary to support development and could be funded through CIL. The results of this engagement are set out in full in the draft CIL Infrastructure Plan (Appendix C) and summarised in the proposed consultation document (Appendix B) and have been used to identify a funding gap of approximately £24,000,000. The draft Infrastructure Plan is based on the initial view of infrastructure providers on the schemes required and not a robust assessment of the necessity of the schemes suggested or the appropriate split between contributions from CIL and other funding available for providing services for existing communities. It is likely that this process, which will be completed through further engagement during and after the consultation, will significantly reduce the funding gap. For example, removing a flood defence scheme in Edenbridge, which may be considered to be required more to protect existing dwellings than new development, would reduce the estimated funding gap to £13,000,000.
- Suggestions of indicative projects that could be undertaken by SDC have been put forward by SDC teams. These include the possible redevelopment of Whiteoak Leisure Centre, providing community development services to integrate new residents into the District, outdoor gym facilities and new and/or improved Youth Zone vans and services. There will be opportunities to refine these schemes and develop new ones as the preparation of the Charging Schedule progresses and following its adoption. Estimated funding gaps for delivering these projects have also been provided and total approximately £4,600,000. These costs should be treated as purely indicative. Unless these schemes are prioritised above all others, CIL will meet only a percentage of the funding gap identified for SDC schemes.
- Whilst the work undertaken to date provides a necessary part of the evidence base, the Council does not need to specify how it will spend CIL receipts at the outset. This can be determined on the basis of local priorities when receipts are received. The list of infrastructure projects identified in the consultation document should, therefore, only be treated as indicative.
- The Government's view is that the Community Infrastructure Levy should support and incentivise new development by placing control over a meaningful proportion of the funds raised with the neighbourhood where development takes place. The CIL Regulations 2012 are expected to require a percentage of CIL receipts received from a development to be transferred to the relevant town or parish council. Therefore, the draft Infrastructure Plan, to be published alongside the consultation document, includes town and parish councils' views on projects that should be undertaken.

- 20 All schemes in the draft Infrastructure Plan have been categorised into:
 - 'potential strategic schemes for CIL funding', which are those schemes considered to support the broad distribution of development proposed in the Core Strategy and have been used to identify the funding gap;
 - 'potential local schemes for CIL funding', which are those schemes that town
 and parish councils would like to see developed and are likely to be
 appropriate uses of the CIL receipts to be paid directly to them; and
 - 'other schemes', which are schemes where more information is required, a commitment from the responsible organisation is required, or the scheme is not an appropriate use of CIL.

Implementation

The consultation document proposes that the Council will consider the need to publish guidance for developers and agents on how CIL will be implemented once the Charging Schedule is adopted in late 2013, if further guidance is considered to be required in addition to what is available at a national level. It is also proposed that an implementation plan be developed to address issues such as monitoring processes and the prioritisation of schemes. Views are also requested on whether SDC should allow CIL to be waived in exceptional circumstances, which are allowed but are tightly controlled by legislation, and whether it should develop an instalments policy.

Consultation

It is proposed that the Consultation Document should be subject to consultation between June/July and August 2012. The Planning Policy team will consider organising an Agents Forum with planning agents to brief them on the proposals and to give them the opportunity to provide informal feedback. Given the scope of the consultation document, it is not proposed that any public consultation events will be held, other than making the document available to view and publicising it on the Council's website, through the local press and by writing to stakeholders and individuals on the LDF mailing list.

Timetable

The Council's timetable for preparing a CIL Charging Schedule, as set out in the Local Development Scheme is:

Consultation on preliminary draft ends	July or August
	2012
Consultation on draft Charging Schedule	December 2012 -
	January 2013
Submission of draft Charging Schedule for Examination	April 2013
Examination of draft Charging Schedule	August 2013
Adoption of Charging Schedule	December 2013

Other Options Considered and/or Rejected

- The Council could choose not to prepare a CIL Charging Schedule. However, this is likely to lead to less funding being secured for infrastructure required to support development. The Council would need to rely on using planning obligations, which will have a more limited scope for securing contributions towards infrastructure after April 2014.
- The Council could choose to propose a higher or lower CIL Charge. However, the proposed charge is based on evidence that it would not make the scale of development proposed in the Core Strategy unviable. There is a significant risk that a higher CIL charge would be found unsound by an independent Examiner. A lower charge, including a standard rate across the District, would mean that less money would be available to be spent on infrastructure to support development.

Key Implications

Financial

26 Budgetary provision has been made for the cost involved in preparing the Community Infrastructure Levy through the LDF budget. The CIL Regulations allow for the Council to use receipts secured through CIL to pay for its administration.

Community Impact and Outcomes

The CIL Charging Schedule will assist the Council in securing contributions from developers to the provision of infrastructure required to support development.

Legal, Human Rights etc.

The Preliminary Draft Charging Schedule (included in the consultation document) will be consulted upon and revised, if necessary, in accordance with the relevant legislation and national policy.

Equality Impacts

An Equality Impact Assessment of the CIL Charging Schedule will be carried out prior to submission of the schedule for examination.

Sustainability Checklist

The adoption of a CIL Charging Schedule will ensure that the Council can implement Core Strategy Policy SP9, which aims to ensure that development is supported by sufficient infrastructure. This is important in ensuring that development comes forward in a sustainable manner. CIL Charging Schedules do not need to be subject to Sustainability Appraisal.

Conclusions

31 The Preliminary Draft Charging Schedule provides an opportunity for interested organisations and the public to comment on the initial proposals for how CIL may be charged in Sevenoaks District. Any issues raised at this stage can be taken

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into account in drafting the pre-submission consultation version of the Charging Schedule later in 2012.

Risk Assessment Statement

- 32 The Preliminary Draft Charging Schedule has been prepared in accordance with national policy and legislation.
- If the Preliminary Draft Charging Schedule is not approved for consultation then the Council will not be able to prepare the Charging Schedule in accordance with the Local Development Scheme. This may lead to it being adopted after the restrictions on the pooling of planning obligations come into force (April 2014), which would mean that contributions from some developments towards necessary infrastructure would not be able to be secured during this time.

Appendices Appendix A – Map of different residential charging

zones

Appendix B - CIL: Preliminary Draft Charging

Schedule: Consultation Document

Appendix C – Draft CIL Infrastructure Plan

Appendix D - An Introduction to the Community

Infrastructure Levy

Background Papers: 1. CIL Viability Assessment Draft Report

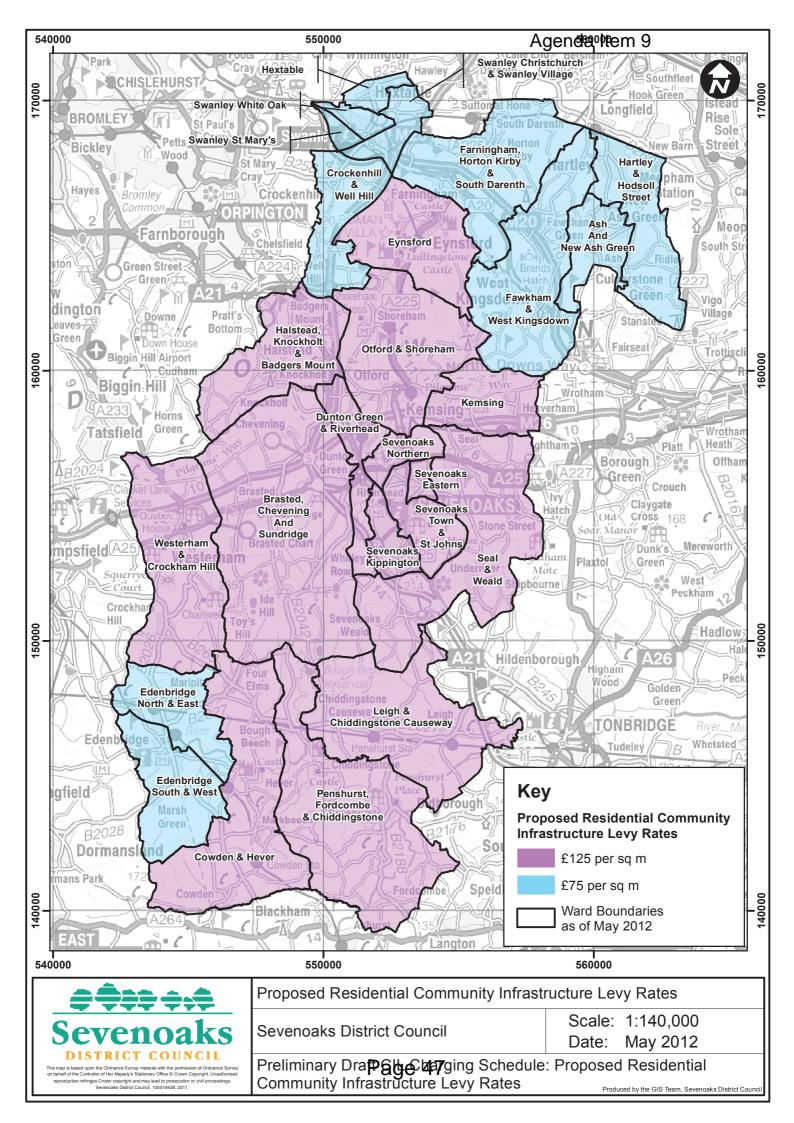
Contact Officer(s): Steve Craddock (x7315)

Hannah Gooden (x7178)

Alan Dyer (x7440).

Kristen Paterson

Deputy Chief Executive and Community and Planning Services Director



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COMMUNITY INFRASTRUCTURE LEVY:

PRELIMINARY DRAFT CHARGING SCHEDULE:

CONSULTATION DOCUMENT

JUNE 2012

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1. Consultation

- 1.1 This consultation represents the first formal stage in Sevenoaks District Council's preparation of a Community Infrastructure Levy (CIL) Charging Schedule. Once adopted, the Charging Schedule will set out a standard rate that developers will need to pay when undertaking different types of development in different parts of the District. Funds collected through CIL must be spent on infrastructure required to support development of the area.
- 1.2 The Council considers that there are many benefits of adopting a CIL Charging Schedule. In particular, a standard CIL charge will:
 - aid infrastructure providers in planning the delivery and operation of infrastructure;
 - aid developers in identifying the likely costs associated with development;
 - improve accountability to the public for use of developer contributions for infrastructure:
 - ensure that payments are made to town and parish councils when development occurs in their areas so that they can deliver local priority infrastructure; and
 - increase the range of developments that are able to contribute towards infrastructure, including small residential developments which have often not been required to make contributions in the past.
- 1.3 The Council is keen to hear from individuals and organisations that have an interest in the operation of the Community Infrastructure Levy.
- 1.4 The consultation is carried out in accordance with regulation 15 of the Community Infrastructure Levy Regulations 2010, as amended.
- 1.5 This consultation document was published on XX/XX/XX. Comments should be made before 5pm on XX/XX/XX. Comments should be submitted via the Council's consultation web-portal, by email to ldf.consultation@sevenoaks.gov.uk or in writing to:

Planning Policy Sevenoaks District Council Argyle Road Sevenoaks District Council TN13 1HG

- 1.6 Comments are invited on any points raised by this consultation document (whether related to the consultation questions or not) and the preliminary draft of the Sevenoaks District Council Charging Schedule, which forms appendix A to this consultation document.
- 1.7 Comments made on these consultation documents will be taken into account in preparing subsequent versions of the CIL Charging Schedule for

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consultation, examination by an independent examiner and adoption. The Council's timetable for producing an adopted CIL Charging Schedule is:

Consultation on preliminary draft ends	XX/XX/XX
Consultation on draft Charging Schedule	December 2012 -
	January 2013
Submission of draft Charging Schedule for	April 2013
Examination	
Examination of draft Charging Schedule	August 2013
Adoption of Charging Schedule	December 2013

2. Background

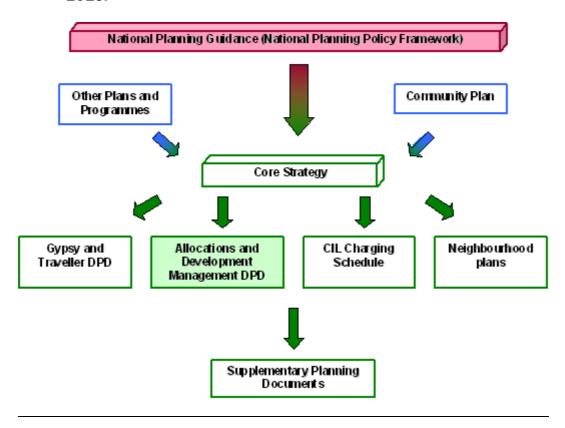
The Community Infrastructure Levy and Charging Schedules

- 2.1 The Community Infrastructure Levy (CIL) is a locally set standard charge that can be applied to new development to fund infrastructure. It is calculated in £ per sq m of new buildings or extensions. In order to charge CIL, charging authorities must prepare a Charging Schedule. Sevenoaks District Council is the charging authority for Sevenoaks District. This preliminary consultation on the Council's Charging Schedule sets out proposed CIL charges for different types of development and different areas of the District and seeks views on some of the issues that the Council will need to consider in applying CIL.
- 2.2 The CIL Charging Schedule will set out what certain forms of development will pay. However, the following types of development will not be liable to pay CIL:
 - Changes of use.
 - New buildings or extensions of less than 100 sq m gross internal area unless they result in the development of one or more new dwellings. Therefore, the majority of residential extensions will not be required to pay CIL but some may.
 - Affordable housing, subject to the developer applying for relief in the manner set out in the regulations.
 - Development by a charity where the development will be used wholly or mainly for charitable purposes.
 - Buildings into which people do not normally go, or go only intermittently for the purpose of inspecting and maintaining fixed plant or machinery.
- 2.3 In addition, only the net additional floorspace on a development site will be expected to pay CIL if an existing building, or part of it, has recently been in use (defined as 6 months of the last 12). Therefore the CIL receipts generated on an brownfield site with existing buildings in use will be lower than those generated on the same development on a greenfield site.
- 2.4 Further detail on what types of development do and do not pay CIL and what CIL receipts can be used for are provided later in this document.

