



AGENDA

CABINET

Monday, 12th October, 2020, at 10.00 am
Online

Ask for:
Telephone:

Ann Hunter
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UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Apologies and Substitutes
2. Declaration of Interests by Member in Items on the Agenda for this meeting
3. Minutes of the Meeting held on 21 September 2020 (Pages 1 - 22)
4. Cabinet Member Updates
5. Mitigating Surface Water Flood Risk on the Highway (Pages 23 - 36)
6. Emergency Active Travel Programme (Pages 37 - 42)
7. "Planning for the Future" White Paper (Pages 43 - 62)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Friday, 2 October 2020

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KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held at Online on Monday, 21st September, 2020.

PRESENT: Mr R W Gough (Chairman), Mrs C Bell, Miss S J Carey, Mrs S Chandler, Mr P M Hill, OBE, Mr R L H Long, TD, Mr P J Oakford, Mr M D Payne, Mrs S Prendergast and Mr M Whiting

OTHER MEMBERS: Mr E E Hotson

OFFICERS: David Cockburn (Corporate Director Strategic & Corporate Services), Zena Cooke (Corporate Director of Finance), Barbara Cooper (Corporate Director of Growth, Environment and Transport), Dr Allison Duggal (Deputy Director of Public Health), Matt Dunkley CBE (Corporate Director for Children Young People and Education) and Benjamin Watts (General Counsel)

UNRESTRICTED ITEMS**161. Apologies and Substitutes**
(Item 1)

There were no apologies for absence.

162. Declaration of Interests by Member in Items on the Agenda for this meeting
(Item 2)

There were no declarations of interest.

163. Minutes of the Meeting held on 20 July 2020
(Item 3)

Resolved that the minutes of the meetings held on 20 July 2020 are a correct record, and that they be signed by the chairman.

164. Cabinet Member Updates (verbal item)
(Item 4)

- (1) Mrs Chandler said that conversations with the Home Office and the Department for Education had continued since the authority's decision on 17 August not to accept any more unaccompanied asylum-seeking children arriving at the port of Dover. She also said the Government was consulting on the National Transfer Scheme which was currently voluntary; however, cabinet members and directors of children's services in the south-east of England agreed with KCC's view that the scheme should become mandatory and would respond to the consultation accordingly.
- (2) Mr Long acknowledged that the summer had been an uncertain time for many young people, as they waited for GCSE and A Level results and thanked parents and students for their patience. He was pleased the Government had

decided to allow pupils to receive the higher of the grades from OFQUAL's algorithm or from Centre Assessed Grades. In the lead up to that announcement, the authority had been preparing to make representations to the Government on behalf of the young people affected. The confusion about results had an impact on young people in accessing their first-choice university, college or work placements and the authority's skills and employability service was continuing to provide support and advice. Mr Long also said that detailed Government guidance on transport and examinations was received late in August and thanked officers who had worked tirelessly to ensure pupils could return to school safely. He concluded his update by saying that detailed planning for the Kent Test, which would take place in October, was underway and thanking school staff for making sufficient resources available to facilitate all those who wished to take the test.

- (3) Mrs Bell said the Government had published its Adult Coronavirus (Covid-19): Adult Social Care Action Plan which set out the key challenges and actions for local authorities and other care sector providers in controlling the spread of infection in care and communities settings. She also said an additional £546 million had been provided to extend the Infection Control Fund to March 2021. She said that a meeting with the Kent Integrated Care Alliance and other providers, chaired by the Leader, would take place later in the week. Mrs Bell further said that: demand for Covid-19 tests exceeded the processing capacity of laboratories; only those with symptoms should book appointments for testing; and no one with symptoms should go to Accident and Emergency departments of doctors' surgeries to be tested.
- (4) Mr Payne said he had embraced the opportunity created by the Government's Active Travel Fund and that KCC's bid for funding from the first tranche of funding had been successful. He said the schemes being delivered to increase walking and cycling should not disadvantage other road users; however, many had been introduced quickly to comply with the funding conditions and to capture improvements in air quality experienced during the lockdown. The schemes had also been implemented to the Government's deadlines with the result that residents had not been consulted. He said the schemes would be reviewed and would cease if they were not working. He said a scheme at Somerset Road and Mace Lane in Ashford had ended over the weekend as it was not working as intended.
- (5) Mr Whiting said the Kent and Medway Economic Renewal and Resilience Plan, accompanied by an Economic Impacts Evidence Base report, had been launched in August and the first meeting of the Employment Task Force, chaired by the Leader of the Council, would take place on 1 October. He also said the Kent and Medway Business Fund had been relaunched to support local businesses. He said Visit Kent had reported that hotels and self-catering holiday accommodation were doing well, and work was underway to ensure that continued even if there was a second wave of Covid-19 infections. He said the Eat Out to Help Out scheme had encouraged people to support their local pubs, restaurants, and producers. He also said he had attended an event on 15 September to celebrate the campaign, 'Support Your Local', which was the brainchild of Produced in Kent and Visit Kent, to encourage people to support their local hospitality businesses. The campaign was supported by Shepherd Neame, who had donated a £100 voucher for the #caringcustomer award won by Gemma Keith from Marden. Mr Whiting concluded his update

by thanking the chief executive of the London Resort Company for his virtual presentation, to KCC members, about plans to develop a theme park in Swanscombe. He welcomed the development which would create jobs in the area.

- (6) Miss Carey said that a booking system had been introduced to control numbers and keep staff and visitors safe at household waste and recycling centres. The numbers of slots that could be booked had increased from 22,000 to 32,770 per week and each household could now book up to four visits per month. Demand, however, varied across sites with under 50% of slots being booked at New Romney, which was the quietest, and more than 90% of the slots for centres at Tovil, Tunbridge Wells and Folkestone being filled. Miss Carey also said that letters had been sent to 100,000 household asking if they wished to participate in the Solar Together project which would facilitate the installation of solar panels on domestic dwellings or enable those who already had such panels to increase their battery storage. Using KCC's buying power a reverse auction was planned for 6 October and only after that, when the cost was known, would householders be asked to commit to the scheme. So far, 1,887 households had registered interest in the scheme. Miss Carey concluded by saying that this was a good example of projects underway to reduce energy costs and emissions.
- (7) Mr Hill said that 30 libraries would be open by the end of September with a further two scheduled to re-open in October. These libraries were able to offer socially distanced browsing as well as the popular 'select and collect' facility. He thanked the Libraries and Registration staff for clearing the backlog of over 4,000 birth registrations that had built up during the lockdown period.
- (8) Mrs Prendergast said it had been a very busy time for the People and Communications team and that the agenda for the Cabinet meeting reflected the many challenges faced by the authority, as a result of the Covid-19 pandemic, as well as the efforts of staff to maintain quality services for residents and businesses. The focus of the team was to keep residents and staff informed, engaged, supported, and safe through the provision of timely information relating to public health and service updates. Updates were provided on the authority's website, using social media, press releases, traditional broadcast channels and by the provision of a weekly emailed update to which increasing numbers of residents had subscribed. She said the authority's offices were re-opening where it was safe, however, staff, who could, continued to work from home. She also said that it was important to ensure staff remained healthy and supported including providing flu vaccinations which were particularly recommended this year. Mrs Prendergast referred to the staff survey conducted in June, which had provided a snapshot of staff feelings and concerns at that time, and said it would be followed up with a further survey to be launched at the end of September. She thanked the staff for their work and commitment.
- (9) Mr Oakford said that the last meeting of the County Council had approved a revision to the budget, including £12.8million savings, and work had started on next year's budget. He said that, although it was challenging, it was important to prepare for the future and address known pressures. He said work was underway to make KCC's buildings Covid-secure and 111 of them would be

re-opened by the end of the month. He thanked staff for their work in bringing this about.

- (10) Mr Gough said he had been invited to give evidence to the House of Commons, Select Committee on Unaccompanied Child Migrants and had taken the opportunity to present the situation in Kent and press KCC's view that the National Transfer Scheme should become mandatory. He also said that the cross-party committee had commented favourably on the commitment and service provided by KCC, particularly its social work teams, in responding to the crisis. Mr Gough said that Active Travel schemes could only proceed with the support of local communities, and concerns about individual projects were being listened to and acted on as they had been in Ashford where an unpopular scheme had been terminated. He also said the economic recovery of the county would remain a key focus of the authority and that it was intended to provide as much support as possible to businesses and employees especially with the likelihood of further disruption and uncertainty as a result of the rising number of Covid-19 cases and the potential for further restrictions to be imposed by the Government.

165. Revenue and Capital Budget Monitoring & Forecast Outturn 2020-21 - Exception Report - July 2020-21
(Item 5)

Emma Feakins (Chief Accountant) was in attendance for this item)

- (1) Mr Oakford introduced the report which set out the budget monitoring position for both revenue and capital to 31 July 2020 but before the impact of the budget amendment agreed at the County Council meeting on 10 September. He said the revenue forecast was for an overspend of £7.9million (excluding Covid-19) which was a decrease of £6.7million on the previous forecast, however, if Covid-19 risks were included the forecast overspend was £24.5million. The biggest overspends were being forecast for Children, Young People and Education, Adult Social Care and Strategic and Corporate Services. Mr Oakford said an underspend of £121.6million was forecast for the capital budget which had increased by £73.6million from the previously reported forecast. He said the underspend was made up of £0.6 million real and £121 million re-phasing variance.
- (2) Mr Gough said it was encouraging to see the overspend, which had previously been forecast for some areas, going down and that to some extent the report had been superseded by the decision to amend the budget taken at the County Council meeting.
- (3) Resolved that the forecast revenue and capital monitoring position on 31 July 2020 be noted.