Local Development Framework

2.5 Sevenoaks District Council adopted the Local Development Framework Core Strategy for the District in February 2011. The Core Strategy sets out policies on the overall scale and distribution of development and strategic policies that will be used to determine the type of development that comes forward and protect the natural and built environment. The Core Strategy provides for the development of 3,300 new dwellings to be built in Sevenoaks over the period 2006-2026. The current housing land supply position is summarised in the following section.

2.6 SDC is currently preparing the Allocations and Development Management Policies DPD (ADM DPD). This will identify new land use allocations for housing, employment and boundaries for other land use designations such as the Green Belt and AONB. The allocations will provide sufficient development sites to ensure that the Council can meet the remainder of the target for new dwellings to 2026 (approximately 1200 dwellings). The ADM DPD will also contain detailed policies that must be taken into account in determining planning applications. SDC will publish the presubmission publication draft (regulation 27) of the DPD in the autumn of 2012 and it is anticipated that it will be subject to Examination in spring 2013.



Legislative and National Policy Context

- 2.7 CIL Charging Schedules must set out the charge(s) in £ per sq m that development will be expected to pay to support the provision of infrastructure. Whilst the charge can be varied by area and type of development on the basis of viability evidence, there are no other reasons for setting differential CIL charges.
- 2.8 CIL may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure. The Planning Act identifies the types of infrastructure that should be considered for funding through CIL, although the list is not definitive. These are:
 - (a) roads and other transport facilities,
 - (b) flood defences,

- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces.
- 2.9 The provision of affordable housing or financial contributions towards it can not currently be secured through CIL. Whilst the Government recently consulted on whether this should be changed, it is yet to publish its decision and the amended regulations that would be required. Planning obligations will continue to be used to secure affordable housing, in accordance with the Core Strategy policy SP3.
- 2.10 In order to charge CIL, Sevenoaks District Council (SDC) needs to prepare a CIL Charging Schedule. This needs to be subject to independent examination and must be supported by evidence of a gap between the funding needed to provide the infrastructure required to support development and that which is already available. The Council must also show that the charging of CIL will not lead to the overall scale of development proposed being non-viable. However, the balance between the desirability of funding infrastructure through CIL and the effects on viability of development is for the Charging Authority to decide upon. Under the legislation and statutory guidance, the Charging Authority is under no obligation to reduce its CIL rate if it is shown that individual developments will no longer be viable. Instead, the impact on viability of development in the District as a whole should be considered. Further guidance is provided in 'Community Infrastructure Levy Guidance: Charge Setting and Charging Schedule Procedures' (CLG, 2010).
- 2.11 The National Planning Policy Framework (NPPF) states that the cumulative impact of standards and policies should not put implementation of the plan at serious risk, and should facilitate development through the economic cycle (para 174). Development should provide competitive returns to a willing land owner and willing developer, when normal development costs and policy requirements have been taken into account (para 173). However, it is also recognised that development should not be permitted where it can not provide for the 'safeguards' necessary to make development acceptable (para 176).
- 2.12 Whilst there are some forms of development that are exempt or offered relief from paying CIL, it will generally be the case that qualifying forms of development (i.e. those identified in the Charging Schedule) will pay CIL without exception or negotiation. The regulations contain limited powers for the Council to offer relief from CIL in exceptional circumstances, at its discretion. However, the situations where this can occur are tightly prescribed and are subject to EU State Aid rules (see section 6).

Planning Obligations

2.13 The Community Infrastructure Levy will largely replace planning obligations, under section 106 of the Town and County Planning Act 1990, as the mechanism that local planning authorities use to secure developer

contributions for infrastructure to support development. Planning obligations should only be used to secure contributions towards infrastructure, or its provision, where there are site specific implications of development. Any planning obligations can only be taken into account in determining planning applications where they meet the following tests from regulation 122 of the CIL Regulations 2010:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.
- 2.14 Developer contributions secured through planning obligations will no longer be able to be pooled from more than 5 different obligations to deliver the provision of a certain project or type of infrastructure from April 2014 or the date of adoption of the CIL Charging Schedule, whichever comes first. This restriction, from regulation 123 of the CIL Regs 2010, is intended to ensure that local planning authorities use CIL instead of planning obligations to secure contributions for infrastructure that serves a wider area than just the specific development site or group of sites.
- 2.15 In addition, planning obligations will not be able to be used to secure the provision of, or contributions to, infrastructure that could be funded through CIL. Local planning authorities can identify what infrastructure will be funded through CIL so that planning obligations can continue to be negotiated for other infrastructure. In order to do this, charging authorities can publish a list of infrastructure to which CIL will contribute on its website. This list is sometimes referred to as a Regulation 123 list. This list does not need to be the same as the infrastructure plan which is submitted to support the Charging Schedule at Examination and can be reviewed at any time.

Consultation Questions

Do the Core Strategy and emerging LDF documents provide an appropriate policy context for the preparation of a CIL Charging Schedule?

Is the Council's interpretation of the legislative and national policy context correct?

3. Infrastructure Requirements and Use of CIL Receipts

Additional Housing Development Proposed

3.1 The adopted Sevenoaks District LDF Core Strategy plans for the development of 3,300 dwellings in the period 2006-2026. SDC's most recent Annual Monitoring Report sets out the housing land supply position within the District at 31 March 2011. 1186 additional dwellings had been completed in the period 2006-2011. A further 11201 additional dwellings have extant planning consent and, therefore, should have had their infrastructure requirements taken into account through the development control process. To meet the remaining requirement, the Council has identified the potential for 819 dwellings to be developed on sites identified in the Strategic Housing Land Availability Assessment which are consistent with strategic Core Strategy Policies and forecasts the development of 350 dwellings on small, as yet unidentified, sites in the last 5 years of the plan period. This will mean that the Council will have a sufficient supply of new housing to meet or exceed the Core Strategy requirement of 3,300 dwellings.

Population Forecasts

- 3.2 In many cases, the need for additional or improved infrastructure is likely to result from an increase in population as a result of development, rather than the increase in the number of dwellings itself.
- 3.3 Kent County Council's most recent strategy-based <u>demographic forecasts</u> predict that, on the basis of the number of dwellings remaining to be developed over the Core Strategy period in the District, the total population in Sevenoaks District will increase from 114,100 in 2010 to 114,200 in 2026. These forecasts indicate that, at the District-wide level, any increase in population as a result of new development will largely be offset by the impact of wider demographic changes, such as more single person households. In assessing infrastructure requirements at the District-wide level, providers have been asked to assess the impact of development on population by applying these forecasts.
- 3.4 Where new infrastructure is required at the local level within the District or a specific new development, for example a new local play area, the requirement will be more closely related to the new population moving into the new development, regardless of where they have moved from and of the impact of wider demographic changes. In this case, SDC consider it appropriate that assessments of the impact of development assume the local population increase will be equivalent to the average household size in the District (2.43 in the 2001 Census) multiplied by the number of dwellings.

¹ This figure is subject to a non-implementation rate of 7% on sites under 0.2 ha and 4% on sites of 0.2 ha and over. These rates are based on previously identified trends.

<u>Draft updated infrastructure delivery schedule</u>

- 3.5 SDC's existing Infrastructure Delivery Plan is set out at appendix 4 to the adopted Core Strategy. This document was prepared in 2010 and had regard to the information provided by infrastructure providers in written correspondence with the Council or in existing or emerging strategy documents. The Core Strategy is clear that this schedule is to be treated as a live document. SDC will use the information provided through the process of preparing the CIL Charging Schedule to develop an updated Infrastructure Delivery Plan.
- 3.6 The existing Infrastructure Delivery Plan and engagement with infrastructure providers has been used to develop an initial indicative list of infrastructure to support development that could be funded through CIL. It should be noted that there is no requirement for SDC to commit to funding these projects once CIL has been adopted. The Council will have the flexibility to spend CIL receipts on any other type of infrastructure that is considered to be a priority at the time.

Scheme Type	Lead Body	Cost	Committed Funding *	Funding Gap
Transport Schemes, including Urban Traffic Management Control (UTMC) system for Sevenoaks and Implementation of selected routes from the Sevenoaks Cycling Strategy	Kent County Council	£1,980,000 - £2,130,000 (£2,055,000 assumed)	£O	£2,055,000
Flood Defence and Water Quality Infrastructure, including flood defence scheme in Edenbridge	Environment Agency	£11,300,000	£O	£11,300,000
Schools, including primary and secondary in Sevenoaks and Swanley	Kent County Council	£4,380,690	£O	£4,380,690
Health Care, including	NHS	£1,021,238	£0	£1,021,238

improvements				
to existing				
facilities in				
Sevenoaks,				
Swanley and				
Edenbridge	1/ 10 1	64 400 700	60	64 400 700
Community	Kent County	£1,189,798	£O	£1,189,798
facilities,	Council and			
including	Sevenoaks			
improvements	District			
to libraries, community	Council			
learning,				
community				
development				
work to				
integrate new				
residents and				
SDC's youth				
zone scheme.				
Open Space,	Scheme-	£7,485,250 -	£3,501,000	£3,984,250 -
Sport and	dependent,	£7,487,250		£3,986,250
Recreation,	includes			
including the	Sevenoaks	(£7,486,250		(£3,985,250
redevelopment	District	assumed)		assumed)
of Whiteoak	Council, Kent			
Leisure Centre,	Wildlife Trust,			
provision of	North West			
outdoor 'Green	Kent			
Gyms',	Countryside			
provision of	Partnership,			
allotments in	Edenbridge			
Sevenoaks and	Town Council			
Swanley and	and			
additional	Sevenoaks			
facilities or	Town Council			
extensions to				
wildlife sites.				

Total £27,432,976 £3,501,000 £23,931,976

3.7 Once committed and anticipated funding has been taken into account, the infrastructure plan indicates that there is a need for approximately an additional £24,000,000 to support the provision of infrastructure required as a result of development. This funding gap has been taken into account in proposing the CIL charge, set out in the preliminary draft schedule (appendix A) and a later section in this document.

^{*} i.e. forecast Council Tax or Grant increase as a result of development, existing resources or revenue from redevelopment of other sites.

- 3.8 The draft CIL Infrastructure Plan has been produced following an initial period of consultation with infrastructure providers and not a robust assessment of the necessity of the schemes suggested or the appropriate split between contributions from CIL and other funding available for providing services for existing communities. As the Council considers these schemes further or additional evidence is provided, the inclusion of the schemes or the details may change. It is likely that the estimated funding gap will reduce. Inclusion of schemes in the draft plan, or summary above, does not guarantee that the Council will view them as a priority and make CIL funding available at the time that development comes forward. Infrastructure providers may be asked to provide evidence to justify a release of funds once CIL receipts are received.
- 3.9 Previous guidance (Circular 05/05) on the use of planning obligations suggests that they should not be used for funding certain forms of infrastructure because other legislation provides that it is the developer's responsibility to requisition this infrastructure directly from the provider and other funding arrangements are in place. This applies to water, sewerage and sewage disposal infrastructure. SDC understand that the same considerations apply to funding this infrastructure through CIL and so it will not be taken into account in producing the Charging Schedule.