166. Quarterly Performance Report, Quarter 1, 2020/21
(Item 6)

(Rachel Kennard (Chief Analyst) was in attendance for this item)

- (1) Mr Gough introduced the report which set out information about key areas of performance to the end of June 2020. He said the report reflected the changes to performance reporting previously discussed by the Cabinet.
- (2) Miss Kennard said a summary of the changes to the indicator set was set out in appendix 2 of the report. She said: in Children, Young People and Education two indicators had been moved to the activity indicator section and replaced by two new ones; all five indicators in Adult Social Care had been removed and five new ones introduced; and in Public Health, the key performance indicator – ‘Proportion of clients accessing GUM services offered an appointment to be seen within 48 hours’ had been replaced with a more challenging indicator – ‘Percentage of new first-time attendances at sexual health clinics who take up the offer and are screened for chlamydia, gonorrhoea, syphilis, and HIV’. Miss Kennard said that of the 35 indicators, 22 had been RAG-rated green indicating that they were on or ahead of target and this was a decrease of one compared with the previous quarter; 10 indicators had reached or exceeded the floor standard and were RAG-rated amber, while three indicators had not achieved the floor standard and were RAG-rated red. One of the indicators rated red related to Education and Health Care Plans (EHCPs) and the other two fell under Public Health and related to health checks and sexual health. All indicators which were RAG-rated red had been affected by the recent lockdown.
- (3) Mrs Bell said that it had been impossible to conduct health checks during the lockdown; however, other services, such as drug and alcohol services, had continued online. There was evidence that some people were more comfortable accessing services online than in traditional settings and this was being considered for the future of the services.
- (4) Miss Carey said that the target for greenhouse gas emissions from KCC’s estate (excluding schools) was an ambitious ‘stretch’ target and had been rated amber. Although the ‘stretch’ target had not been met, the floor target had. She said the authority’s £40million LED street lighting project had contributed to the achievement of the target and current projects, including the Solar Panels project, would contribute to further reductions in emissions making it likely that the ‘stretch’ target would be achieved by the end of the year. She also referred to the Key Performance Indicator (KPI) on municipal waste sent to landfill and said the authority made great efforts to ensure waste collected by district councils was recycled. She said less than 1% of Kent’s waste went to landfill and most of that was asbestos waste which was subject to specific deep fill regulations. About half of Kent’s waste was recycled and the other half was converted to energy.
- (5) Mrs Chandler said officers were working hard and good progress was being made in clearing the backlog of EHCPs. She also drew attention to the extraordinary efforts made by social care staff in placing children in care with adoptive families during the lockdown and referred to an uplifting story shared by an adoptive family at the recent meeting of the Corporate Parenting Panel.
- (6) Mr Gough referred to the positive performance in relation to the Economic Development and Communities KPIs which were all RAG-rated green. He also thanked Miss Kennard for the report.

(7) Resolved that the Quarter 1 Performance Report be noted.

167. Whole School opening from September 2020

(Item 7)

(David Adams (Interim Director of Education) was in attendance for this item)

- (1) Mr Long introduced the report which gave an update on the support given to schools to enable them to open to all pupils from September 2020, following the lockdown that began on 23 March 2020, and highlighted issues identified since the beginning of the autumn term. He said that, although general guidance for the return to schools had been issued by the Government well before the beginning of the summer holiday, detailed guidance was not received by local authorities until late in August. He thanked school leaders and teachers as well as David Adams and his team for the considerable efforts they had made to ensure the return to school was as smooth as possible for as many young people as possible. He said the situation continued to evolve but KCC was ready to respond.
- (2) Mr Adams said the most recent figures from the Department for Education, based on returns from 423 of Kent's 600 schools, indicated that school attendance was at about 90%. This was lower than the equivalent rate at the start of term and might be attributable to teachers and pupils having to self-isolate. It was, however, in line with the figures nationally. Since 9 September, 30 schools in Kent had reported Covid-19 related incidents and some schools had sent children home. Mr Adams said there were concerns about capacity to test for coronavirus and there was a risk that increasing numbers of secondary school pupils would be out of school because of the virus.
- (3) Mr Adams said that: school buses were running at 70% of their normal capacity; there had been a significant increase in applications for travel passes; and that additional resources might be required if the increase in applications continued. He also said there had been concerns about the pre-school sector, however 640 providers were open with 12 closed.
- (4) Mr Gough thanked David Adams and his team, school staff and the transport team for their work in the run up to whole school opening including their efforts to respond to the understandable anxieties of parents and pupils. He also said the position continued to evolve and it was important that it continued to be monitored closely.
- (5) Resolved that the report be noted.

168. Devolution – presentation

(Item 8)

Discussion of this item was postponed because of reported delays to the Government's White Paper.

169. Winter Risks

(Item 9)

(Mark Scrivener (Corporate Risk Manager & Interim Corporate Assurance Manager) was in attendance for this item)

- (1) Mr Gough said the purpose of including this item on the agenda was to consider the current corporate risk profile and whether the current risk levels associated with the Public Health, EU/UK transition, and winter weather risks were appropriate or whether further mitigating actions were required, and to create an opportunity to discuss their possible cumulative impact.
- (2) Mr Scrivener , Dr Duggal and Mrs Cooper gave a presentation to supplement the report which is attached as an appendix to these minutes.
- (3) Mr Hill said the major flooding event of 2013 had required the deployment of significant resources by KCC and partner organisations and, even though resources had increased, and resilience strengthened since then, responding to multiple events concurrently would be very challenging. Mr Gough said it was important to consider the potential impact of multiple events occurring at the same time and to link that with member engagement and the appropriate rhythm of reporting. He said the EU/UK transition would be considered at the County Council meeting on 22 October and other elements of risk would be considered at Cabinet or at all member briefings particularly when it was possible to draw out and build on the strengths of partnerships and from testing resilience. It was suggested that informal all-member briefings be held in mid-October and late November and to review the corporate risk profile again at the Cabinet meeting scheduled for December.
- (4) Mrs Chandler said a combination of severe weather and an increase in Covid-19 infections would have a major impact on the most vulnerable and that, even in a perfect storm of events coming together, it was important to prepare in advance and ensure that help got through to those most in need. Mrs Bell said that no matter how robust the contingency plans, they would only work if the guidance to stay safe and well was followed.
- (5) Resolved that:
 - (a) the report be noted; and
 - (b) all-member briefings be arranged for October and November; and the corporate risk profile be reviewed at the Cabinet meeting on 14 December 2020.

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Item 9 – **Winter Risks**

Winter Risks

Corporate Risk Profile

Cabinet

21 September 2020

Corporate Risk Profile – Winter Risks

Risk Title	Current rating
CRR0050: CBRNe incidents, communicable diseases and incidents with a public health implication – Coronavirus response and Recovery	High (25)
CRR0004: Simultaneous Emergency Response, Recovery and Resilience	High (25)
CRR0042: Post-Transition border systems, infrastructure and regulatory arrangements	High (20)

Corporate Risk Profile – Risks pertinent in the coming months (1)

Risk title	Current rating
CRR0007: Resourcing implications arising from Children's Services demand	High (20)
CRR0001: Safeguarding – protecting vulnerable children	High (20)
CRR0022: Suitable accommodation and funding for Unaccompanied Asylum-Seeking Children (UASC)	High (20)
CRR0006: Resourcing implications arising from increasing complex adult social care demand	High (20)
CRR0002: Safeguarding – protecting vulnerable adults	High (20)
CRR0015: Managing and working with the social care market	High (25)

Corporate Risk Profile – Risks pertinent in the coming months (2)

Risk title	Current rating
CRR0009: Future financial and operating environment for Local Government	High (25)
CRR0003: Securing resources to aid economic recovery and enabling infrastructure	High (20)
CRR0014: Cyber attack threats and their implications	High (25)
CRR0049: Fraud and Error	High (16)

Corporate Risk Profile – Other Significant Risks

Risk title	Current rating
CRR0016: Delivery of new school places is constrained by Basic Need allocation and the Education and Skills Funding Agency	High (20)
CRR0044: High Needs Funding Shortfall	High (20)
CRR0047: Adequacy of support for children with Special Educational Needs and Disabilities (SEND)	High (20)
CRR0039: Information Governance	High (20)
CRR0040: Financial, Governance and Service Delivery risks associated with KCC's Local Authority Trading Companies	High (20)
CRR0048: Maintenance and modernisation of KCC Estate	High (16)

Other Corporate Risks

Risk Title	Current Rating
CRR0051: Maintaining or improving workforce health, wellbeing and productivity throughout Coronavirus response and recovery	Medium (12)
CRR0005: Development of Integrated Care System / Integrated Care Partnerships in Kent and Medway NHS system	Medium (12)
CRR0045: Effectiveness of governance within a Member-led authority	TBC

Summary and Next Steps

- All risks have 'Target' residual ratings set as we aim to reduce the risks from current levels.
- We are drawing on lessons learned so far from Covid-19 response.
- Review of specific "Winter Risks" outlined, including mitigations and consideration of potential cumulative impacts.
- Refresh of broader corporate risk profile in late autumn with CMT and Cabinet Members

Public Health threats of Winter

Allison Duggal
Deputy Director of Public Health

Public Health threats of Winter 2020

- **COVID-19**
 - National upswing in cases, mirrored in southeast, and thought to continue through winter months as people congregate in doors.
 - Testing capacity for COVID-19 nationally a risk as schools return.
- **Influenza**
 - Mitigation to avoid the COVID-19/Influenza double is the largest influenza vaccine campaign ever over Sept/Oct/Nov...all at risk groups, all children up to and including year 7 plus in second tranche; all people over 50.
- Other general winter viruses such as RSV and Norovirus which increase in prevalence (respiratory syncytial virus)
- **Winter**
 - Drop in temperature have significant effect on health, the ill effects from cold homes for example are seen when outdoor temperatures drop to around 5-8C.
- **EU Exit**
 - Driver welfare and periods of cold that are COVID-19 compliant will also prevent additional issues on top of ongoing management of the Pandemic.