Types of Development to be funded through s106

- 3.10 Although there is no requirement to do so, charging authorities can identify the infrastructure projects or types of infrastructure that CIL receipts will be used to deliver. Once these have been defined, other types of infrastructure can be funded or delivered through planning obligations, subject to the restrictions set out in the CIL Regulations 2010.
- 3.11 SDC considers that CIL should usually be used to provide contributions for infrastructure improvements that serve a wider area than just the specific development site or where more than 5 contributions will need to be pooled to deliver the new infrastructure or improvement. It is considered that the types of infrastructure set out in the schedule in the previous subsection should be funded through CIL. Site specific infrastructure should continue to be secured through planning obligations. The following is a list of the types of infrastructure that will be funded through planning obligations.
 - Site specific highway works;
 - On-site open space, for example children's play areas;
 - Site specific biodiversity mitigation and improvement;
 - On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
 - Site specific Public Rights of Way diversions or impact mitigation.
- 3.12 In addition, affordable housing provision and contributions will continue to be secured through planning obligations, unless the Government brings in

- a change in the regulations that make in necessary or beneficial to secure these through CIL.
- 3.13 Other mechanisms exist to ensure that developers provide sufficient infrastructure or financial payments to ensure that new development is provided with the necessary utilities, including water and sewerage infrastructure. SDC will support the timely provision of the necessary infrastructure. The costs of providing this infrastructure should be taken into account in establishing the viability of development.

<u>List of Infrastructure to be funded through CIL (Reg 123 list)</u>

- 3.14 SDC will prepare a list of infrastructure to be funded through CIL in accordance with regulation 123 of the CIL Regulations 2010. This list will initially be based on the infrastructure plan that will be prepared to support the submitted Charging Schedule and will be published alongside the adopted Charging Schedule. The list will be made available on the Council's website and will be reviewed regularly to take account of any changes in the plans of infrastructure providers and changes in funding arrangements.
- 3.15 In reviewing the list of infrastructure that CIL will be used to fund, SDC will have regard to the need for sub-regional infrastructure that may be required as a result development in Sevenoaks District and neighbouring districts/boroughs. In accordance with the Duty to Cooperate, SDC will work with neighbouring authorities to ensure that proportionate contributions from CIL are made to such a project. Consultation with infrastructure providers has not raised a need for sub-regional infrastructure at this stage.

Role of Town and Parish Councils

- 3.16 The National Planning Policy Framework (NPPF) sets out the Government's view that the Community Infrastructure Levy should support and incentivise new development by placing control over a meaningful proportion of the funds raised with the neighbourhood where development takes place. It is expected that the Government will publish regulations in 2012 that will establish the percentage of CIL receipts that charging authorities will pass on to town and parish councils when development occurs in their area. These regulations may establish restrictions on what town and parish councils can spend these CIL receipts on.
- 3.17 The Council's draft CIL Infrastructure Delivery Schedule contains a list of the types of schemes that town and parish councils have indicated they may wish to fund through CIL receipts, when development occurs in their area. However, town and parish councils are not limited to funding these schemes and may decide what to spend CIL receipts on other projects when development comes forward.

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Consultation Questions

Do you agree that the identified types of infrastructure schemes are necessary to support development in the District?

Are there any additional types of infrastructure schemes that are necessary to support development in the District?

Do you agree with the Council's proposals for publishing the list of infrastructure to be funded through CIL?

What types of infrastructure or projects should be the priority for CIL funding?

4. Development Viability

Viability Study

- 4.1 In order to ensure that a CIL charge would not put at risk the overall development of the area, the Council commissioned a CIL Viability Assessment to consider the levels of CIL charge that most development could pay and remain viable. The study has been published alongside this consultation document. It considered the justification for different charges in different parts of the district and for different land uses. Amongst others, the Viability Assessment considered the viability of the following different types of development, using a residual land valuation model:
 - Residential:
 - Large retail supermarkets and retail warehouses;
 - Small retail convenience stores and town centre comparison retail;
 - Offices:
 - Industrial;
 - Warehouses:
 - Hotels:
 - Care Homes;
 - Community Uses; and
 - Agricultural.
- 4.2 The approach taken seeks to ensure that after development costs, including developers profit (20% on market housing), the provision of affordable housing and CIL, are taken into account, the residual value left in the overall value of development is sufficient to ensure that land can be purchased at a reasonable price. Research undertaken by the consultants and information from the Valuation Office Agency, RICS and the Land Registry has been used in assessing what overall values of development should be considered and what reasonable purchase prices for development land are in the District. A range of other sources, including consultation with a number of developers and agents, have been used to identify reasonable figures for other elements of the assessment, such as build costs.

Assumptions

4.3 Generic development scenarios were tested for the uses considered by the study. These are considered to be an appropriate representation of the types of development that are expected to come forward in the district, as proposed by the Core Strategy and on the basis of past applications. The viability assessment does not consider the impact of CIL on sites actually proposed for development, in accordance with the guidance. It is recognised that some sites in the District may have site-specific abnormal costs that may lead to development not being viable. It is the Council's view that the standard CIL charge should be set at a level that means that it will represent a relatively small proportion of the development costs and

- should not be the deciding factor in whether or not development is viable. Generally, the Viability Assessment finds that if development was going to be viable before a CIL charge is applied then it should be viable once CIL is being charged.
- 4.4 The viability assessment took into account how the Council's other policies impact on development viability. In particular, the assessment was based on the assumption that the Council's affordable housing policy (Core Strategy policy SP3) and sustainable construction policy (Core Strategy policy SP2) will be delivered in full.
- 4.5 The viability assessment is based on ensuring that developers can make a reasonable profit on both market and affordable housing and still afford to purchase the land at a reasonable price. 20% developers profit on market housing and 6% on affordable housing is factored into the viability appraisals. The figure for market housing is higher than the figure applied in the Affordable Housing Viability Assessment in 2009, which considered 15% and 17.5%. This is due to the more restrictive actions of financial institutions, which are tending to mean that only schemes that generate higher levels of profit are able to secure finance. Higher assumed profits also provide a degree of contingency against abnormal costs.
- 4.6 As far as is considered reasonable to do so, this assessment has considered the impact of CIL on the viability of development over time, through the use of a range of 'value points' that are expected to reflect development values at different stages of the economic cycle.

Conclusions

4.7 The CIL Viability Assessment finds that the CIL charges in the following table would be viable. For residential development it recommends that different charges would be viable in different parts of the District. These areas are shown on the map, below. As a result of house price information being most readily available at ward level, ward boundaries have been used to distinguish between the different areas.

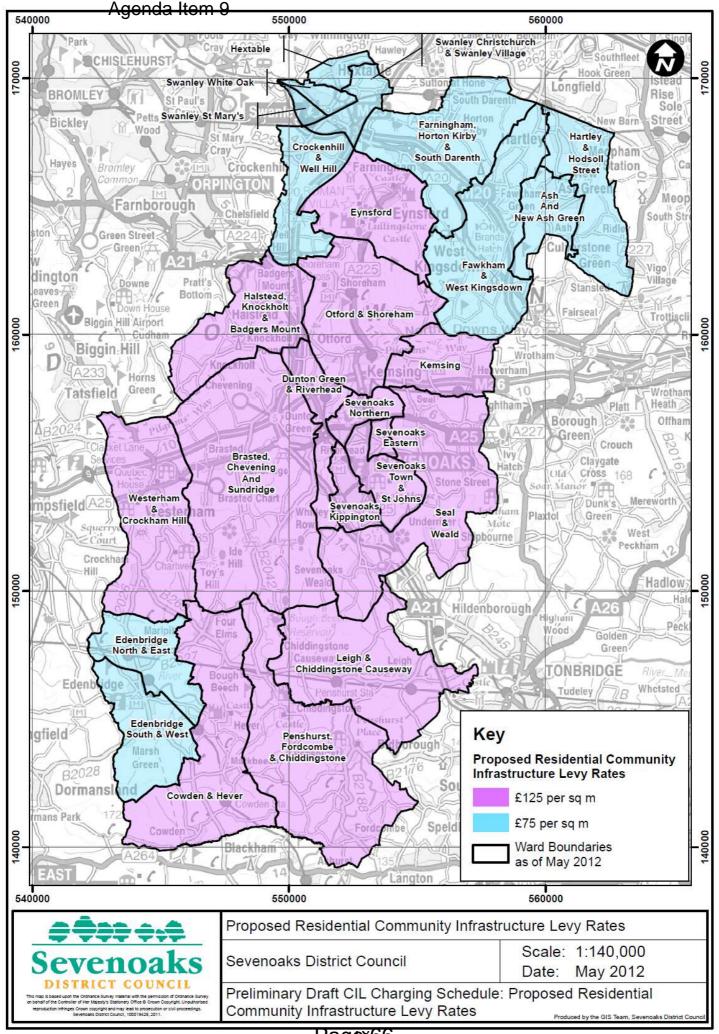
Development Type	Area A	Area B	
Residential	£125 per sq m	£75 per sq m	
Large Retail (supermarkets and	£125 per sq m		
retail warehouses)			
Small Retail (convenience stores	£50 - £75 per sq m		
and town centre comparison			
retail)			
Other forms of development	£0 pe	r sq m	

4.8 A nil charge has been set out for some uses, including offices and warehousing, because the Viability Assessment concludes that the development of units in that use would be at a significant risk of not being viable if a CIL charge was to be levied. To propose higher rates than the Viability Assessment finds would be viable would be highly likely to lead to the CIL Charging Schedule being found unsound at Examination.

4.9 The Viability Assessment notes that a definitive threshold between large and small retail units is difficult to identify. The viability of the use is more closely related to the type of retail offer, with large retail primarily describing supermarkets and large retail warehouses and small retail describing local convenience stores. Work to agree an appropriate threshold with the consultants undertaking the Viability Assessment is ongoing.

Consultation Questions

Do you agree that the viability study represents an appropriate basis for determining the level of CIL that would be viable in the District?



5. Proposed CIL Charge

Funding Infrastructure and Ensuring Development is Viable

5.1 A key test of a sound Charging Schedule is that evidence shows that the proposed charge would not put at serious risk overall development of the area². A summary of the methodology and the conclusions from the CIL Viability Assessment are set out in the previous section.

Proposed Level of CIL in the Preliminary Draft Charging Schedule

5.2 National guidance on setting CIL charges³ states that it is for local authorities to decide what the appropriate balance is between the desirability of funding infrastructure through CIL and economic viability of development across its area. In identifying a proposed CIL charge is generally accepted good practice that a charging authority should not set the level at, or near, the limits of viability. Following this guidance ensures that some flexibility is built into the Charging Schedule to allow for any changes in viability considerations over time and in the case that any assumptions in the viability assessment that do not entirely accurately reflect the situation 'on the ground'. It is proposed that the following levels of CIL are charged:

Development Type	Area A	Area B	
Residential	£125 per sq m	£75 per sq m	
Large Retail (supermarkets and retail warehouses)	£125 per sq m		
Small Retail (convenience stores	£50 per sq m		
and town centre comparison retail)			
Other forms of development	£0 pe	r sq m	

Areas A and B are set out on the map, above.

Estimated CIL Receipts for Development Proposed in the LDF Core Strategy

5.3 Through the infrastructure planning process, described previously in this document, SDC has been able to show that a funding gap of approximately £24,000,000 million exists when an indicative list of infrastructure projects required to support development are considered. This takes into account other sources of funding that may realistically be available to deliver these infrastructure projects. When the flood defence scheme in Edenbridge, which may be considered more related to protecting existing development than supporting new, is removed from the list, the funding gap is approximately £13,000,000.

² Community Infrastructure Levy Guidance: Charge Setting and Charging Schedule Procedures, para 9.

³ Community Infrastructure Levy Guidance: Charge Setting and Charging Schedule Procedures, para 6

- 5.4 It is estimated that, at the levels of CIL proposed, approximately £5,400,000 million will be secured to fund infrastructure improvements. This is before the 'meaningful proportion' to be paid to town and parish councils has been 'top-sliced' from the receipts. This has been estimated on the basis of the following assumptions:
 - The scale of housing development that needs to be delivered to meet the Core Strategy target will be permitted and the distribution of development will broadly accord with the housing trajectory in the 2011 Annual Monitoring Report;
 - Identified sites will be permitted with the percentage of affordable units, which are offered 100% relief from CIL, required by Core Strategy SP3;
 - Annual levels of development will be uniform across the plan period, which will mean that 13% of the dwellings (2 years supply of the 15 years of the plan period remaining) will be delivered before the CIL Charging Schedule comes into force.
 - Average floorspace of newly built dwellings will be 76 sq m (from CABE); and
 - An assumed 10% of the residential floorspace being developed will replace floorspace in existing use, meaning that CIL will not be payable on this element;

Consultation Questions

Do you agree that the proposed level of CIL represents an appropriate balance between the desirability of funding infrastructure through CIL and ensuring that development remains viable?

Do you agree with the need for different CIL levels by use class and/or area within the District?