Transition and Winter weather risks

Barbara Cooper
Corporate Director – Growth, Environment & Transport

Transition Risks

- Exports checks only from 1st January
– import checks from 1st July
- Levels of traffic disruption primarily dependent upon levels of border readiness – communications key
- Multi agency KRF working with HMG on a revised traffic management plan for Kent
- Exercising, testing and refining
- Compliance and enforcement

Transition & Winter Weather Risks

- Revised winter service policy agreed ETCC 15th September – little change in fundamentals.
- Forecasting above average chance of bad weather this autumn/winter
- KRF agreed a single command and control for all emergencies
- KCC staff involved in Strategic/tactical/task and finish groups as appropriate

KCC Planning

- Continue to build on foundations already in place such as Corporate Resilience Group, situation reports and reviewing and updating service level Business Continuity Plans
- Sharing of 'lessons learned' as identified
- Resourcing – submitted funding ask of £1.6m to MHCLG for KRF (includes some funding for KCC eg communications/contact centre)
- Member reporting - Cabinet, member briefings ahead of January and to agree reporting rhythms

From: Simon Jones, Director of Highways, Transportation & Waste
To: Cabinet
Date: 12 October 2020
Subject: Mitigating Surface Water Flood Risk on the Highway

Summary:

During the Cabinet meeting on Monday 22 June 2020 a further report was requested to discuss the available options surrounding highways flood mitigation.

This report outlines the work undertaken, both analytical and operational, on how the county could improve resilience against surface water flooding. Empirical data analysis and Geographic Information Systems have been used to identify and prioritise areas of interest using our own data as well as published information.

The report also provides details of operational trials into smarter gully maintenance via the 'Live Labs' project.

This work will form part of an update to Kent County Council's Local Flood Risk Management Strategy which remains on target for 2023.

Recommendations:

Cabinet is asked to:

- a. Note and comment on the developing work in preparing for and addressing highways flooding.
- b. Endorse the approach taken to identify and proactively develop a programme of works focusing on identified areas of potential surface water flood risk on our strategic and locally important highway network.

1. Background

- 1.1 We are experiencing intense rainfall events on an increasingly frequent basis, with recent rainstorms generating a volume and intensity of rain well beyond the design capability of highway drainage systems. As well as winter rainfall, summer 'flash flooding' is becoming an increasingly significant risk for the highway authority. For example, on 15th August 2020 over 40mm of rain fell in the Sittingbourne area in just 45 minutes. To put this into some perspective, the average amount of rainfall for the entire month of August for the region is 56.3mm.

- 1.2 The burden on our highway drainage systems can also be exacerbated by many other factors including:
- The age and condition of highway drainage systems. Some systems can be more than 100 years old and / or be operating beyond their original design life.
 - Asset management strategy and available budget has focused on high need/risk and safety critical assets. This approach has yet to reduce the asset management backlog.
 - Capacity issues of drainage systems not under the control of the Highway Authority, such as public sewers or private ditches and watercourses into which they connect.
 - Structural damage to drainage systems by third parties or site environs (such as root damage from adjacent trees and hedges) that may go unnoticed until significant rainfall occurs.
 - Poor maintenance of associated drainage features in land adjacent to the highway which then flows onto the highway (including ditches and culverts, as well as urban drainage).
 - 'Urban Creep' effects such as additional run-off onto highways from the paving of front gardens.
 - Increases in the peak intensity of rainfall brought about by climate change as evidenced by flash flooding occurring at least annually within the county
- 1.3 Our highway drainage systems were designed to drain water from the highway surface only and generally were not intended to be flood defences. However, they still play a key role in managing local flood risk.
- 1.4 They were historically designed to cope with what is known as a '1 in 5 year' event. An example of such a storm is one which produces approximately 20mm of rainfall in a one-hour period. Whilst such a storm is significant, many occurrences have been noted in recent years that exceed that design standard. In the last 5 years we have seen several events exceeding this threshold including those affecting Tunbridge Wells in 2015 and 2017, Swale in 2018 and 2020, West Kingsdown, Vigo and Snodland in 2019 and Deal in 2020
- 1.5 In these events, run-off does not just originate from the highway, but often uses the highway as a conduit to escape to lower ground. This can be as 'overland flows' following the topography or 'exceedance flows' where a drainage system is unable to cope. Highway flooding or property damage can occur which may be remote from the original source of the flood water. Some photographs in Appendix A illustrate these issues.
- 1.6 This often gives the impression that the run-off originated solely from the highway and should have been dealt with by the drainage system in that

location. Hence, the Highway Authority is often seen as the cause of property flooding where often it is not the source of the problem.

2. Intelligence and Investment

- 2.1 As well as being the Highway Authority, KCC is the Lead Local Flood Authority for Kent and has produced a range of Surface Water Management Plans (SWMPs) intended to increase the understanding of local flood risks and provide a high level action plan to identify measures to mitigate local flooding risks. The majority were produced during 2012 and 2015 so predate some notable surface water flooding events of recent years.
- 2.2 The current one and two-year programme of works for capital drainage improvements for the 'Well Managed Highways' approach (financial years 2019/20 and 2020/21) was based upon a Geographic Information System (GIS) analysis of customer enquiries involving highway flooding and/or properties damaged by flood.
- 2.3 In the last two years, schemes have also been jointly funded or delivered by the Highway Drainage Asset Management Team and the Flood and Water Management Team which pilot the use of Blue-Green Infrastructure. Further details of these are included in the Appendix B to this report.
- 2.4 Blue-Green infrastructure refers to natural and semi-natural measures to help mitigate certain location specific problems in a sustainable manner. Examples of green infrastructure are hedgerows, copses, bushes, orchards, woodlands, natural grasslands and ecological parks. Blue landscape elements are linked to water. They can be pools, ponds and pond systems, wadis, artificial buffer basins or water courses. Together they form the green-blue infrastructure and in this context, it provides a sustainable and natural approach to reducing flood risk.

3. Improving Revenue Funded Asset Maintenance

- 3.1 Keeping our existing drainage assets operational and effective will help to reduce the risk of flooding occurring. It is vital to ensure that maintenance and drainage improvements are focused at priority locations and that operational maintenance and enhancements are undertaken when and where it is needed.
- 3.2 The Highway Drainage Asset Management team has been exploring ways to improve the maintenance the drainage network. As part of the 'Live Labs' project, information about how the drainage system is constructed and performs is being collected. This information will allow intelligence of how various drainage assets fail and the speed of failure to be collected. Armed with this knowledge new intervention regimes can be developed so that only those gullies, pipes and the like that need intervention are addressed.

- 3.3 Work to introduce productivity improvements has started. Research has shown that similar county councils are able to clear 99 gullies per day. Our current average remains at 65. Lean management assessment should expose potential opportunities to improve productivity and address this 52% operational difference.
- 3.4 Through the Live Labs project, we have engaged a company called Kaarbontech to assist in developing an intelligence led drainage regime. Maidstone has been chosen as the trial District and currently we are:
- a) Collecting a detailed inventory of drainage assets.
 - b) Checking historic information from other council systems.
 - c) Defining and prioritising zones of interest.
 - d) Risk profiling maintenance based on prioritised/condition assets.
 - e) Assessing if and how live data (via handheld devices) can play a part in future maintenance.
 - f) Undertaking ongoing data collection.
 - g) Looking at how to asset map the drainage network and highlight how it operates (and fails)
- 3.5 To date, 21,639 gullies across 1,097km of highway in Maidstone have been validated with further surveys carried out to validate the data on silt levels and depth of gully pots.
- 3.6 It has been established that half of the assets contain less than 20% silt. Only 4% contain more than 70% silt. This clearly indicates that significant changes (reductions) to the planned routine maintenance can be safely undertaken. It has also highlighted those locations that need more frequent maintenance.
- 3.7 As part of the ongoing Live Lab works, several smart gully sensors from different manufacturers have been installed across the County to record data which will also be factored into future proactive cleansing.
- 3.8 Following the trial, the sensors which are most reliable and cost effective would be proposed for installation, as funding becomes available. Examples of these sensors are included in Appendix C to this report.

4. Developing Our Future Capital Investment Programme

- 4.1 In order to properly inform future planning, we have developed mapping of the locations where the risk of surface water flooding is high and/or where climate change impacts may affect the risk of flooding. This will allow a more proactive asset management approach to be taken rather than focusing solely on customer enquiries.
- 4.2 A GIS analysis has been undertaken to identify and score roads across the County based upon a series of flood risk metrics.
- 4.3 Using GIS to present the data ensures multiple factors are taken into consideration when assessing a road, including details about the road (for

example whether is part of the strategic network or a numbered road) and the risk of flooding (for example the area that is flooded in a 'flood cell', the area of the road that flooded in the cell, the number of properties etc).

- 4.4 This method allows us to identify roads where there is an external source of flooding, that is where the road is part of a larger flood, and where the road is a significant source of the flooding, that is where the flood originates or substantially originates on the road. This allows us to identify areas where highway drainage can make a significant contribution to flood risk management.
- 4.5 An example of a 'flood cell' at Swanscombe is shown below to illustrate the area of road which may contribute to a flooding issue based upon a '1 in 30 year' event. The coloured markers represent reports of flooding issues and jobs attended from the work allocation and management system (WAMS):



- 4.6 The analysis provides a high-level overview of the risk and the area where surface water run-off may contribute, but each 'flood cell' location will require a more detailed review in the future. By studying this data we can inform our three to 5-year capital works programme and focus our efforts on root cause rather than symptom.

- 4.7 Some of these sites may require investment in the drainage systems in order to prevent flooding from the highway. Enhancing drainage in this way is consistent with modern highway drainage design standards, which set out a requirement for no flooding to extend beyond the highway boundary in a 1 in 100-year event, plus an allowance for climate change¹. This assessment specifically excludes areas where the flooding is not from the highway, so it is consistent with highway funding requirements. The standard of service in these locations may change based upon site specific constraints, though this is still in accordance with best practice for highway design and asset management.
- 4.8 It is important to note that not every site identified will require drainage improvement works to reduce the risk of flooding. There may be instances where minor repairs or an enhanced maintenance regime will be enough. In other circumstances there may not be a solution that is viable or within KCC's control to deliver and in these situations, we will attempt to resolve with the various stakeholders/organisations.
- 4.9 Opportunities for mitigation could include, but are not limited to, the following:
- Enhanced maintenance regimes where the existing drainage system is in sound operational order but is liable to blockage from leaves or silt. These areas could potentially be linked into future trials and collaboration with other organisations.
 - Replacement of existing assets where operational or structural issues are found where existing reports of flooding are minimal.
 - Use of modern techniques to extend the life of existing drainage assets, such as trenchless and no-dig cast in place pipe and culvert lining and stabilisation.
 - Retrofit of Sustainable Drainage (SuDS) features and Blue-Green Infrastructure such as permeable paving, rain gardens, open attenuation for exceedance flows etc.
 - Replacement or supplementing of existing assets with new or upsized assets (for example larger or additional soakaways) where greater resilience is required.
 - Attenuation of surface water to accommodate additional run-off volume with a controlled discharge back into the network so as not to increase flood risk elsewhere.
 - Separation of surface water from existing sewers and redirection to an alternative outfall (where viable) to ease sewer capacity issues.
- 4.10 Any future improvement must be cost-beneficial (i.e. is the costs of delivering them must be outweighed by the benefits they provide) and any improvements made are unlikely to completely eliminate the risk of surface

¹ Design Manual for Roads and Bridges, CG 501 Design of highway drainage systems, <https://www.standardsforhighways.co.uk/dmrb/search/ada3a978-b687-4115-9fcf-3648623aaff2>

water flooding - all measures can be overwhelmed by a rainfall event of sufficient extremity.

- 4.11 There is also a need to work closely with the various water and utility organisations to develop co-operative programmes to align our operational needs to their ongoing asset modernisation and water management obligations.
- 4.12 In those cases we would propose to include geographic areas of interest within the next update of KCC's Local Flood Risk Management Strategy where collaborative working between risk management authorities (such as the sewerage undertakers, Environment Agency etc.) is required over a longer time period.

5. Next Steps

- 5.1 In April 2020 the government announced that it will double its investment in flood and coastal defences in England to £5.2 billion over the next six years. This gives an opportunity to seek external funding for some drainage schemes where they can be demonstrated to offer a good cost benefit ratio and/or be match funded by KCC.
- 5.2 We will continue to research and develop methods to improve knowledge, performance and productivity in order to be best placed for any future funding opportunities and so build future resilience against surface water flooding.

6. Recommendations:

Cabinet is asked to:

- a. Note and comment on the developing work in preparing for and addressing highways flooding.
- b. Endorse the approach taken to identify and proactively develop a programme of works focusing on identified areas of potential surface water flood risk on our strategic and locally important highway network.

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Appendix A – Examples of ‘Overland Flow’, ‘Exceedance Flow’ and ‘Exceedance’ of Drainage Capacity

‘Overland Flows’ from fields near the A20 London Road, West Kingdown and the subsequent overwhelming of highway drains on the highway. This flooded the strategic route and nearby properties in Ash Tree Close in June 2019.



‘Exceedance Flows’ exiting manhole covers from overwhelmed sewers contributing to flooding at Albert Road, Deal in August 2020.



'Exceedance' of drainage capacity at A2 Canterbury Road, Sittingbourne where a large existing drainage system is present within an area of borough council owned green space. This flooding occurred in May 2019. A similar flood also occurred in August 2020 following a severe thunderstorm:



'Exceedance' of drainage capacity at Lower Road, Teynham also in May 2019. A similar but less extensive flood also once again occurred in June 2020 following localised heavy rainfall.



Appendix B – Example Blue-Green Infrastructure Projects



BLUE-GREEN CITIES IN THE SPOTLIGHT: KENT

By Kent County Council and Bax & Company

An introduction to Blue-Green Infrastructure pilot projects in the county of Kent, England

In Kent, Blue-Green Infrastructure (BGI) connects urban hydrological functions with urban nature, landscape design and planning. Put simply, it's about combining green spaces and good water management.

BGI reduces flood risk by using a more natural approach to water management within the urban environment. This is typically done by utilising existing green assets and infrastructure e.g. parks, rather than building grey infrastructure e.g. new piped drainage. Not only can the utilisation of green assets reduce flood risk, but it can also create multifunctional spaces. Blue-Green Infrastructure typically provides more amenity value to local residents and increases the resilience of urban spaces to climate change, while improving the liveability for the wider community. In particular, small 'orphaned' (underutilised) urban green spaces, such as Pocket Parks and Village

Greens, present a unique opportunity to manage floodwater, improve the ecological value and enhance the amenity of the local areas.

In Kent, the increased frequency of intense rainfall events, often associated with summer thunderstorms, has led to more frequent flooding of residential and commercial properties across the county. The existing urban environment and infrastructure don't have the capacity to deal with unprecedented climatic events, which presents challenges for reducing flood risk.

Heavy rainfall events are anticipated to increase in severity and frequency. Climate change is expected to reduce the liveability of our urban environments for communities across Kent. Kent County Council is one of six European partners of the three-year BEGIN (Blue Green Infrastructure through Social Innovation) Interreg North Sea Region project (northsearegion.eu/begin).

BEGIN has funded two pilots projects in Kent. One in **Sittingbourne** and another in **Margate**.

The objectives of these pilots are to:

- 1 Trial the delivery of BGI projects in Kent
- 2 Engage Kent residents within the BGI design process using social innovation techniques
- 3 Identify the social, environmental and economic benefits that can be achieved for the local communities.



Co-designing with communities

BELL ROAD, SITTINGBOURNE

At Bell Road, 12 residential properties were frequently flooded during heavy rainfall events, due to the highway drainage system becoming overwhelmed. A large urban green space adjacent to Bell Road provided the opportunity to divert water away from the highway into an attenuation soakaway. The soakaway has a capacity of 300,000 litres with the surface water stored within the system draining to the chalk below.



GEORGE PARK, MARGATE

At George Park a scheme has been designed to divert surface water from the surrounding roads into the park. Previously excess surface water within this area would have discharged into the combined sewer causing flooding due to the capacity constraints. As a result of the BGI pilot project the water will now enter the park through swales and will then be discharged into ponds in the park. Over time the water will slowly and naturally filter into the chalk below.



These two pilot projects in Kent have delivered significant landscaping improvements for the local community. For example, the creation of wildflower meadows, swales and ponds, as well as the planting of new trees within the existing Council green spaces.

The projects have provided KCC with their first-ever opportunity to work with local communities in co-designing BGI spaces. This has been done by working in partnership with the local community through the support of the *Places Team*, *Kent Wildlife Trust*, *Isle of Thanet Trees and Woodland Initiative* and *Swale in Bloom*.

The two pilot projects have demonstrated that:

- 1** Blue-Green Infrastructure provides a viable solution to managing urban flood risk, whilst utilising the existing green infrastructure within our urban environments and across Kent county.
- 2** Working with the community to co-design BGI creates spaces which communities can have greater ownership of and contribute to the long-term maintenance.
- 3** Previously, public green spaces had only provided one single function. Retrofitting BGI within Local Authority existing assets and spaces can deliver a multifunctional place and space with multiple social, environmental, and economic benefits for both KCC and communities across Kent.

For more information, contact:

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Kent's story relates BGI to communities by demonstrating the value to them.
For further information read the **BEGIN Policy Brief** at: baxcompany.com/begin-policy-brief/

Appendix C – Examples of Smart Gully Sensors and Monitoring Software

Example of 'DMS Live Grid' in which a sensor is embedded into a gully grid:

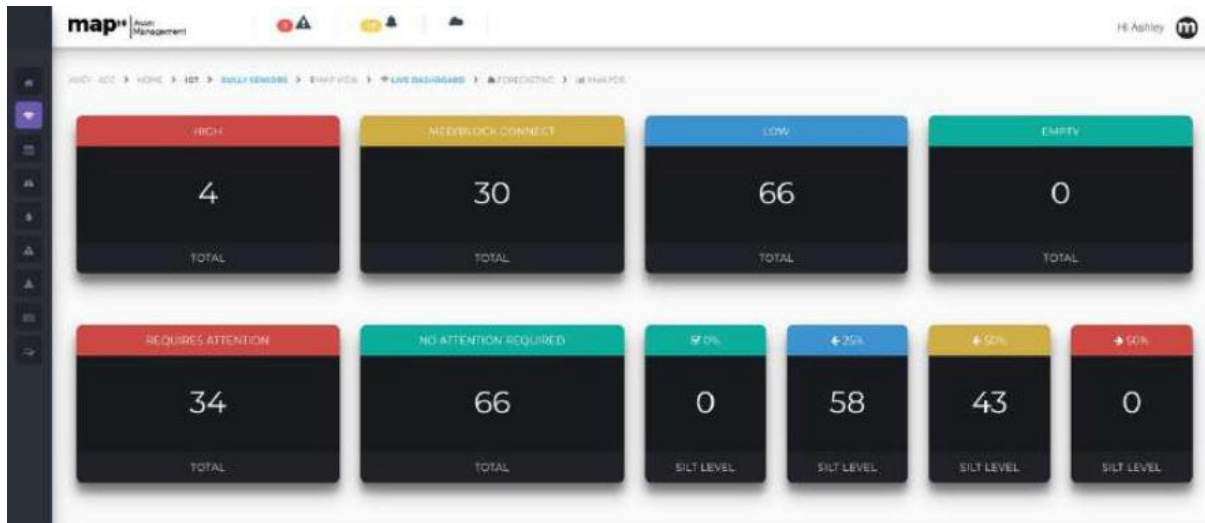


- Patented technology: Innovative composite design with embedded sensor technology to measure blockages in the grid and drain, temperature, and removal/movement.
- Light-weight, easy-fit, and low maintenance. Adjustable frame ensures perfect leveling on installation.
- Ultra-low power high grade UDA One sensors, and innovative power management system ensure a long service life.
- Non-slip surface improves safety for cycles and motorcycles.