Do you agree that the estimate for the receipts that CIL will generate is reasonable?

6. Exemptions and Relief

6.1 The Community Infrastructure Levy Regulations 2010 (as amended) identify certain types of development that are exempt, offered relief on a mandatory basis or offered relief at the charging authority's discretion. The Government's 'Community Infrastructure Levy Relief: Information Document' should also be taken into account in considering whether development is likely to qualify for relief or exemption from CIL.

Mandatory Exemptions and Relief

- 6.2 The following forms of development are exempt from paying CIL:
 - buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (Reg 6); and
 - developments of under 100 sq m gross internal area that do not result in the development of 1 or more additional dwellings (Reg 42);
 - development by a charity where the development will be used wholly or mainly for charitable purposes (Reg 43).
- 6.3 Developers of social housing are able to apply for relief from paying CIL (Regs. 49 54). This relief must be granted by the Charging Authority where the tests in the regulations are met (Reg 49). It is assumed that all affordable housing to be developed in the District will meet the tests in the regulations and that the relief granted will be 100% under the formula set out in regulation 50. Relief must be claimed by the owner of the land, who must assume liability to pay CIL, and must be submitted and processed before the commencement of the chargeable development (Reg. 51). Developers should also be aware of the mechanisms established by regulations 52 and 53, which set out processes that must be followed where land is transferred and situations where relief will be withdrawn, which may occur up to 7 years after development commenced.
- 6.4 SDC will consider preparing additional guidance on the implementation of CIL and the processes to secure exemptions and relief and, if required, publish this alongside the final version of the Charging Schedule.

Discretionary Relief

- 6.5 The Council has the option to offer discretionary relief for:
 - development by a charity where the profits of the development will be used for charitable purposes (Regs. 44 - 48); and
 - exceptional circumstances (Regs. 55 58).
- 6.6 Claims for relief for development by a charity must be submitted and processed before commencement of the development (Reg. 47). Local authorities offering a charity relief on its investment developments will

- need to ensure that this action does not constitute State Aid. Regulation 48 sets out circumstances where discretionary charitable relief will be withdrawn, which may occur up to 7 years after development commenced.
- 6.7 At its discretion, SDC has the power to offer relief from CIL for developments where there are exceptional circumstances that justify doing so. This relief can only be offered where the CIL charge would have an unacceptable impact on viability, the cost of complying with a planning obligation is greater than the cost of complying with CIL and the grant of relief would not constitute State Aid. As a result of the requirement for relief to be State Aid compliant, it is anticipated that this relief will only be available in genuinely exceptional circumstances if it is offered at all. The Government's 'Community Infrastructure Levy Relief: Information Document' (para 90) sets out the criteria for assessing whether an action constitutes State Aid and suggests that in almost all cases any relief would do so (para 92).
- 6.8 Charging Authorities' policies on exemptions and relief do not have to be set out at the same time that a Charging Schedule is prepared and do not need to be subject to Examination. If considered appropriate, SDC proposes to set out policies on discretionary relief in a separate policy document to come into effect at the same time as the Charging Schedule, in accordance with the relevant regulations.

Consultation Questions

Do you agree that the Council's interpretation of the legislation regarding exemptions and relief is correct?

Do you consider that the Council should offer discretionary relief for:

- a) development by a charity where the profits from development will be used for charitable purposes?
- b) exceptional circumstances?

What exceptional circumstances do you think should justify relief?

7. Monitoring and Reporting

SDC

- 7.1 Once the CIL Charging Schedule has been adopted, SDC will publish annual reports on:
 - the money collected in the financial year;
 - the total amount of money spent in the financial year;
 - a summary of
 - what CIL has been spent on;
 - o how much money has been spent on each scheme;
 - how much money has been spent to repay funds previously secured to forward fund infrastructure, including on interest payments; and
 - how much money has been spent on administrative costs;
 - the money that remains unspent at the end of the financial year.
- 7.2 The report will be published on the Council's website in the December following the financial year, along with, or as part of, the Council's Annual Monitoring Report for the LDF.
- 7.3 CIL receipts will only be transferred to infrastructure providers that can provide sufficient information to allow SDC to meet these monitoring requirements.
- 7.4 SDC is able to spend a proportion of the CIL receipts on the administration of the scheme. It will ensure that this spending is kept to a minimum to ensure that as much of the money received as possible is spent on infrastructure required to support development in the District.

Town and Parish Councils

7.5 It is anticipated that town and parish councils will have to report annually on the CIL receipts in the same way that SDC will be required to. This issue should be clarified when the Government publishes additional CIL regulations later in 2012.

Consultation Questions

Do you agree that the monitoring arrangements for SDC proposed are appropriate?

Do you agree that similar monitoring arrangements to those for SDC should be placed on town and parish councils?

8. Implementation

Further Guidance

8.1 This document sets out only information that is considered to be necessary or relevant to the preparation of SDC's CIL Charging Schedule. The Planning Act 2008 (as amended), the Community Infrastructure Levy Regulations 2010 (as amended) and CLG's guidance documents contain further detail on the mechanisms that need to be followed in implementing CIL. This includes certificates that persons liable to a CIL Charge must obtain before commencing development, information that must be provided to charging authorities and any enforcement action that may be required as a result of non-compliance. Developers and agents should ensure that they are aware of the mechanisms set out in these documents in time for the implementation of CIL in Sevenoaks District, which is expected towards the end of 2013. SDC will consider whether it is necessary to produce a guidance document on CIL procedures that can supplement nationally available documents and summarise procedures in a sound manner. If it is considered appropriate to produce a guidance document on implementation, SDC will aim to publish this prior to the CIL Charging Schedule coming into force.

Implementation Plan

8.2 SDC will prepare an implementation plan for the introduction of the Community Infrastructure Levy, which, amongst other things, will address how the Council will prioritise infrastructure projects to allocate CIL receipts to and how the use of CIL receipts will be monitored. SDC will publish this document prior to the Charging Schedule coming into force.

Instalments Policy

- 8.3 Local authorities have the flexibility to introduce instalments policies for the payment of CIL (regulation 69B of the CIL Regulations 2010, as amended by the 2011 regulations). This does not have to be subjected to examination along with the Charging Schedule. Where an instalment policy is not in place, the CIL charge is payable in full 60 days after the intended commencement date of the development (regulation 70). Any instalments policy must require payments a certain number of days after the commencement of development. SDC could not link instalment payments to the completion or occupation of a certain number of dwellings, as has sometimes been the case with s106 contributions.
- 8.4 The flexibility to pay in instalments may help to improve the cash-flow of developments and ensure that those that are of marginal viability proceed. On larger schemes in particular, an instalments policy may allow a developer to sell a number of units before all of the CIL charge is paid to the Council. However, an instalments policy will increase the amount time and resources that are spent on administrating CIL at both the Council and developers. The Council are able to seek to cover their CIL administration

- costs and any increase in these may lead to a decrease in the secured funds that can be spent on infrastructure. Given these issues, the Council seeks the views of stakeholders on the following consultation questions.
- 8.5 If considered appropriate, SDC proposes to set out an instalments policy in a separate policy document to come into effect at the same time as the Charging Schedule, in accordance with the relevant regulations.

Consultation Questions

Do you think that SDC should introduce an instalments policy for the payment of CIL?

If so, how should the total CIL payment be split between instalments and what do you think are suitable periods after commencement for CIL instalments to be payable?

What do you think is a reasonable threshold below which developers will not be able to pay CIL in instalments?

Appendix A: Preliminary Draft Charging Schedule

COMMUNITY INFRASTRUCTURE LEVY: PRELIMINARY DRAFT CHARGING SCHEDULE

JUNE 2012

Background

This document is an initial draft of the Community Infrastructure Levy Charging Schedule for Sevenoaks District. It is subject to consultation between X June/July 2012 and X July/August 2012. Views expressed on the Charging Schedule and the supporting consultation document will be taken into account in preparing the final version of the Schedule.

Charging Authority

The Charging Authority will be Sevenoaks District Council.

Date of Approval

It is anticipated that the Charging Schedule will be subject to independent examination in summer 2013 and adopted in late 2013.

Date of Effect

It is anticipated that the Charging Schedule will come into effect in late 2013 / early 2014.

Statutory Compliance

The draft Charging Schedule will need to be approved and published in accordance with the Community Infrastructure Levy Regulations 2010 and Part 11 of the Planning Act 2008.

In setting the CIL rate the Council will need to take account of

- the desirability of funding from CIL (in whole or part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

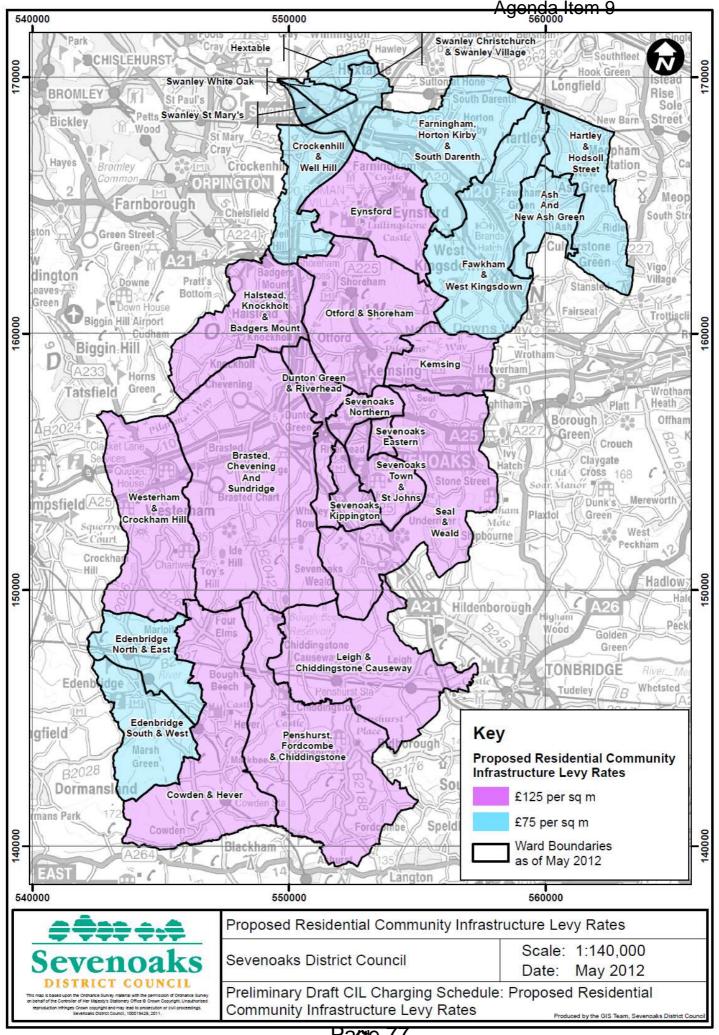
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The CIL Rate

Developers will be liable to pay the following CIL rates in Sevenoaks District, subject to any exemptions, relief or reductions that may be available under the CIL regulations or local discretionary exemptions:

Development Type	Area A	Area B
Residential	£125 per sq m	£75 per sq m
Large Retail (supermarkets and	£125 pe	er sq m
retail warehouses)		
Small Retail (convenience	£50 pe	r sq m
stores and town centre		
comparison retail)		
Other forms of development	£0 per	sq m

Areas A and B are set out on the map, below



Calculating how much CIL developers will pay.

Calculating the Charge

SDC will calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010, as amended in 2011.

<u>Inflation</u>

Under Regulation 40, the CIL rate will be updated annually for inflation in accordance with the Royal Institute of Chartered Surveyors "All In Tender Price Index".

Existing Floorspace on a Development Site

Regulation 40 provides that the total floorspace of any existing buildings on a development site should be subtracted from the floorspace of the chargeable development, where the existing buildings have been in use for at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

CIL will not be payable on change of use.

Exemptions and Relief

The following forms of development are exempt from paying CIL:

- buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (Reg 6); and
- developments of under 100 sq m that do not result in the creation of 1 or more additional dwellings (Reg 42);
- development by a charity where the development will be used wholly or mainly for charitable purposes (Reg 43).

The following types of development are able to apply for relief from paying CIL:

- social housing (Reg. 48, 49, 50, 51, 52, 53, 54).

In addition, the Council has the option to offer discretionary relief for

- development by a charity where the profits of the development will be used for charitable purposes (Regs. 44, 45, 46, 47, 48); and
- exceptional circumstances (Regs. 55, 56, 57, 58)

The Council's policies on whether discretionary relief is offered will be set out in a separate policy document, in accordance with the relevant regulations.