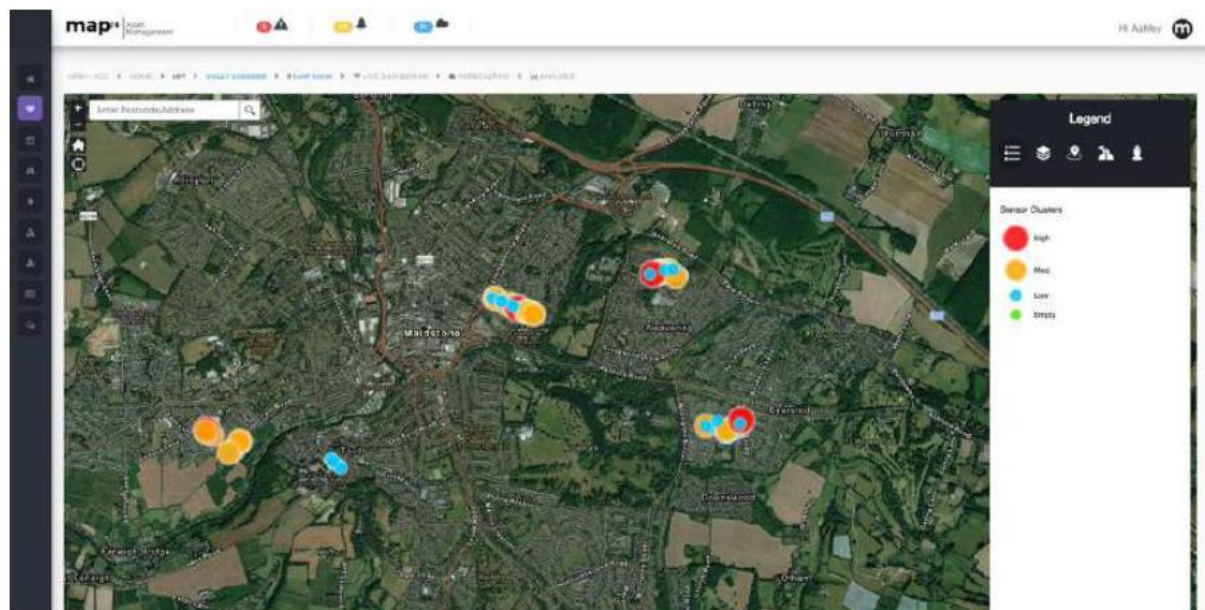
Example of 'Internet of Things Sensors' installed below existing gully grids:



Example of the live dashboard showing us clearly the live status of every sensor, how many needed attentions and what the current silt levels were within those gullies:



Example map view providing a real time insight into gully sensor status during a heavy rainfall event in Maidstone, showing where a risk of flooding was being detected:



From: Michael Payne Cabinet Member, Highways & Transport
 Barbara Cooper Corporate Director, Growth, Environment and Transport

To: Cabinet 12 October 2020

Subject: **Emergency Active Travel Programme**

Non-Key decision

Classification: **Unrestricted**

Past Pathway of report: Environment and Transport Cabinet Committee – 17 July 2020
 and Scrutiny committee – 23 June 2020

Future Pathway of report: n/a

Electoral Division: **Countywide**

Summary: This paper provides an update on the Department for Transport's (DfT) Emergency Active Travel Fund.

Recommendation:
 Cabinet is asked to note the contents of the report.

1. Introduction

1.1 This report provides detail of and progress on the Emergency Active Travel Fund (EATF) trials in Kent.

2. Emergency Active Travel Fund

2.1 To help local authorities to restart local transport as part of the Government's Covid-19 recovery roadmap, the Department for Transport (DfT) announced a £250 million Emergency Active Travel Fund.

2.2 On 23rd May 2020, the Secretary of State for Transport announced indicative funding allocations for local transport authorities to implement emergency active travel measures supporting cycling and walking facilities.

2.3 The funding was provided in 2 tranches, whereby tranche 1 supported the installation of temporary projects for the COVID-19 pandemic. Tranche 2 is for the creation of longer-term projects

2.4 The two key aims of the funding were to enable more people to walk and cycle, where possible, and support safe social distancing in areas where people congregate. The suggested measures included:

- implementing road closures

- widening footways
- installing pop up cycle lanes
- provision of temporary cycle parking
- addition of social distancing signage.

- 2.5 The requirements on how to submit a proposal were provided on 28th May, with the date for submission some 6 days later.
- 2.6 A compliant proposal was submitted on 5th June. This proposal recognised that the county was in full lockdown, schools remained closed and that people were working from home. The proposal sought to exploit the prevailing traffic conditions insofar as volumes were circa 25% normal levels and cycling use had increased by around 300%.
- 2.7 KCC commissioned a YouGov survey which also highlighted that around 75% of residents in Kent wanted to see active travel schemes to assist them with their travel choices.
- 2.8 Due to the urgency expressed by DfT it was expected that funding would be confirmed and released quickly. However, this did not happen until early July.
- 2.9 Kent was one of only a few authorities to receive 100% of the available allocated funding.
- 2.10 Despite this delay, and in order to meet DfT strict deadlines, officers dedicated significant time and effort, maximising all the time available, to ensure works started within the stipulated 4 weeks and completed within the mandated 8 weeks (25th September).
- 2.11 This unfortunately meant that it was not possible to undertake the extensive consultation and engagement that would normally accompany such schemes. Post project reviews have identified that this is the most significant criticism of the EATF tranche 1 programme nationally.
- 2.12 In the time available officers attempted to develop a variety of schemes and tried to discuss concepts and ideas with local stakeholders and elected members.
- 2.13 Whilst the trials were also shared with each District Leader and Chief Executive, our experience suggests that it would have been beneficial to have had more time to share the scheme information to a wider audience and for a longer period of time.

3. Tranche 1 Trials

- 3.1 Officers have delivered a broad and ambitious programme of EATF schemes. 24 schemes were implemented across the county, and 19 continue to perform well providing real benefit to Kent residents. We have sought to listen to residents and local representatives and it is clear that schemes cannot be sustained without the support or acceptance of the local community.

- 3.2 Five have been removed and whilst this is disappointing the information, knowledge and learning will be vital in considering how we can support those communities in the future.
- 3.3 A RAG rated list of each scheme is provided below. This rating is correct as at the date of this paper and is based on all feedback received and is updated daily. A formal trial evaluation is planned for December.

Programme of PROW improvements Countywide
King Street cycle scheme
Milton Road, Gravesend – footway widening / pop up cycle lane
Safer Travel to School scheme: Drapers Mill
Safer Travel to School scheme: Reculver CofE, Herne Bay
Safer Travel to School scheme: Dover Christchurch Academy
Safer Travel to School scheme: St Mary's Chilham
Faversham town wide 20
Tonbridge town wide 20
Margate town centre 20mph
Tunbridge Wells town centre 20mph
Programme of improvements to footpaths and cycle routes Countywide
Phase 4B cinque ports cycle route scheme, F&H
Light segregation of the A26 in Tun Wells
St Dunstan's Street footway widening in Canterbury
Earl Street, Maidstone – extension of pedestrianisation
Reynolds Lane–access only to encourage use by foot/cycle
Tunbridge Wells High Street One way to provide wider footways
Commercial Road, Paddock Wood One way to provide wider footways
Harbour Street and Albion Street, Broadstairs – access only-Trial finished
A256 Maison Dieu Road – pop up cycle lane-Trial finished
A26 Pembury Road to Brook Street – pop up cycle facilities-Trial finished
Station Road, Westgate – One way to provide additional space-Trial finished
A2042 New Street, Somerset Road and Mace Lane – pop up cycle lane-Trial finished

- 3.4 A communication plan has been developed to inform and engage how the trials are progressing. This will help capture public opinion, evidence user experiences and to note road user impact. This data will also help inform any future active travel strategy or similar future intervention.
- 3.5 During these Tranche 1 trials, we have used various approaches in response to the Government's call for action. This has given us useful practical and operational learning that will assist in future scheme preparation.
- 3.6 Temporary/pop up cycle lanes using the 'traffic management' style plastic cones offer quick and inexpensive opportunities that can be removed very quickly.
- 3.7 Our experience in Dover, during times of congestion arising when Dover TAP and Operation Stack were implemented demonstrated the speed at which these

installations could be removed. In this instance we were considering withdrawing the scheme due to local community feedback we were receiving.

- 3.8 Such installations remain unsightly and require continued attendance due to their temporary nature. Any further use needs to consider these implications.
- 3.9 The more semi-permanent scheme trials, such as in Broadstairs, caused some consternation within the local community, believing that the works may be permanent and not a trial. Had more time been available to engage, it might have been possible to introduce modification, adjustment and changes before installation which could have benefited the scheme and been more popular with the community. Such interventions need time to secure local consensus.
- 3.10 There are many useful lessons that have been learned most notably the frustrations caused by the timescales imposed on us by Government which led to an unsatisfactory level of community engagement. This must not be repeated in Tranche 2.

4. Financial Implications

- 4.1 The authority was awarded £1.6million in Tranche 1 and this has been committed in line with the Grant award.
- 4.2 The Prime Minister issued a new document 'Gear Change- a bold vision for cycling & walking' which refers to an Ofsted style body that will 'assess' local authorities on mode shift targets, suggesting that local transport funding allocations will be linked to our ability to achieve modal shift. This will be subject to consultation and officers will work with members in the drafting of a response.

5. Legal implications

- 5.1 There are no legal implications to note at present.

6. Equalities implications

- 6.1 There are no equalities implications to note at present.

7. Other corporate implications

- 7.1 There are no other corporate implications to note at present.

8. Conclusion

- 8.1 The nature of exploratory trials such as those deployed during Tranche 1 will naturally attract different opinions, operational challenges, and community/user acceptance. This is to be expected, and as has been seen, some schemes will fail before a comprehensive trial can be completed.
- 8.2 Of those remaining schemes, these will enjoy enough time to be fully used and tested to see if the expected benefit can be realised. We will continue to monitor and report

on not only their operational performance but also any behavioural changes seen to the surrounding network and/or by the various user groups.

- 8.3 Our work on Tranche 1, has been well received by DfT and we remain well placed to secure the Tranche 2 funding of a further £6.4m.
- 8.4 Considering the obvious learning from Tranche 1, should such funding become available, we will seek reassurance from DfT that we will be afforded enough time to fully engage with local elected members and affected communities.

9. Recommendation(s):

- 9.1 Cabinet is asked to note the contents of the report, consider the approach to the issue of future Active Travel Funding and discuss how best to represent this matter to Government.

10. Background Documents

- 10.1 None

11. Contact details

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From: Mike Whiting, Cabinet Member for Economic Development
 Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Cabinet - 12th October 2020

Subject: “Planning for the Future” White Paper

Decision: Non-Key decision

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: N/A

Electoral Division: All

Summary: This report outlines key reforms set out in the “Planning for the Future” White Paper, particularly in respect of their implications for the County Council.