DRAFT COMMUNITY INFRASTRUCTURE LEVY: INFRASTRUCTURE PLAN

JUNE 2012

Background

- 1.1 This infrastructure plan supports an initial consultation on the Community Infrastructure Levy in Sevenoaks District, which includes a 'preliminary draft' Charging Schedule. It has been prepared following a period of consultation with local infrastructure providers (including internal SDC stakeholders) and town and parish councils.
- 1.2 In preparing infrastructure plans to support CIL Charging Schedules, it is recognised that it is difficult to predict the infrastructure that is required with a high degree of certainty. The guidance and legislation on CIL does not require SDC to commit funding to projects identified in this document once CIL has been adopted. The Council will have the flexibility to spend CIL receipts on any other type of infrastructure that is considered to be a priority at the time. In this way, the Council will be able to provide funding for infrastructure to support development in locations that are not currently anticipated.

The Community Infrastructure Levy and Charging Schedules

2.1 The Community Infrastructure Levy (CIL) is a locally set standard charge that can be applied to new development to fund infrastructure. It is calculated in £ per sq m of new development. In order to charge CIL, charging authorities must prepare a Charging Schedule. Sevenoaks District Council is the charging authority for Sevenoaks District.

Infrastructure

- 3.1 In accordance with the legislation (Section 216 of the Planning Act), CIL must be used to fund infrastructure to support the development of its area. CIL may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure.
- 3.2 The Planning Act identifies the types of infrastructure that should be considered for funding through CIL, although the list is not definitive. These are:
 - (a) roads and other transport facilities,
 - (b) flood defences,
 - (c) schools and other educational facilities.
 - (d) medical facilities,
 - (e) sporting and recreational facilities, and
 - (f) open spaces.
- 3.3 CIL should usually be used to provide contributions for infrastructure improvements that serve a wider area than just the specific development site or where more than 5 contributions will need to be pooled to deliver the new infrastructure or improvement. Site specific infrastructure will continue to be secured through planning obligations. The following is a list of the types of infrastructure that will be funded through planning obligations.

- Site specific highway works;
- On-site open space, for example children's play areas;
- Site specific biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.
- 3.4 In addition, affordable housing provision and contributions will continue to be secured through planning obligations.
- 3.5 Other mechanisms exist to ensure that developers provide sufficient infrastructure or financial payments to ensure that new development is provided with the necessary utilities, including water and sewerage infrastructure. SDC will support the timely provision of the necessary infrastructure. The costs of providing this infrastructure should be taken into account in establishing the viability of development.

Local Development Framework and Development Proposed in Sevenoaks District

Local Development Framework

- 4.1 Sevenoaks District Council adopted the Local Development Framework Core Strategy for the District in February 2011. The Core Strategy sets out policies on the overall scale and distribution of development and strategic policies that will be used to determine the type of development that comes forward and protect the natural and built environment. The Core Strategy provides for the development of 3,300 new dwellings to be built in Sevenoaks over the period 2006-2026.
- 4.2 SDC is currently preparing the Allocations and Development Management Policies DPD (ADM DPD). This will identify new land use allocations for housing, employment and boundaries for other land use designations such as the Green Belt and AONB. The allocations will provide sufficient development sites to ensure that the Council can meet the remainder of the target for new dwellings to 2026 (approximately 1200 dwellings).

<u>Development Proposed in Sevenoaks District</u>

4.3 The adopted Sevenoaks District LDF Core Strategy plans for the development of 3,300 dwellings in the period 2006-2026. SDC's most recent Annual Monitoring Report sets out the housing land supply position within the District at 31 March 2011. 1186 additional dwellings had been completed in the period 2006-2011. A further 1120¹ additional dwellings have extant planning consent. To meet the remaining requirement, the Council has identified the potential for 819 dwellings to be developed on sites identified in the Strategic Housing Land Availability Assessment which

¹ This figure is subject to a non-implementation rate of 7% on sites under 0.2 ha and 4% on sites of 0.2 ha and over. These rates are based on previously identified trends.

are consistent with strategic Core Strategy Policies and forecasts the development of 350 dwellings on small, as yet unidentified, sites in the last 5 years of the plan period. This will mean that the Council will have a sufficient supply of new housing to meet or exceed the Core Strategy requirement of 3,300 dwellings.

4.4 The numbers of additional dwellings that are expected to be permitted and developed in the period to 2026 by the housing trajectory in the 2011 Annual Monitoring Report are:

Sevenoaks Urban Area	368
Swanley	464
Edenbridge	52
Rest of District	285
Total	1169

4.5 In addition to this residential development, the Core Strategy proposes the development of approximately 4,000 sq m of new retail floorspace in Sevenoaks, the development of 4.1ha of employment land at Broom Hill in Swanley and the redevelopment of Swanley Town Centre.

Population Forecasts

- 4.6 In most cases, the need for additional or improved infrastructure is likely to result from an increase in population as a result of development, rather than the increase in the number of dwellings itself.
- 4.7 Kent County Council's most recent strategy-based <u>demographic forecasts</u> predict that, on the basis of the number of dwellings remaining to be developed over the Core Strategy period in the District, the total population in Sevenoaks District will increase from 114,100 in 2010 to 114,200 in 2026. These forecasts indicate that, at the District-wide level, any increase in population as a result of new development will largely be offset by the impact of wider demographic changes, such as more single person households. In assessing the appropriate contribution for District-wide infrastructure, it is considered that providers should assess the impact of development on population by applying these forecasts.
- 4.8 Where new infrastructure is required at the local level within the District or a specific new development, for example a new local play area, the requirement will be more closely related to the new population moving into the new development regardless of where they have moved from and of the impact of wider demographic changes. In this case, SDC consider it appropriate that assessments of the impact of development assume local population increase will be equivalent to the average household size in the District (2.43 in the 2001 Census) multiplied by the number of dwellings.
- 4.9 Other organisations have taken different approaches to considering the impacts of development on population growth. SDC will review these approaches and consider their suitability prior to the preparation of the pre-submission consultation version of the Charging Schedule. Their

schemes have been included in the draft CIL Infrastructure Plan, prior to this review.

Infrastructure Planning

- 5.1 This infrastructure plan was developed following consultation with local infrastructure providers and town and parish councils between February and April 2012. All consultees were sent an information pack that explained the background to CIL, set out the level of development expected to come forward in the District, set out the population forecasts and explained the information that the Council required in preparing a CIL Charging Schedule. In particular, information was requested on:
 - What infrastructure projects are expected to be required;
 - Why the infrastructure projects are required as a result of development;
 - When the infrastructure projects are expected to be required; and
 - The expected cost of delivering the infrastructure and the funding that is already committed to delivering it.
- 5.2 Information provided to the Council was reviewed and categorised into the three schedules that are set out in appendices A, B and C. These schedules are:

Potential Strategic Schemes for CIL Funding

- 5.3 These schemes are considered to be potentially strategically important in facilitating the scale and distribution of development proposed in the District in the LDF. This may be because these schemes have been identified as required in the Infrastructure Delivery Plan Schedule of the Core Strategy or the background evidence (such as the Open Space, Sport and Recreation Study) or because they are considered to generally support development in accordance with the Core Strategy and the Council's trajectory.
- 5.4 The infrastructure that CIL will be used to fund is dependent on where and when development comes forward in the District. Therefore, this list should be treated as purely indicative. Under the CIL guidance and legislation, CIL receipts can be used for other infrastructure projects to support development.
- 5.5 These schemes have been used to identify a funding gap, which the Council is required to show to justify the CIL charge. Therefore, only schemes that have been costed and where information on other committed funding has been provided have been included in this list. CIL receipts are unlikely to be available to fund these schemes in their entirety

- but may be able to form part of packages of funding to meet the identified funding gaps. In calculating the funding gap, the likely cost of providing the infrastructure required post-2014, when the CIL Charging Schedule is expected to be adopted, has been estimated by the Council.
- 5.6 Some schemes will support existing as well as new development. Whilst the total cost of the scheme is included in the schedule, in reality it will only be appropriate for development to meet a proportion of the cost based on the extent to which it will support new development.

Potential local schemes for CIL funding

- 5.7 These schemes have predominately been identified by town and parish councils in their submissions to SDC. These schemes are considered to be locally important and provide an indication of the types of schemes that town and parish councils may provide through the 'meaningful proportion' of CIL transferred to them.
- 5.8 The lack of inclusion of these schemes in the schedule of potentially strategic schemes does not necessarily mean that town and parish councils will only be able to deliver these schemes using the CIL receipts paid directly to them. SDC may transfer additional funds to town and parish councils to deliver these schemes where they are considered priorities to support development.
- 5.9 These schemes have not been taken into account in identifying the CIL funding gap because their delivery is considered to be dependent on development coming forward in the particular local area.
- 5.10 Town and parish councils will not be limited to spending CIL receipts on schemes identified in this schedule.

Other proposed schemes

- 5.11 These schemes have been suggested to the Council as those that could be funded through CIL, primarily by town and parish councils. However, they have not been included in the 'strategic' or 'local' priority lists because:
 - more information is required on the scheme;
 - they require delivery by an organisation that has not currently indicated a proposal to deliver it (it is hoped that these bodies will respond to the scheme proposals following the publication of this document); or
 - they are not considered to be appropriate uses of CIL.
- 5.12 The lack of inclusion of these schemes in either the strategic or local priority schedules does not necessarily preclude the scheme promoter seeking CIL funding for these schemes if needs change or if further evidence of need or of the specific details of the project to be developed becomes available in the future. The inclusion of schemes in this list may simply indicate that additional information or commitment from another organisation is required. As stated previously, SDC and town and parish

councils are not limited to providing funding for those schemes identified in the 'strategic' or 'local' priority infrastructure lists.

Summary

Scheme Type	Lead Body	Cost	Committed Funding *	Funding Gap
Transport Schemes, including Urban Traffic Management Control (UTMC) system for Sevenoaks and Implementation of selected routes from the Sevenoaks Cycling Strategy	Kent County Council	£1,980,000 - £2,130,000 (£2,055,000 assumed)	£O	£2,055,000
Flood Defence and Water Quality Infrastructure, including flood defence scheme in Edenbridge	Environment Agency	£11,300,000	£O	£11,300,000
Schools, including primary and secondary in Sevenoaks and Swanley	Kent County Council	£4,380,690	£O	£4,380,690
Health Care, including improvements to existing facilities in Sevenoaks, Swanley and Edenbridge	NHS	£1,021,238	£O	£1,021,238
Community facilities, including improvements to libraries, community learning, community	Kent County Council and Sevenoaks District Council	£1,189,798	£0	£1,189,798

development work to integrate new residents and SDC's youth zone scheme.				
Open Space, Sport and Recreation, including the redevelopment of Whiteoak Leisure Centre, provision of outdoor 'Green Gyms', provision of allotments in Sevenoaks and Swanley and additional facilities or extensions to wildlife sites.	Scheme- dependent, includes Sevenoaks District Council, Kent Wildlife Trust, North West Kent Countryside Partnership, Edenbridge Town Council and Sevenoaks Town Council	£7,485,250 - £7,487,250 (£7,486,250 assumed)	£3,501,000	£3,984,250 - £3,986,250 (£3,985,250 assumed)

Total £27,432,976 £3,501,000 £23,931,976

<u>Status</u>

- 5.13 In preparing a CIL Charging Schedule, SDC does not need to indicate the infrastructure that CIL receipts will be used to fund in advance. Instead, it simply needs to identify the types of infrastructure that may be required to support development and the additional funding that is required to deliver them. Therefore, the lists provided in appendices A, B and C of this document are purely indicative of the schemes that may be funded through CIL. These lists will continue to be reviewed as priorities change and more evidence is brought forward about the schemes suggested.
- 5.14 The lists of schemes have been produced following an initial period of consultation with infrastructure providers and not a robust assessment of the necessity of the schemes suggested or the appropriate split between contributions from CIL and other funding available for providing services for existing communities. As the Council considers these schemes further or additional evidence is provided, the inclusion of the schemes or the details may change. It is likely that the estimated funding gap will reduce. Inclusion of schemes in the 'strategic priority' list does not guarantee that the Council will view them as a priority and make CIL funding available at the time that development comes forward. Infrastructure providers may

^{*} i.e. forecast Council Tax or Grant increase as a result of development, existing resources or revenue from redevelopment of other sites.

- be asked to provide evidence to justify a release of funds once CIL receipts are received.
- 5.15 Once the CIL Charging Schedule has been adopted, Local planning authorities can identify what infrastructure will be funded through CIL so that planning obligations can continue to be negotiated for other infrastructure. In order to do this, charging authorities can publish a list of infrastructure to which CIL will contribute on its website. This list is sometimes referred to as a Regulation 123 list. This list does not need to be the same as the infrastructure plan which is submitted to support the Charging Schedule at Examination and can be reviewed at any time.

Core Strategy Infrastructure Delivery Plan

5.16 SDC's existing Infrastructure Delivery Plan is set out at appendix 4 to the adopted Core Strategy. This document was prepared in 2010 and had regard to the information provided by infrastructure providers in written correspondence with the Council or in existing or emerging strategy documents. The Core Strategy is clear that this is to be treated as a live document. SDC will use the information provided through the process of preparing the CIL Charging Schedule to develop an amended Infrastructure Delivery Plan.

Appendix A: Potential strategic schemes for CIL funding

These schemes are considered to be potentially strategically important in facilitating the scale and distribution of development proposed in the District. They have been used to identify a funding gap, which justifies the CIL charge. CIL receipts are unlikely to be available to fund these schemes in their entirety but will need to form part of packages of funding to meet the identified funding gaps.

Scheme	Location	Need for Scheme	Timescale	Lead Body	Cost	Funding Committed	Funding Gap	Source
Urban Traffic Management Control (UTMC)	Sevenoaks Town	To help alleviate congestion, monitor and improve air quality, including at existing Air Quality Management Areas, and monitor HGV traffic. Real time bus running information at key bus stops would also be provided through the scheme.	2014-2018	Kent County Council	£540,000 - £690,000 (£615,000 assumed)	£0	£615,000	KCC Highways response to CIL infrastructure consultation
Minplementation of elected routes from the evenoaks District Cycling strategy (note: these elected to give an indication of the cost of implementing the strategy and does not mean that other routes can not be funded through CIL)	Route 1 – East-west route across northern Sevenoaks (£480K) Route 6 – North-south route connecting Otford and Sevenoaks - urban and leisure route (£600K) Route 7 – Link between the Sevenoaks Railway Station and town centre (£120K) Route 13 – Link from existing London Road, Swanley, cycle lane to the to town centre Route 14 and 15 – Route connecting Swanley town centre to Swanley Railway station. Route 19 – Link to Swanley Station from High Street (£240K for 3 Swanley schemes)	To enable more people to cycle more safely in the district so as to encourage a shift towards more sustainable transport choices, therefore reducing congestion and poor air quality, and healthy leisure activities.	2014-2018	Kent County Council	£1,440,000	£0	£1,440,000	KCC Highways response to CIL infrastructure consultation
Community fund to support local regeneration projects in Swanley	Swanley	To ensure that new development in Swanley contributes to the regeneration priorities in the town.	2014 - onwards	Sevenoaks District Council and partners	£201,066 (based on £500 per dwelling over period 2014 – 2026)	£0	£201,066	SDC Core Strategy and Draft Developer Contributions SPD
Identification, design and construction of schemes to reduce the impact of pollution from surface water outfalls on water quality in the District.	Sevenoaks District	To address problem surface water outfalls in Sevenoaks District that impact on surface water quality.	2015	Environment Agency	£300,000	£0	£300,000	Environment Agency response to CIL infrastructure consultation

Edenbridge Flood Alleviation Scheme	Edenbridge	To reduce flood risk in Edenbridge (note: funding from CIL will only be allocated where development at a potential risk of flooding occurs)	Unknown	Environment Agency	£11,000,000	£0	£11,000,000	Environment Agency response to CIL infrastructure consultation
Provision of new allotments in Edenbridge	Edenbridge (North and East ward)	Proposal by Edenbridge Town Council to resolve a deficiency identified in the Open Space, Sport and Recreation Study.	2012 - onwards	Edenbridge Town Council	£8,000 - £10,000 (£9,000 assumed)	£1,000	£8,000	Edenbridge Town Council response to CIL infrastructure consultation
Improvements to existing nature reserves in Sevenoaks District (Darent Triangle Living Landscape)	North of Sevenoaks District (including Sevenoaks Wildlife Reserve; Fackenden Down, Shoreham; Kemsing Down; and Polhill Bank)	To provide improved access to natural and semi natural green space for increased population in Sevenoaks District.	2012 - onwards	Kent Wildlife Trust	£156,000 (over period 2014 - 2026)	£0	£156,000	Kent Wildlife Trust response to CIL infrastructure consultation
Improvements to existing nature reserves in Sevenoaks District (Sevenoaks Living Landscape Project)	South of Sevenoaks District (including Sevenoaks Common and Bough Beech Nature Reserve)	To provide improved access to natural and semi natural green space for increased population in Sevenoaks District.	2012 - onwards	Kent Wildlife Trust	£130,000 (over period 2014-2026)	£0	£130,000	Kent Wildlife Trust response to CIL infrastructure consultation
Capacity expansion at Edenbridge Primary School	Edenbridge Primary School	To provide an increased number of primary school places required as a result of new development.	2012 - onwards	Kent County Council	£229,785 (over period 2014-2026)	£0	£229,785	Kent County Council response to CIL infrastructure consultation
apacity expansion at arrival arrival arrival arrival arrival arrival area arrival arri	North of Sevenoaks District	To provide an increased number of primary school places required as a result of new development.	2012 - onwards	Kent County Council	£313,351 (over period 2014-2026)	£0	£313,351	Kent County Council response to CIL infrastructure consultation
Capacity expansion at primary schools in 'rural' Sevenoaks District	Rural areas of Sevenoaks District	To provide an increased number of primary school places required as a result of new development.	2012 - onwards	Kent County Council	£396,047 (over period 2014-2026)	£0	£396,047	Kent County Council response to CIL infrastructure consultation
Capacity expansion at primary schools in Sevenoaks Urban Area	Sevenoaks Urban Area	To provide an increased number of primary school places required as a result of new development.	2012 - onwards	Kent County Council	£180,304 (over period 2014-2026)	£0	£180,304	Kent County Council response to CIL infrastructure consultation
Capacity expansion at Swanley primary schools	Swanley	To provide an increased number of primary school places required as a result of new development.	2012 - onwards	Kent County Council	£858,900 (over period 2014-2026)	£0	£858,900	Kent County Council response to CIL infrastructure consultation
Capacity expansion at Knole Academy	Knole Academy	To provide an increased number of secondary school places required as a result of new development.	2012 - onwards	Kent County Council	£1,591,615 (over period 2014-2026)	£0	£1,591,615	Kent County Council response to CIL infrastructure consultation

Capacity expansion at	Swanley	To provide an increased	2012 -	Kent County	£810,688	£0	£810,688	Kent County
Swanley secondary		number of secondary	onwards	Council	(over period		,	Council
schools		school places required as			2014-2026)			response to CIL
		a result of new						infrastructure
		development.						consultation
Adult Social Services	Sevenoaks District	To provide additional	2012 -	Kent County	£11,520	£0	£11,520	Kent County
projects - Building		support to new clients of	onwards	Council	(over period			Council
community capacity and		Adult Social Services			2014-2026)			response to CIL
providing assistive		moving into the District as						infrastructure
technology		a result of development.						consultation
Libraries - District-wide	Sevenoaks District	To provide additional	2012 -	Kent County	£51,381	£0	£51,381	Kent County
book stock		library facilities to support	onwards	Council	(over period			Council
		new clients moving into			2014-2026)			response to CIL
		the District as a result of						infrastructure
		development.						consultation
Edenbridge Library –	Edenbridge	To provide additional	2012 -	Kent County	£10,590	£0	£10,590	Kent County
extended opening hours		library facilities to support	onwards	Council	(over period			Council
and additional staff		new clients moving into			2014-2026)			response to CIL
		the District as a result of						infrastructure
		development.						consultation
New Ash Green Library -	New Ash Green	To provide additional	2012 -	Kent County	£17,864	£0	£17,864	Kent County
extended opening hours		library facilities to support	onwards	Council	(over period			Council
and additional staff		new clients moving into			2014-2026)			response to CIL
—		the District as a result of						infrastructure
D		development.						consultation
evenoaks Library -	Sevenoaks	To provide additional	2012 -	Kent County	£118,177	£0	£118,177	Kent County
xtended opening hours		library facilities to support	onwards	Council	(over period			Council
nd additional staff		new clients moving into			2014-2026)			response to CIL
90		the District as a result of						infrastructure
0		development.						consultation
Mobile Library - extended	Sevenoaks District	To provide additional	2012 -	Kent County	£568	£0	£568	Kent County
opening hours and		library facilities to support	onwards	Council	(over period			Council
additional staff		new clients moving into			2014-2026)			response to CIL
		the District as a result of						infrastructure
		development.						consultation
Community learning -	Sevenoaks District	To provide additional	2012 -	Kent County	£41,632	£0	£41,632	Kent County
additional equipment,		community learning	onwards	Council	(over period			Council
staffing and class room		facilities to support new			2014-2026)			response to CIL
hours at adult education		clients moving into the						infrastructure
centres and through		District as a result of						consultation
outreach		development.	0040	AULIO	64 004 000		64 004 000	NUIO
Improvements and	Based on existing identified sites:	To provide additional	2012 -	NHS	£1,021,238	£0	£1,021,238	NHS response
extensions of existing	Sevenoaks: Town Medical Centre;	primary health care	onwards		(over period			to CIL
primary health care	Swanley: A number of options identified,	capacity to support			2014-2026)			infrastructure
facilities in Sevenoaks	including Oaks and Cedars surgeries,	development where it	1					consultation
District.	Swanley;	occurs.						
	Edenbridge: A number of options		1					
	identified, including Edenbridge Surgery;							
	Rest of District:							
	 Kent House Surgery (Longfield) 		1					
	 New Ash Green Surgery 							
	 Winterton Surgery (Westerham) 		<u>l </u>					

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Increased provision of allotments in Sevenoaks town Redevelopment of Whiteoak Leisure Centre	Sevenoaks town Swanley	Proposal by Sevenoaks Town Council to resolve a deficiency identified in the Open Space, Sport and Recreation Study. To provide modern sports and recreation facilities in Swanley.	2012 - 2017 Unknown	Sevenoaks Town Council Sevenoaks District Council	£5,500 (over period 2014 - 2026)	£3,500,000	£5,500 £3,500,000	Sevenoaks Town Council response to infrastructure consultation Internal SDC consultation.
Restoration of Bradbourne Lakes	Bradbourne Lakes, Sevenoaks Town	To provide improved access to natural and semi natural green space for increased population in Sevenoaks District.	2013 - onwards	North Kent Countryside Partnership	£20,750	£0	£20,750	Internal SDC consultation and consultation with North West Kent Countryside Partnership
Community development work to bring old and new communities together	Sevenoaks District	To integrate new residents into the community.	2014 - onwards	Sevenoaks District Council	£455,000	£0	£455,000	Internal SDC consultation.
Outdoor green gyms	Sevenoaks District	To provide sport and recreation facilities for new and existing residents.	2014 - onwards	Sevenoaks District Council	£165,000	£O	£165,000	Internal SDC consultation.
Replacement and/or additional Youth Zone	Sevenoaks District	To ensure that SDC is able to provide its youth services to new residents.	2014 - onwards	Sevenoaks District Council	£282,000	£0	£282,000	Internal SDC consultation.

Total	£27,432,976	£3,501,000	£23,931,976

Appendix B: Potential local schemes for CIL funding

These schemes are considered to be locally important and provide an indication of the types of schemes that town and parish councils may provide through the 'meaningful proportion' of CIL transferred to them. SDC may transfer additional funds to town and parish councils to deliver these schemes where they are considered priorities to support development. These schemes have been identified through consultation with all town and parish councils between February and April 2012 but have not been taken into account in identifying the CIL funding gap because their delivery is considered to be dependent on development coming forward in the particular local area. Town and parish councils will not be limited to spending CIL receipts on schemes identified in this schedule.