Recommendation: Cabinet is asked to consider the “Planning for the Future” White Paper, to provide comment on matters to be included in the KCC response and to agree delegation of the signing of the final KCC response to the Cabinet Member for Economic Development.

1. Introduction

- 1.1 The “Planning for the Future” White Paper (the White Paper) proposes sweeping reforms to the new planning system.
- 1.2 The Government believes that construction is an important part of stimulating the economy, with the Prime Minister having pledged to ‘build, build, build’ as part of COVID-19 recovery. Within this context, the White Paper consultation sets out plans to undertake a fundamental reform of the planning system and intends to deliver a clearer, rules-based system. It has been described by Robert Jenrick, the Secretary of State for Housing Communities and Local Government, as a suite of ‘once in a generation’ reforms to sweep away an outdated planning system and boost planning.
- 1.3 Subject to the outcome of this consultation, the Government will seek to bring forward legislation and policy changes to implement the reforms. Primary legislation would be required, followed by secondary legislation, to implement

the reforms. Detail behind some of the proposals will need further development pending the outcome of this consultation.

- 1.4 This report draws out key proposals that could have implications for the County Council and the provision of its infrastructure and services. Members' input is requested on what should be included in the KCC response to the consultation.
- 1.5 Members' attention is drawn to a separate government consultation 'Changes to the Existing Planning System' that has run alongside the White Paper consultation, ending on 1 October, and a letter to the Secretary of State was written in response to this (appendix A). Interim measures were proposed in the 'Changes to the Existing Planning System' consultation, which seek to introduce ways to improve the effectiveness of the current planning system ahead of the implementation of the new planning system proposed in the White Paper consultation.
- 1.6 The proposed changes in the 'Changes to the Existing Planning System' consultation were focused on four themes around the assessment of housing need, the introduction of First Homes, the affordable housing threshold for small sites and an extension for what can be submitted under a Permission in Principle application. Whilst its proposals are different to those set out in the White Paper consultation, there is some overlap/connection between consultations.

2 Key White Paper reforms and considerations for KCC

- 2.1 The overall premise and context behind the White Paper is that the planning system is failing to deliver required growth and housing numbers. The aspiration is to create a housing market capable of delivering 300,000 homes annually. However, it can be legitimately argued that, demonstrably, planning is in fact delivering¹. Local planning authorities are granting consent for a significant level of housing, but construction on site is slowing down growth rates. So, it is the housing market rather than the planning system that is not working. This does put into question how successful the Government's proposed reforms would be, on their own, in meeting the Government's housing target.
- 2.2 It is acknowledged that there are elements of the planning system that could work better – with some significant problems associated with development contributions, forward funding new infrastructure and the effectiveness of the role Government plays in exclusively investing in 'shovel ready' projects. There is a question as to whether the White Paper will address such issues.

¹ In 2019/20, 88% of applications were granted consent (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>)

- 2.3 Whilst the proposed reforms are claimed to create a ‘simpler, faster, people-focused system’, there is a big shift in how community involvement will function. Public engagement would be focused at the start of the Local Plan process (and even involvement in that process is to be curtailed). The necessity for planning applications would reduce (due to permissions in principle being allowed through the Local Plan process), and those applications remaining would be subject to a stream-lined process that would limit the role of planning committees and communities. These proposals together could risk undermining local democracy and marginalizing local councils. Planning committees would still make some decisions, particularly for schemes in ‘Protected Areas’ (see paragraph 2.8 for further detail) and in the determination of technical details of planning proposals – however, there will be an overall reduction in their role. Other proposals (including for some applications to be given deemed consent if there has not been a timely determination, and for rebate of application fees if applications refused at committee are granted at appeal) may further undermine local democracy.
- 2.4 The White Paper states that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain (landowners and developers), rather than the national or local taxpayer. Currently, the cost of development management activities is, to an extent, covered by planning fees, but the fee structure means the cost of processing some applications can be significantly greater than their individual fee. This is particularly the case for mineral and waste developments that are determined by the County Council (it is not uncommon for technical advice on a simple waste application to cost more than the planning fee). The cost of preparing Local Plans and enforcement is largely funded from a local planning authority’s own resources. The White Paper states that planning fees should continue to be set on a national basis and cover at least the full cost of processing applications, based on national benchmarking. A small proportion of the income of developer contributions via the proposed Infrastructure Levy could be earmarked to cover overall planning costs, including Local Plans and design codes.
- 2.5 There is going to be a high financial cost for the implementation of all the new reforms and ways of working, but no proper indication is provided as to how the proposed combination of a slice of the infrastructure levy and nationally based planning fees would cover costs. There is concern that the fees proposals put forward will fail to adequately cover the full costs of running a planning service.
- 2.6 The White Paper consultation puts forward 22 proposals, against which it poses a range of questions. The rest of this paper identifies the White Paper proposals that may have an impact for the County Council in the delivery of its infrastructure and services and puts forward suggested key matters for inclusion in the KCC’s response.

Proposal 1: the role of land use plans to be simplified and the identification of three types of land (growth, renewal and protected)

- 2.7 In a move to deliver a more simplified approach to growth and development, Local Plans would designate three categories of land (growth areas, renewal areas and protected areas) and would give outline planning permission in areas earmarked for growth. Emphasis is placed on the need for Local Plans to be digitised – to be visual and map-based, standardised, based on the latest digital technology. Public engagement is placed at the plan making stage (and away from the planning application stage).
- 2.8 A new system with land categories could provide more certainty for strategic development sites and growth areas in Kent. However, the system is directive in nature and appears quite inflexible (details on how it will work are limited) – and it is likely that it will create its own problems. Setting up a zonal-type system with design codes could be extremely time consuming to do properly. So, there is some scepticism as to whether it will really result in a quicker, more stream-lined process. The details around transition and implementation will be key in moving to a new system – attempts so far to simplify the plan making system have ended up making it more complicated.
- 2.9 Members will be aware that the County Council is the Local Planning Authority for the preparation and review of the Mineral and Waste Local Plan and for the determination of planning applications and associated enforcement and monitoring for mineral and waste development. At present, there is little clarity as to which proposed planning zone mineral and waste matters will fall within and it is difficult to see how the zoning system as proposed would work. It is not clear who will be responsible for planning for waste and minerals or what the implications would be for minerals and waste planning.
- 2.10 Whilst the intent to streamline the process is acknowledged, there is concern that the proposed short timescales being proposed and the level of detail required could disadvantage statutory consultees, including County Councils, in providing evidence of infrastructure needs and requirements. Questions are therefore intended to be raised as to how schemes with deemed consent in the various land categories would deliver the adequate and funded infrastructure requirements.
- 2.11 In cases where automatic outline permission is given for areas in substantial development (growth areas), there must be sufficient detail to enable full assessment, and to identify where new infrastructure and measures are needed, to ensure that the development is sustainable – whether it is ensuring the provision of new schools or ensuring that there is no significant impact on congestion.

- 2.12 In introducing any form of fast-track system for development consent in growth areas, it will also be critical to ensure that there is adequate recognition and consideration of the constraints on development (such as surface water drainage, biodiversity, waste and potential archaeological impacts) – which, when taken account of and mitigated/ planned into the design, could potentially reduce the number of houses that a site could deliver.
- 2.13 In addition, the proposed land categories may not allow for site-specific biodiversity to be taken account of and suggest that areas outside ‘protected’ zones have no biodiversity value that requires consideration. It would also appear at odds with emerging net biodiversity gain objectives. Similarly, undesignated archaeological assets are normally only recognised following archaeological field evaluation and it is not clear how this would be factored into the new process.
- 2.14 The Local Plan process is proposed to be shortened to 30 months. Local Authorities and the Planning Inspectorate will be required to meet this statutory timetable, with sanctions for those who fail to do so. As a plan making authority, the proposed timescale seems very optimistic.
- 2.15 There must be careful consideration of how streamlining Local Plans and splitting land into three types, including the rules that will be applied, will actually work in practice. Overall, the proposed three-part land categorisation generally appears too simplistic and rules-based and is currently lacking in providing the necessary detail.

Proposal 2: development management policies set at a national level

- 2.16 Streamlining development management policies could prevent repetition of national policies within Local Plans, which is supported. This arguably builds on historic emphasis - that national policies should not simply be repeated in Local Plans.
- 2.17 However, it will be necessary to have local context reflected into policy, as ‘one size does not fit all’. This will need to be carefully thought through. For instance, whilst setting out national policies for surface water drainage would be acceptable in strategic terms, the topography, geologies and flood risk vary across the country, and from site to site. The national guidance may set strategic objectives for surface water management (such as standards for flow rates and volumes or surface water), but the specification of development requirements beyond this is inappropriate, as local requirements must reflect local conditions.
- 2.18 Similarly, for matters including biodiversity and heritage (and across a range of KCC services), a generic national approach could prevent regional and local

differences to be considered appropriately and could lead to adverse impacts on development and the landscape.

Proposal 3: Local Plans to be subject to a single statutory “sustainable development” test

- 2.19 Local Plans would only be required to meet one test of “sustainable development” and the duty to cooperate and soundness tests would go².
- 2.20 Further information is required on what the single ‘sustainable development test’ for Local Plans would include. KCC agrees in principle with simplifying existing Local Plan tests; however, in doing so, it will be essential that key tools for the proper assessment of impacts on the environment (such as Environmental Impact Assessment and Strategic Environmental Assessment) are not weakened and that opportunities for environmental gain are secured. There is also no information to indicate how environmental impact would be considered. It is not clear whether the sustainable development test would fit with the need for plans/ applications to be in compliance with the Habitat Regulations. A robust assessment to replace the Sustainability Appraisal will be necessary to demonstrate how future plans will constitute sustainable development. It is suggested that some assessment of reasonable alternatives (i.e. for issues and options) ought to be retained to demonstrate how the plan offers a sound solution.
- 2.21 Under proposal 3, the consultation also seeks to remove the formal requirement for the Duty to Cooperate. It is not clear what mechanisms would replace the Duty to Cooperate and so significant further detail is required on strategic planning across local authority boundaries and with infrastructure providers. There are many development impacts (transportation, waste and education to name just a few of the applicable KCC infrastructure and services) that cross district boundaries and need to be considered by more than one local authority.
- 2.22 It is worth noting that, whilst the Duty to Co-operate may have had mixed success in district plan making, it has been successful for the strategic planning of minerals and waste management. This may well be a reflection of the cross-border nature of these developments and the economic markets which they work within. Various alternative options specific to minerals and waste planning will be put forward in the response (such as placing regional Waste Technical Advisory Boards on a statutory footing and providing funding to tackle key strategic issues).

² The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Local Plans are examined to ensure they have been prepared in accordance with legal and procedural requirements and whether they are sound.

2.23 The role for wider strategic planning, which KCC has long advocated, is also crucial here, in order to secure balanced delivery of residential and employment growth across the county at pace. Proper strategic planning across district boundaries can support growth aspirations in the long term, whilst also delivering smaller scale growth in the immediate term and is a far more sophisticated way of attaining ambitious numbers of new homes (with the benefit of being locally driven, rather than arbitrarily, nationally derived). Moreover, with the right support and funding from developers and Government, proper strategic and spatial planning will result in well-designed communities supported by the right infrastructure. The awaited Government devolution proposals will be critical to understanding the role of strategic planning, and indeed, how many of the White Paper's reforms around land use planning will operate. Notwithstanding, an important part of the strategic planning approach within Kent will be the Kent and Medway Infrastructure Proposition; a deal with Government for new infrastructure investment, which will enable housing delivery that is focussed on building the right homes in the right places and providing the public services, transport infrastructure, jobs and homes that residents will need now and in the future.

Proposal 4: a standard method for establishing housing requirement figures. This would factor in land constraints.

2.24 In its response to the "changes to the existing planning system" consultation, which proposed a revised formula for calculating housing need, the County Council emphasised, with strong concerns, the significant implication of the proposed changes to the formula for housing targets in Kent. The overall annual build requirement for Kent and Medway is already forecast to rise from 7,577 homes per annum (current Local Plan requirement) to 12,073 (a 60% increase) as a consequence of the current standard method. The proposed changes would increase this figure by a further 2,835 to 14,908 homes - almost double that of the current Local Plan requirement per annum.

2.25 The White Paper proposes a further policy proposal – to set binding housing requirements for local authorities to deliver through their Local Plans. The required figure would have regard to the size of existing settlements and the extent of land constraints, but it is not clear how these will be assessed. The White Paper also states that; "the future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here", but it does not specify how.

2.26 The planning for delivery of housing need is a matter specific to district and borough councils, who will have to seek to accommodate such figures through their Local Plans. However, the County Council response would look to again raise strong concern that to deliver the number of houses that would be required under the proposed housing methodology would be a significant

challenge and would be profoundly damaging in its impact on Kent and its residents. Setting a requirement that takes into account local constraints could be incredibly challenging and complex to capture within a nationally set requirement and details are currently lacking as to how this would be achieved. The Kent and Medway Growth and Infrastructure Framework (2018 GIF) indicates that for existing housing numbers, the cost of infrastructure would be £16.38billion (for the period up to 2031).

Proposal 6: Decision making should be faster and more certain, with firm deadlines and make greater use of digital technology

- 2.27 Proposal 6 seeks to make decision-making faster and more stream-lined digitally, with a firm application determination deadline of eight or thirteen weeks (as opposed to target timeframes). It proposes shorter and more standardised applications and greater standardisation of technical supporting information.
- 2.28 It is envisaged that design codes will help to reduce the need for significant supplementary information, but it recognises there may still need to be site specific information to mitigate wider impacts. Irrespective of the definition of new data standards and templates, it is crucial for the County Council that the applicants can be required to provide the necessary information.
- 2.29 The current process allows for key stakeholders and the public to make representations and this helps to inform decisions. There is a danger that a reduction in time could mean that the decisions are not well informed or based on robust evidence. For instance, if a transport model needs to be built to test the off-site impacts of a large scale development or a new scheme designed and safety audited, this would not be able to be accommodated within the deadlines being suggested – despite being a crucial part of the decision-making process. There is no reference in the White Paper to the use of Planning Performance Agreements or the ability to agree extensions to the determination timeframes.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input

- 2.30 The White Paper indicates that Neighbourhood Planning will be retained, though it is not clear how it will fit into the overall reformed planning system. Neighbourhood Plans are an important tool in policy planning that provide communities with the opportunity to shape future development in their local area. It will be important to ensure that their function is not diminished and limited to matters of design following the implementation of any zoning

proposals. Across Kent, there are a number of areas that are at various stages in the Neighbourhood Planning process, particularly in Maidstone and Tunbridge Wells, where there has been a significant take up in the production and adoption of Neighbourhood Plans.

Proposal 10: A stronger emphasis on build out through planning

- 2.31 One of the questions under this proposal heading asks; ‘*what is your priority for sustainability in your area?*’ The response would include reference to the importance for sustainable development to be well served by schools, shops, facilities and also by public transport where residents are able to walk and cycle to facilities on a daily basis and get public transport to destinations further afield. This reduces the demand for car trips and therefore reduces the likelihood of traffic congestion and air pollution. KCC promotes priorities that include multiple benefits - more accessible green and open spaces but also those that protect water quality, health, increase biodiversity, and provide amenity.
- 2.32 The response also intends to advocate the requirement for net environmental gain as proposed in the Government’s 25 Year Environment Plan to be made mandatory through planning.
- 2.33 The response will also support the Government’s ambition to reduce carbon emissions in new homes. The proposed standard sets out how emissions from new homes would be reduced by between 75% and 80% by 2025 compared to current levels. However, the urgent implementation of a full net-zero carbon standard for new homes is essential in order to successfully eliminate emissions from the domestic sector. The County Council would therefore like to see more ambitious energy efficiency standards that ensure net-zero carbon emissions from new homes are net-zero emissions before 2030. Such a standard will ensure all new homes in Kent are suitable for our Net Zero future and will prevent the need for costly retrofit at a later date (it is also noted that the impact on viability and deliverability will need to be taken into account).

Proposal 11: Design guidance and codes to be prepared locally with community involvement and codes to be more binding on decisions

- 2.34 Throughout the document, there is a focus on “beauty” in planning and growth, with a proposal to ‘fast track’ applications that meet high quality design standards. There is an emphasis on the role of design codes, connected with the three land designations and associated principle consents on growth areas particularly.
- 2.35 The focus on a ‘fast track for beauty”, whilst not a negative approach, can be very limiting – and of little value if development does not meet people’s needs and does not provide the right services and infrastructure. “Beauty” must be

understood to go far beyond aesthetics – and must include consideration of health, well-being, availability of super-fast broadband, the changing use and demands of workspace and climate change considerations. These are all critical in design and place-making. It is not clear how a fast-track system could work to automatically grant applications that are of high-quality design – given the highly subjective nature of beauty and good design.

- 2.36 Any design codes set at a national level and reflected locally need to be truly robust. The system should encourage the design codes to be as locally defined as possible (a residential scheme in Tenterton can be provided as a good example of locally informed design, where the Parish Council and all tiers of local government and the wider local community were actively involved in the design and development of the masterplan and in the development process), and should make best use of existing characterisation research such as Historic England's extensive urban surveys, and historic landscape characterisation, and Natural England National Character Areas, together with local studies. A great deal of information will already be available in many areas, and it should be used to inform the new design guidance rather than reinventing the wheel.
- 2.37 A separate, but really critical issue is that, as a provider of education facilities, the County Council is constrained by the funding and design requirements set by DfE. These constraints can lead to difficult design and delivery choices and can be a barrier to higher quality designs. There needs to be a consistent approach and standard set by government departments to prevent this sort of occurrence.

Proposal 19: Introduce an Infrastructure Levy with a mandatory nationally-set rate/s (abolish the current system of planning obligations)

- 2.38 The proposal is for the Community Infrastructure Levy (CIL) and section 106 processes to be abolished and replaced with a new Infrastructure Levy. The Infrastructure Levy will be a fixed proportion of the value of development (above a set threshold) and is intended to be focused where affordability pressure is highest, to stop land supply being a barrier. Councils would be allowed to borrow against Infrastructure Levy revenues to forward fund infrastructure, with more freedom generally on how councils can spend the monies.
- 2.39 The proposal to remove section 106 agreements and CIL is a fundamental shift and at present, details are lacking in how this would work in practice. This is a real concern.
- 2.40 The current mechanism for the CIL is complicated and fundamentally does not fully address the issue of infrastructure funding – and can often be to the

detriment of the provision of essential and strategic infrastructure, such as education. This creates significant additional financial pressure on providers of statutory services and in particular, County Councils. Whilst a nationally applied tax could work successfully, it is not clear how the Infrastructure Levy rate (i.e. a fixed proportion of the value of the development, above a set threshold) is to be set, which body would be the charging/administrative authority, or how the levy will be distributed. In particular, it is not clear how County Councils would receive contributions and there is general concern around County Council access to Infrastructure Levy funds.

- 2.41 Under the proposed reforms, payments could be paid on the final value of the scheme once it is fully occupied. There is no definition as to what is meant by “fully occupied”. For instance, what would happen if developers leave one property vacant for twenty years? KCC would seek clarity on exactly what is meant by “nationally-set value-based flat rate”. The obvious significant risk relates to cash flow and what KCC’s obligations are to forward fund essential infrastructure such as schools (which of course is an existing and increasingly prominent risk for KCC).

Borrowing against the Infrastructure Levy

- 2.42 There is a proposal to increase the ability to borrow against future Infrastructure Levy receipts. Often, the current system already results in delivery of essential infrastructure potentially being delayed, due to delays in development coming forward (for a variety of reasons including market forces). Consequently, local authorities are often expected to forward fund and cover borrowing costs or seek additional grant funding for the shortages until they are recovered. The proposal that the Infrastructure Levy should be paid in full on first occupation (effectively at the end of the development process) therefore raises a potential major risk in respect cash flow, with local authority capital programmes already significantly stretched. This is particularly contentious, given that the final levy amount is not known and will be subject to market volatility, along with ongoing issue of viability and the delivery of development being entirely market/commercially driven.
- 2.43 Also, this will be dependent on who controls the Infrastructure Levy pot, as there could be an increased risk of borrowing against the Levy if the rules allow developers to cease development before being fully occupied. There is therefore concern around risks that would be associated with borrowing against an Infrastructure Levy when housing delivery is uncertain.
- 2.44 Further clarity is also required in respect of how any loans taken out by local authorities might be affected, should developers subsequently seek amendments to their consents, such that previously agreed developer contributions are reduced or removed.