Scheme	Location	Need for Scheme	Timescale	Lead Body	Cost	Funding Committed	Funding Gap	Source
Provision of new burial ground in Ash-cum-Ridley Parish	Ash-cum-Ridley Parish	To provide additional space for burials when plots on the existing ground run out in approx. 5 years.	2017	Ash-cum-Ridley Parish Council	£50,000	£33,000	£17,000	Ash-cum-Ridley Parish Council response to CIL infrastructure consultation
Refurbishment of Village Walls and Youth and Community Centre in Ash- Gum-Ridley Parish D	New Ash Green, Ash and Hodsoll Street	To ensure that existing facilities have a long term future.	Unknown	Hall Managers / committees with Ash-cum-Ridley Parish Council involvement	£400,000	Unknown	Unknown	Ash-cum-Ridley Parish Council response to CIL infrastructure consultation
Furbishment of Brasted ayground	Brasted	To ensure that equipment meets existing safety standards.	2014	Brasted Parish Council	£40,000	03	£40,000	Brasted Parish Council response to CIL infrastructure consultation
New Pavilion at Chipstead Common	Chipstead Common	To upgrade existing facilities which are in a poor state of repair. Increased usage expected as a result of any development.	2014	Chevening Parish Council	£100,000	03	£100,000	Chevening Parish Council response to CIL infrastructure consultation
Improved playground at Chipstead Recreation Ground	Chipstead Recreation Ground	To improve the existing well used facility.	2014	Chevening Parish Council	£50,000 - £75,000	£0	£50,000 - £75,000	Chevening Parish Council response to CIL infrastructure consultation
Edenbridge Cemetery Extension	Edenbridge Cemetery	To provide additional burial places. Current capacity is only 10 years.	2013 - onwards	Edenbridge Town Council	£85,000	£2,000	£83,000	Edenbridge Town Council response to CIL infrastructure consultation
Senior / Fitness Play Equipment	Edenbridge town	Local desire to meet a gap in existing provision.	2020	Edenbridge Town Council	£40,000	03	£40,000	Edenbridge Town Council response to CIL infrastructure consultation

Marsh Green Playground refurbishment	Marsh Green	Existing equipment is considered dated and not to provide stimulating or challenging activities for users.	2020	Edenbridge Town Council	£45,000	£0	£45,000	Edenbridge Town Council response to CIL infrastructure consultation
Edenbridge Recreation Ground playground refurbishment	Edenbridge town	Existing equipment is considered dated and not to provide stimulating or challenging activities for users.	2015	Edenbridge Town Council	£80,000	£0	£80,000	Edenbridge Town Council response to CIL infrastructure consultation
Spittals Cross playground refurbishment	Spittals Cross	Existing equipment is considered dated and not to provide stimulating or challenging activities for users.	2013 - onwards	Edenbridge Town Council	£65,000	£0	£65,000	Edenbridge Town Council response to CIL infrastructure consultation
Stangrove Park (Edenbridge) playground refurbishment	Edenbridge town	Existing equipment is considered dated and not to provide stimulating or challenging activities for users.	2012 & 2025	Edenbridge Town Council	£80,000	£0	£80,000	Edenbridge Town Council response to CIL infrastructure consultation
Replacement of street lights in the Edenbridge town council area	Edenbridge Town Council area	To maintain / replace 210 ageing street lights	2012 - onwards	Edenbridge Town Council	£420,000	03	£420,000	Edenbridge Town Council response to CIL infrastructure consultation
MX & Skate ramp Omprovements	Edenbridge Town Council area	Existing equipment is considered dated and not to provide stimulating or challenging activities for users.	2020	Edenbridge Town Council	£50,000	£0	£50,000	Edenbridge Town Council response to CIL infrastructure consultation
provements to the Stag community Arts Centre	Sevenoaks town	To ensure audience development and the long term sustainability of the Stag	2012 - 2017	Sevenoaks Town Council	£300,000	£30,000	£270,000	Sevenoaks Town Council response to CIL infrastructure consultation
Improvements to Raleys Gymnasium	Sevenoaks town	Current facility is no longer fit for purpose and does not enable equal access	2012-2017	Sevenoaks Town Council	£1,000,000	£65,500	£934,500	Sevenoaks Town Council response to CIL infrastructure consultation
Sevenoaks Community Centre Redevelopment	Sevenoaks town	Current facility is not fit for purpose	2012-2022	Sevenoaks Town Council	£1,000,000	£0	£1,000,000	Sevenoaks Town Council response to CIL infrastructure consultation
Relocation of Sevenoaks Town Council offices	Sevenoaks town	To increase public footfall to enable Sevenoaks Town Council to offer an improved service level	2012-2022	Sevenoaks Town Council	£1,000,000	£0	£1,000,000	Sevenoaks Town Council response to CIL infrastructure consultation

Indoor Cricket School Provision in Sevenoaks town	Sevenoaks town	Current facility is not fit for purpose	2012-2017	Sevenoaks Town Council	£400,000	£65,000	£335,000	Sevenoaks Town Council response to CIL infrastructure consultation
Sevenoaks Town Partnership projects	Sevenoaks town	To enable the Partnership to continue to invest in the long term economic and social stability of Sevenoaks Town	2012 - ongoing	Sevenoaks Town Council	£260,000 (over period 2014 - 2026)	£169,000 (over period 2014 – 2026)	£91,000 (over period 2014 - 2026)	Sevenoaks Town Council response to CIL infrastructure consultation
Vine Cricket Pavilion	Sevenoaks town	To improve existing facility and improve disabled access	2012 - 2022	Sevenoaks Town Council	£750,000	£0	£750,000	Sevenoaks Town Council response to CIL infrastructure consultation
Provide cycle parking at Sevenoaks Town Council sites	Sevenoaks town	Investment in cycle infrastructure to reduce use of the private car in the town (funds also likely to be available through the KCC scheme in the strategic priority list)	2012 - ongoing	Sevenoaks Town Council	£1,500 per site	£0	£1,500 per site	Sevenoaks Town Council response to CIL infrastructure consultation
Refurbishment of Band Stand U	Sevenoaks town	To ensure its continued existence and facility for entertainment	2012-2017	Sevenoaks Town Council	£20,000	£0	£20,000	Sevenoaks Town Council response to CIL infrastructure consultation
New Children's Dayground to serve the Nest of Westerham	Western Westerham	To support development and a changing population profile	Not identified	Westerham Parish Council	£50,000	None identified	£50,000	Westerham Parish Council response to CIL infrastructure consultation
Refit and improve Westerham playing field pavilion for sports activities	Westerham Playing Field	To support development and a changing population profile	Not identified	Westerham Parish Council	£40,000	None identified	£40,000	Westerham Parish Council response to CIL infrastructure consultation
Improvement to parking at Crockham Hill playing field	Crockham Hill Playing Field	To support development and a changing population profile	Not identified	Westerham Parish Council	£25,000	None identified	£25,000	Westerham Parish Council response to CIL infrastructure consultation
Purchase and refit of an existing hall for community use	Westerham town centre	To support development and a changing population profile	Not identified	Westerham Parish Council	£250,000	None identified	£250,000	Westerham Parish Council response to CIL infrastructure consultation

Appendix C: Other proposed schemes

These schemes have been suggested to the Council as those that could be funded through CIL. The lack of their inclusion in either the strategic or local priority schedules does not preclude the scheme promoter seeking CIL funding for these schemes if needs change or if further evidence of need or the specific project to be developed becomes available in the future. The inclusion of schemes in this list may simply indicate that additional information or commitment from another organisation is required.

Scheme	Location	Need for Scheme	Timescale	Raised by	Cost	Funding Committed	Source	Reason scheme is not included in local / strategic schedules
Small Scale Highway Improvements in Ash – cum-Ridley Parish	Ash-cum-Ridley Parish	Concerns over the junction of Ash Road with North Ash Road in New Ash Green and 'pinch points' in South Ash Road and Ash Lane	Unknown	Ash-cum- Ridley Parish Council	£50,000	Unknown	Ash-cum-Ridley Parish Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC Highways) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Provision of a Multi Play Zone in Brasted	Brasted	To provide play equipment for children over 8 years of age.	2017	Brasted Parish Council	Not yet costed	Not yet costed	Brasted Parish Council response to CIL infrastructure consultation	Project not yet costed. Could be an appropriate use of CIL if development comes forward in Brasted.
Revelopment of a car Park in Brasted O O	Brasted	To resolve parking issues in the village that may occur as a result of new development	Unknown	Brasted Parish Council	Not yet costed	Not yet costed	Brasted Parish Council response to CIL infrastructure consultation	A costed scheme needs to be developed.
Expansion of Brasted Pavillion	Brasted	Not specifically identified	Unknown	Brasted Parish Council	Not yet costed	Not yet costed	Brasted Parish Council response to CIL infrastructure consultation	A costed scheme needs to be developed.
Edenbridge Recreation Ground – Drainage Improvements	Edenbridge Recreation Ground	To provide high quality sports provision	2026 +	Edenbridge Town Council	10,000	£O	Edenbridge Town Council response to CIL infrastructure consultation	Proposed for after the Core Strategy plan period (post 2026)
Bridge Widening on Station Road, Edenbridge	Station Road, Edenbridge	Lorries are unable to access the town from the north, limiting the viability of industrial and retail opportunities.	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (Network Rail) that has not raised a need for CIL funding for this project or a commitment to deliver it.

Romany Way to Hever Road, Edenbridge, walking route	Romany Way to Hever Road, Edenbridge,	To protect residents and children accessing the local schools and town centre facilities	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Den Cross to Marsh Green walking route	Den Cross to Marsh Green	To protect residents when walking into Edenbridge	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Tennis Courts in Edenbridge	Edenbridge	To encourage healthy lifestyles	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (for example Sencio) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Hospital Transport Scheme	Edenbridge	To enable vulnerable people to access medical services	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	It is not clear what this funding is required to deliver as it is understood that this scheme already operates.
Brelades to Railway Pridge (Edenbridge) Palking route C C C C C C C C C C C C C C C C C C C	Edenbridge	To protect vulnerable residents accessing local facilities	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Community Bus Service for Edenbridge	Edenbridge	To enable less mobile residents to access local services	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (Stangrove Area Action Group) that has not raised a need for CIL funding for this project or a commitment to deliver it. There is also a need to ensure that this project does not duplicate a scheme offered by Kent Karrier, which is funded by KCC.
Improvements to the footpath outside the Star in Edenbridge	Edenbridge (outside the Star)	To improve public safety whilst walking into Edenbridge	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Traffic Calming on Marsh Green Road	Edenbridge	To improve public safety whilst walking from Marsh Green into Edenbridge	2012	Edenbridge Town Council	Unknown	Unknown	Edenbridge Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC) that has not raised a need for CIL funding for this project or a commitment to deliver it.

River Darent Strategy	River Darent Catchment	To prepare a long term flood management strategy for the River. The strategy will include a costed investment program to implement the North Kent Rivers Catchment Flood Management Plan.	Initial Assessment underway. Actions will be for 5-50 years.	Environment Agency	Schemes not yet identified.	EA funding committed for strategy	Environment Agency response to CIL infrastructure consultation	Schemes not yet identified. EA funding for developing the strategy is committed.
Sewerage and surface water drains in Hextable	College Road, Hextable	To support any development on the Birchwood School site and a new toilet block on Swanley Park.	Unknown	Hextable Parish Council	Unknown	Unknown	Hextable Parish Council response to CIL infrastructure consultation	Requires delivery by another organisation (local water / waste water company) that has not raised a need for CIL funding for this project or a commitment to deliver it. Currently there are no development proposals for the Birchwood School Site or Swanley Park being considered through the LDF.
Replacement of overhead electricity and telecoms cables on wooden poles with cables underground	Hextable	To prevent loss of connections caused when wooden poles are damaged by weather or accident. This is needed to support business in the village.	Unknown	Hextable Parish Council	Unknown	Unknown	Hextable Parish Council response to CIL infrastructure consultation	Requires delivery by other organisations (electricity and telecoms companies) that have not raised a need for CIL funding for this project or a commitment to deliver it.
Replacement of Kemsing Village Car Park	Kemsing	In the event of the existing car park, at the rear of the former Wheatsheaf Public House, being lost as a result of redevelopment of the site, the car park will need to be replaced in another location.	Unknown	Kemsing Parish Council	Unknown	£0	Kemsing Parish Council response to CIL infrastructure consultation	A costed scheme needs to be developed.
medevelopment of former hicken farm to provide pew dwellings and mitigation of traffic pacts.	Former Chicken Farm, Shorehill Lane, Knatts Valley, Kemsing	The parish council consider the former chicken farm to potentially represent a health hazard. Any additional properties on the site would result in an increase in traffic on the adjoining roads.	Unknown	Kemsing Parish Council	Unknown	Unknown	Kemsing Parish Council response to CIL infrastructure consultation	Funding residential redevelopment is not a legitimate use of CIL. Highways improvements would best be considered at the time of any planning application.
Investment in sewerage system in Kemsing	Kemsing Parish	To ensure that the sewerage system in Kemsing is able to cope with the extra load placed on it by any development that occurs.	Unknown	Kemsing Parish Council	Unknown	Unknown	Kemsing Parish Council response to CIL infrastructure consultation	Requires delivery by another organisation (local wastewater company) that has not raised a need for CIL funding for this project or a commitment to deliver it.
Sevenoaks youth workers / youth café	Sevenoaks town	Project to benefit young people aged 11 to 18 in Sevenoaks and the surrounding areas.	Ongoing	Sevenoaks Town Council	£155,000 capital & £61,000pa revenue	£155,000 capital & £61,000pa revenue	Sevenoaks Town Council response to CIL infrastructure consultation	Response appears to suggest that scheme currently has sufficient funding committed to it. Could be a local priority scheme if additional funding is required.
Improvements to pavements within Sevenoaks town	Sevenoaks town	New development in the area is considered to be likely to place a greater strain on key pedestrian routes through the town. Increased investment in maintenance is required.	Unknown	Sevenoaks Town Council	Unknown	Unknown	Sevenoaks Town Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC Highways) that has not raised a need for CIL funding for this project or a commitment to deliver it.