A funding mechanism to secure essential infrastructure and services

- 2.45 The current section 106 system, whilst not perfect, does work well. However, the funding that is able to be secured for essential infrastructure and statutory services through CIL can be seriously inadequate. Therefore, there is often a significant reliance on the use of section 106 agreements, particularly for major or strategic sites.
- 2.46 Moreover, it is proposed to retain the existing CIL 25% 'neighbourhood' contribution under the Infrastructure Levy, which currently enables parishes to allocate CIL receipts directly from development in their area, with limited oversight as to how this is used. If section 106 agreements, (as well as CIL) are to be abolished, this will potentially significantly increase the amount of funding that is ringfenced for parishes, whilst reducing the overall amount available for infrastructure and, particularly where viability is already an issue, this will potentially have a major impact on deliverability of community infrastructure such as schools.
- 2.47 Therefore, should an infrastructure levy be introduced, the proposed response will set out that the Levy should aim to capture more than the current mechanisms tend to allow, to support greater investment in the infrastructure that is essential to support growth and deliver sustainable and future proofed communities.
- 2.48 In respect of how the Levy can be spent, there is support for the proposal for local authorities to have fewer restrictions, provided that statutory services and key infrastructure should first be protected and prioritised. The County Council currently secures contributions for primary and secondary education, communities, highways infrastructure, waste, adult social care, as well as services for people with physical and learning disabilities and older people. There is a need for an Infrastructure Levy to ensure that proposals secure, at least, adequate funding for essential infrastructure to support growth, that statutory services do not suffer through lack of capacity and that pressure on existing services is mitigated.
- 2.49 It is also of note that the minerals and waste industry are already liable for additional development levies in the form of the aggregate levy and the landfill tax. How this will work alongside an Infrastructure Levy is unclear.

Permitted development and the Infrastructure Levy

- 2.50 There is support for the Infrastructure Levy to be extended to capture changes of use through permitted development rights, which have an impact on local infrastructure and services.

Splitting up big sites

- 2.51 One of the proposals put forward in the White Paper is to require that big building sites are split up between developers. It is not clear what is meant by 'big building sites' and what size site is being referred to when they are to be divided between developers, or whether they will insist on equalisation agreements between the developers rather than the local planning authorities having to find a way through the quagmire, whilst developers sit on their hands.

Section 106 agreements and their role in mitigation

- 2.52 It is not clear how on-site mitigation would be secured or funded. One implication of removing the use of section 106 agreements is that there are a range of mitigation measures (including non-financial) that are secured using this mechanism and it so is not clear how the on-site mitigation would then be secured. The loss of section 106 agreements is a key concern and will affect the ability to deliver benefits and mitigation that flow from mineral and waste development (typically public access or biodiversity gain from the restoration of mineral and landfill sites), or for the implementation, maintenance and management obligations for surface water drainage systems (as just two examples). Section 106 agreements are still required to provide essential onsite infrastructure, such as school and including, significantly, the transfer of land/sites at nil cost.

3 Financial Implications

- 3.1 No financial implications relating to the KCC response to the consultation.

4 Legal implications

- 4.1 No legal implications relating to the KCC response to the consultation.

5 Equalities implications

- 5.1 There are no equalities implications relating to the KCC response to the consultation.
- 5.2 The White Paper asks for views on the potential impact of the proposals raised in the consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010. The County Council would look to respond by stating that the government must ensure that proposals secure, at least, adequate funding for essential infrastructure to support growth and

ensure that statutory services do not suffer through lack of capacity and that pressure on existing services is mitigated. KCC currently actively secures contributions for a range of services, including primary and secondary education, communities, and adult social care, including services for people with physical and learning disabilities and older people. Any further pressure on service delivery (financially or otherwise) will detriment people with certain protected characteristics (Age, Maternity, and Disability in particular) - potentially first and foremost.

6. Conclusions

- 6.1 To conclude, the potential implications of the White Paper reforms are significant and wide-ranging. There are some positive proposals being put forward – particularly in seeking more certainty earlier on in the planning process and promoting the role of digitisation. There are other areas that raise serious concerns – particularly around the approach to land categorisation, the mechanistic approach to required housing numbers and the fundamental overhaul of the developer contribution system. Indeed, a full picture of how these mechanisms would actually operate is just not clear with the level of detail put forward in the White Paper. Without such detail it is not possible to consider whether the new planning system can realise Government objectives or properly consider the consequences of any changes.
- 6.3 There are also immediate concerns with the impact on public involvement and democratic accountability. The traditional process of politicians deciding planning applications with opportunities for the public to make representations is effectively ending. The focus on participation at the plan-making rather than application stage will essentially reduce the existing opportunities to engage in the system and a lot of emphasis (perhaps too much) is being placed on the ability of technology to improve engagement at this early stage. Government will have to demonstrate that a greatly digitised process does not further diminish the voices of those already disadvantaged or marginalised, including those with certain Protected Characteristics.
- 6.4 Overall, given the nature of the proposals, the need for further consultation and primary legislation, there is concern that the White Paper falls short in providing detailed answers to how a reformed planning system might operate.
- 6.5 In terms of next steps, subject to the feedback of the consultation, the Government will seek to bring forward legislation and policy changes to implement reforms. Some aspects of the proposed reforms have not been comprehensively covered, and detail of the proposals will need further development pending the outcome of this consultation. The proposals for Local Plan reform, changes to developer contributions and development

management would require primary legislation, followed by secondary legislation.

6.6 The proposals allow 30 months for new Local Plans to be in place, so a new planning framework, so we would expect that new Local Plans would be in place by the end of the Parliament. The Government will implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

6.5 The White Paper consultation runs for twelve weeks, ending on 29 October.

7. Recommendation:

7.1 Cabinet is asked to consider the “Planning for the Future” White Paper, to provide comment on matters to be included in the KCC response and to agree delegation of the signing of the final KCC response to the Cabinet Member for Economic Development.

8.1 Planning for the Future White Paper - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

9. Contact details

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01 October 2020

Dear Secretary of State

Re: 'Changes to the current planning system' consultation

Kent has long supported the Government's growth ambitions, consistently delivering more new homes than its counterparts across the entire south east region. Kent County Council, alongside its district partners, is also in well-established discussions with your officials regarding an 'Infrastructure First' proposition. This builds upon the pioneering Kent and Medway Growth and Infrastructure Framework and aims to accelerate planned levels of growth, in return for the upfront investment in necessary infrastructure to support high quality development.

We must now write to express the County Council's strongest concerns regarding the proposals outlined in the above consultation and, in particular, the changes put forward to the standard method for assessing housing numbers. These proposals would be severely detrimental to Kent's commitment to deliver a genuine infrastructure led approach to new housing and economic growth for the benefit of residents, communities and businesses across the county.

We do recognise the Government's manifesto commitment to deliver nationally 300,000 new homes per year. However, we have significant concerns about the proposed approach set out in the consultation and its implications for Kent. It will only serve to compound a series of severe pressures experienced in areas across the county on all forms of infrastructure, and on our cherished natural and historic environments. For the purposes of this letter, we set out our principal concerns and officers have responded to the technical consultation.

Firstly, local planning authorities across the county have already been tasked with the enormous challenge to meet the substantial increases in housing need derived from the initial introduction of the standard method in 2018. The latest proposal would result in yet another step change, far beyond housing targets in adopted Local Plans - even the most conservative figures highlight an overall increase of over 30%. The figures for individual authorities are even more stark; 115% in Dover, 86% in Dartford and 71% in Tonbridge and Malling. Given the genuine planning constraints which do exist in various parts of the county, coupled with the capacity of the market, these figures are simply not deliverable.

Secondly, the nature of the formula applied - which starts to look like a second “mutant algorithm”, to apply the Prime Minister’s phrase - effectively penalises the majority of areas across the county which have already delivered significant amounts of growth. This is partly the result of the longstanding use of the household projections which simply extrapolate past trends, the proposed changes to the adjustment for market signals and the removal of the 40% cap applied in the previous standard method. The cumulative impact of the proposed changes will dramatically increase levels of housing need to the most alarming, unsustainable levels, and reap further misery on residents, communities and businesses in Kent who are simply not experiencing the benefits of growth.

Thirdly, the inherent failings in the proposed approach lead to the starkest variations in the levels of housing need, and completely undermine the Government’s wider policy objectives. The proposals assume that “levelling up” will fail across many parts of the country. For the North East, the North West and Yorkshire and the Humber, housing need actually remains below recent rates of housing delivery in those regions. This is in sharp contrast to the South East and other areas around London, reflecting the significance of the weighting given to affordability.

And finally, we do accept that the planning system has its limitations. However, it is a sector that is completely exhausted by consultation and fatigued by change. Local planning authorities in Kent require certainty and confidence to make plans in response to genuine local needs if areas across the county are to really flourish. It is not at all clear where this latest set of proposed changes will leave authorities who are already in the process of reviewing or updating their Local Plans, and this is in the backdrop of the proposals outlined in the Housing White Paper to introduce a new approach to setting housing requirements. We have every intention of writing separately to you on the White Paper proposals in due course.

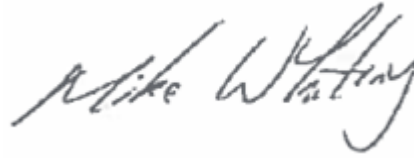
We are fully aware of the Government’s commitments on housing delivery but we strongly urge you to abandon this latest set of changes to the planning system and meet with us to discuss alternatives which are proportionate, realistic and strive to improve the quality of life for people and communities across Kent.

We look forward to hearing from you at your earliest convenience.

Yours sincerely,

Handwritten signature of Roger Gough in black ink.

Roger Gough
Leader of Kent County Council

Handwritten signature of Mike Whiting in black ink.

Mike Whiting
Cabinet Member for Economic Development

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