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Improvements to 'gateways' into the town	Sevenoaks town	To resolve increased strain on access routes into the town as the population increases	Unknown	Sevenoaks Town Council	Unknown	Unknown	Sevenoaks Town Council response to CIL infrastructure consultation	Requires delivery by other organisations (including KCC Highways) that have not raised a need for CIL funding for this project or a commitment to deliver it.
Improved transport links to local health facilities, particularly the new hospital at Pembury	Sevenoaks town	Investment is required to ensure new and existing residents are able to reach health facilities at a reasonable cost	Unknown	Sevenoaks Town Council	Unknown	Unknown	Sevenoaks Town Council response to CIL infrastructure consultation	Requires delivery by other organisations (including KCC Highways and Transportation and bus operators) that have not raised a need for CIL funding for this project or a commitment to deliver it.
Improved signage throughout the town	Sevenoaks town	To remove ambiguous and outdated signs to aid residents in navigating the town	Unknown	Sevenoaks Town Council	Unknown	Unknown	Sevenoaks Town Council response to CIL infrastructure consultation	Requires delivery by other organisations (including KCC Highways) that have not raised a need for CIL funding for this project or a commitment to deliver it.
Decking of car parks within the town, including at Sevenoaks Station and library	Sevenoaks town	To reduce the strain that new development will place on car parking within the town	Unknown	Sevenoaks Town Council	Unknown	Unknown	Sevenoaks Town Council response to CIL infrastructure consultation	Requires delivery by other organisations (including Network Rail and Sevenoaks District Council) that have not raised a need for CIL funding for this project or a commitment to deliver it.
Begeneration of Swanley Wown Centre C C C C C C C C C C C C C C C C C C C	Swanley Town Centre	To bring new employment to the area and to increase the prosperity of the town. Improvements to the road layout would also improve congestion and air quality issues.	Unknown	Swanley Town Council	Unknown	Unknown	Swanley Town Council response to CIL infrastructure consultation	Funding the redevelopment of Swanley Town Centre is not a legitimate use of CIL. However, any development brought forward by the landowner should result in some CIL receipts that could be used to secure improvements to infrastructure in and around the town centre. Highways improvements around the town centre could also be secured through an s106 or s278 agreement to be negotiated at the time of any planning application.
Provision of more public car parking in Westerham	Northern and western Westerham	To support development and a changing population profile.	Unknown	Westerham Parish Council	Unknown	Unknown	Westerham Parish Council response to CIL infrastructure consultation	Costed schemes need to be developed.
Provision of a day care facility, with NHS doctors support, for the elderly in Westerham	Westerham	To support development and a changing population profile.	Unknown	Westerham Parish Council	£500,000	Unknown	Westerham Parish Council response to CIL infrastructure consultation	Requires the involvement of other agencies. It is not clear that these are signed up to the project.

Pelican crossing on the Old London Road, Westerham	Old London Road, Westerham	To support development and a changing population profile.	Unknown	Westerham Parish Council	Unknown	Unknown	Westerham Parish Council response to CIL infrastructure consultation	Requires delivery by another organisation (KCC Highways) that has not raised a need for CIL funding for this project or a commitment to deliver it. The need for this scheme should be considered through an s106 or s278 agreement linked to the development of the old school site (if acceptable) on London Road.
Additional recreation spaces	Sevenoaks District	To provide sport and recreation facilities.	Unknown	Sevenoaks District Council	Unknown	Unknown	Sevenoaks District Council Internal Consultation	Town and parish councils to be given the first opportunity to identify projects to address any perceived shortages in recreation spaces.

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An Introduction to the Community Infrastructure Levy (CIL)

This note sets out nationally prescribed rules and regulation on CIL. The vast majority of the matters raised are not open to local interpretation.

What is CIL?

CIL is a mechanism that allows Charging Authorities to collect a standard charge from developers to fund infrastructure required as a result of development in the District.

Who can charge CIL?

Local Planning Authorities are the CIL Charging Authorities. This means that Sevenoaks District Council are the Charging Authority for the District.

What do Charging Authorities need to do in order to be able to charge CIL?

Charging Authorities need to adopt a Charging Schedule before they can begin charging CIL. Charging Schedules need to be subject to public consultation and independent examination. In this respect, Charging Schedules are similar to Development Plan Documents of the Local Development Framework, such as the Core Strategy.

Charging Schedules set out the charge per sq m of development. This can be different for different forms of development or in different areas but only where viability considerations dictate.

What needs to be considered in preparing a CIL Charging Schedule?

A sound CIL Charging Schedule must be based on evidence that infrastructure is required to support the development planned in the District. This must show a gap between funding available from other mainstream sources and what is needed to deliver the necessary infrastructure. A sound schedule must also be based on evidence that the delivery of the overall scale of development planned would not be non-viable as a result of the CIL Charge. The viability of individual sites does not need to be considered.

As long as the charge is less than or equal to the level required to fund the infrastructure required and less than or equal to the limit above which the overall scale of development is likely to be non-viable, it is up to the Charging Authority to determine what level the charge should be.

Can different CIL charges be applied to different forms of development or development in different areas of the District?

CIL charges can vary according to the type of development or the location. However, this can only be as a result of viability evidence showing that the rate applied in other parts of the District or for other types of development would not be viable. Policy decisions to promote development of a certain type or in a

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certain area by setting a lower charge are considered to constitute 'State Aid' and are not permitted.

How is the CIL charge that a developer should pay calculated?

CIL is calculated by applying the relevant per sq m charge from the Charging Schedule to the floorspace of the permitted development minus the floorspace of any existing buildings on site. As a result, any change of use is not subject to CIL and the replacement of existing buildings on brownfield sites will reduce the CIL charge to be paid.

What forms of development are excluded from CIL?

As well as those uses that the Charging Authority excludes from the Charging Schedule on the grounds of viability, there are some forms of development that do not need to pay CIL. These are:

- any development of less than 100 sq m unless this is the development of one or more dwellings;
- affordable housing;
- any buildings into which people do not usually go or those into which people go only intermittently for the purpose of inspecting or maintaining plant or machinery; and
- development by a charity to be used for charitable purposes.

The Charging Authority can also choose to extend the exemptions to include:

- development by a charity that forms an investment from which the profits will be used for charitable purposes;
- development which can show exceptional circumstances exist (note: the
 tests for proving exceptional circumstances and issues that the Council
 must consider, such as 'State Aid' legislation, mean that there will be very
 few cases where exceptional circumstances can be accepted to exist).

Is CIL negotiable?

CIL is non-negotiable. It can only be waived in exceptional circumstances, if the Charging Authority chooses to allow this. The tests for proving exceptional circumstances and the issues that the Council must consider, such as 'State Aid' legislation, mean that there will be very few cases where exceptional circumstances can be accepted to exist.

Won't CIL make developments non-viable?

In setting the CIL charge, Charging Authorities must show that the overall scale of development planned would not be undeliverable as a result of viability issues. However, individual developments may be made non-viable by CIL. As CIL can only be waived in genuinely exceptional circumstances, some developers are likely to have to take a loss on development or wait for market conditions to improve. In the long-run, CIL will provide certainty about the level of charge that a developer must pay and he/she will be able to factor this in to the price that they pay for land. Recent consultation on s106 contributions issues suggests that developers would welcome this greater certainty.

Won't CIL put house prices up?

Prices of new houses are usually set with regard to comparable existing properties rather than build costs. CIL will either reduce the profits of developers or, more likely in the longer term, the price that they pay for the land.

It is also highly likely to be the case that the CIL charge will be a small percentage of the total build costs and significantly lower than the affordable housing contribution.

What can CIL be spent on?

CIL must be spent on infrastructure to support the development of the area. This can include infrastructure that falls outside of the Council's administrative boundaries.

CIL can be spent on the provision, improvement, replacement, operation or maintenance of infrastructure. It does not have to be used to fund capital investment.

Unlike planning obligations, there is no requirement that there is a functional link between the development paying and the infrastructure that it is funding.

There is no requirement that CIL funds are spent on the infrastructure identified in the evidence to support the preparation of the Charging Schedule.

Amongst other things, infrastructure includes:

- roads and transport facilities,
- flood defences,
- schools and educational facilities,
- medical facilities,
- sporting and recreational facilities, and
- open spaces.

Currently, affordable housing is specifically excluded. However, the Government is considering giving local authorities the ability to include this.

A proportion of CIL can also be spent on the administrative costs of operating the system.

What can CIL not be spent on?

CIL can not be spent on anything that is not required to support the development of the area. It can not be used to fund Council services that are not necessary to support new development, i.e. it can not be used to provide infrastructure to support existing development.

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What role do other organisations play in the CIL process?

The Government is proposing to amend the regulations to ensure that a 'meaningful proportion' of CIL is paid to the town or parish council. It has not decided what this proportion should be.

CIL funds passed to town and parish councils would still need to be spent on infrastructure to support development.

Town and parish councils would have a statutory responsibility to report annually on how CIL funds collected are being spent, amongst other things.

SDC needs town and parish councils, particularly in areas where development is planned, and other infrastructure providers (including the NHS, KCC, Kent Police) to identify what infrastructure is required to support development in order to ensure that there is enough evidence of a funding gap to justify a CIL charge.

Monies paid to town and parish councils can be transferred to other organisations, at the discretion of the town or parish council, where they are delivering a key local infrastructure project (i.e. KCC to develop a school)

Will the Council be required to give CIL receipts to other organisations?

It is the Government's intention that a 'meaningful proportion' of CIL receipts should be passed to town and parish councils in which development occurs. Whilst it is likely that SDC will want to transfer some CIL receipts to other organisations where they are the relevant infrastructure providers, there is no requirement in legislation, regulation or policy that means that they must.

Will town and parish councils where no development is proposed benefit from CIL?

Town and parish councils will only automatically receive CIL money when qualifying development occurs in their area. SDC could choose to allocate CIL money to other town and parish councils where infrastructure in their area is necessary to support development in another town/parish or in the District generally.

How does CIL fit in with the use of planning obligations / s106 agreements?

Planning obligations will still be used to secure site specific s106 contributions, as long as this is not for infrastructure that could be funded through CIL. Once CIL is adopted or from April 2014, whichever comes first, developer contributions will no longer be able to be pooled from more than 5 s106 agreements, if the infrastructure they are funding could be secured through CIL. At present, affordable housing would continue to be funded through s106 agreements. Therefore, the pooling restriction would not apply.

What are the benefits of CIL?

CIL will provide more certainty to developers about what they will have to pay for infrastructure, which will help them to decide upon an appropriate price to pay for development land.

CIL will also provide more certainty for local authorities and infrastructure providers on what funds they can expect to receive.

The system will be more transparent and evidence based than the current planning obligations system, with the public and developers being able to see how funds have been spent.

The CIL system will be speedier as there will be no time needed for negotiation.

The CIL system will be fairer as it will apply to all developments. In the past, smaller developments have rarely contributed towards new infrastructure.

What are the potential negative impacts of CIL?

Some developments may be made non-viable as a result of the need to pay CIL.

The process of preparing a Charging Schedule is time consuming and requires a detailed evidence base.

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Statutory Basis for the Community Infrastructure Levy

The primary legislation for CIL was introduced by sections 205 to 225 of the Planning Act 2008. This was amended by sections 114 and 115 of the Localism Act 2011. The main changes related to the power of examiners considering CIL Charging Schedules and to the payment of a proportion on CIL to town and parish councils.

Regulations on the operation of CIL are set out in the <u>Community Infrastructure Levy Regulations 2010</u>. These regulations have been amended by <u>CIL</u> (<u>Amendment</u>) <u>Regulations 2011</u> and it is anticipated that they will be amended again in April 2012 by a new set of regulations.

Statutory Guidance on CIL is set out in <u>Community Infrastructure Levy Guidance:</u> Charge Setting and Charging Schedule Procedures.

Sound Charging Schedules and the CIL Levies Set

London Borough of Redbridge

£70 per sq m for all types of development anywhere in the District.

Shropshire Council

£40 per sq m for residential development in certain parts of the District and £80 per sq m for residential development in other parts of the District.

Nil charge for all non-residential development.

Newark and Sherwood

£0, £45, £55, £65 or £75 per sq m for residential development depending on where it is in the District.

£100 per sq m for retail (A class) uses anywhere in the District.

£0, £5 or £15 per sq m for industrial development depending on where it is in the District.

Nil charge for all other forms of development.

Portsmouth City Council

£105 for all types of development except:

A1 – A5 in centres and small out of centre retail (less than 280 sq m) = £53

B1, B2, B8 = £0

Hotels = £53

Residential Institutions = £53

Community Uses = £0

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