

BY: Roger Gough, Cabinet Member for Regeneration & Supporting Independence and Pete Raine – Managing Director, Environment & Regeneration

TO: Cabinet 12 March 2007

Subject: Development Contribution Function

Classification: Unrestricted

Summary: To approve the revised Development Contribution Guide (attached) following its recent formal consultation and adopt it as a policy supporting document.

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## 1. Introduction

- 1.1 On 18 September 2006, and pursuant to a previous report of 21 October 2002, a report was presented to Cabinet requesting approval, in principle, to a draft Developers Guide for the purposes of consultation.
- 1.2 The purpose of this report is to provide feedback on the formal consultation process and to seek approval from Cabinet for the Guide to be adopted and promoted as a policy supporting document
- 1.3 As stated in the previous report, the main reasons for revising the Guide are:-
- (a) To continue to secure contributions negotiated on the basis of sound planning policy towards community infrastructure and the services necessary to support sustainable communities where KCC is the Statutory Authority.
  - (b) The introduction of Circular 05/2005 relating to Planning Obligations.
  - (c) To inform the formulation and implementation of planning policies emerging as a result of fundamental changes in the planning system, including the introduction of the:-
    - (i) Regional Spatial Strategy (South East Plan) which will replace the Kent & Medway Structure Plan (KMSP).
    - (ii) Local Development Frameworks which will replace the existing Local Plans.

Each District needs to produce a Community Strategy alongside their LDF and have regard to the Community Strategy of any other authority who provide services within their area. This includes The Kent Partnership Community Strategy - Vision for Kent, which this

new Guide will support (see 'Sustainable Community Strategies' pages 6 &7).

- (d) To incorporate the revised Pupil Product Ratios (PPR's) following the survey carried out by MORI on behalf of KCC. The PPR's are currently mainly utilised by Education, Youth & Community to calculate the level of contributions required.
- (e) To incorporate a methodology designed to assess the need for Adult Social Services.
- (f) (f) To inform developers and landowners of their expected responsibilities so they can assess and have regard to any financial implications at an early stage of the planning and development process.

1.4 Following revision of the Guide the Development Contribution Team will continue to work closely with the Service Directorates as and when required refining and revising their methodologies.

### **Summary of Consultation**

An eight week consultation on Kent County Council's Guide to Development Contributions and the Provision of Community Infrastructure was held between Monday 9<sup>th</sup> October and Friday 1<sup>st</sup> December 2006.

Approximately 600 consultees were sent a letter or email inviting them to comment on the Guide. This group included Districts, representatives of the development industry including developers and planning and development consultants, along with Parish and Town Councils.

Full details of the consultation period, a full version of the Guide and a response form were published on the web at

<http://www.kent.gov.uk/publications/community-and-living/guide-to-dev-contributions.htm>.

A hard copy of the Guide was displayed in district council planning reception areas, and at libraries in Kent and Medway. KCC's Press Office released a press statement, and the consultation was covered as a news feature on the County Council's web pages.

### **Results of Consultation**

Comments in writing were received from 36 respondents within the consultation period. These comprised 23 from other authorities, public sector agencies and/or their representatives along with 13 from developers/landowners and/or their representatives. Whilst the approach received some support, the main issues arising include the following:

- The need for recognition that other service providers have their own requirements.
- Concern in respect of development viability in the light of the breadth of competing considerations.
- Recognition that Districts as the Local Planning Authorities have to ultimately balance competing considerations.
- The importance of adherence to prevailing planning policy and/or legislation (particularly Circular 05/2005) and the requirement for robust evidence from service providers to support requests for contributions.
- The timing of development contribution payments both in terms of triggers, mainly relating to payment on commencement of development, along with the standard pay back period of ten years.

These issues are generally acknowledged and have been addressed within the existing text and/or by minor amendment. However, the Guide has not been changed regarding the standard pay back period of ten years as KCC requires flexibility in terms of expenditure, particularly where contributions need to be pooled or the requirement for infrastructure needs to be delivered on a phased basis.

Many respondents, of course, had particular points, which related to their particular standpoint. This is not intended to be an exhaustive list. A detailed schedule of feedback, which includes KCC's responses and indicates where, if appropriate, the Guide has been revised, along with a copy of the consultation letter/email and with a full list of consultees can be found at

<http://www.kent.gov.uk/publications/community-and-living/guide-to-dev-contributions.htm>.

The Guide includes the current contribution levels for 2007.

## **2. Recommendation**

Cabinet is asked:-

- (a) To APPROVE the attached Guide for adoption and promotion as a policy supporting document for the Kent Partnership Community Strategy - 'Vision for Kent'.
- (b) To delegate authority to the Managing Director, Environment and Regeneration in consultation with the Cabinet Member for Regeneration & Supporting Independence to sign off any subsequent periodic reviews/updates on behalf of the County Council.

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### *Background Documents*

- Kent Planning Officers Group (KPOG) Good Practice Guide on Development Contributions 1999 and its Addendum 2001
- Cabinet Report 21 October 2002 "The Development Contribution Function"

- Developers Guide
- Cabinet Report 18 September 2006 “Development Contribution Function”
- The Kent Partnership Community Strategy – “Vision for Kent”

**Contact: Nigel Smith 01622 221867 Email: [Nigel.Smith@kent.gov.uk](mailto:Nigel.Smith@kent.gov.uk)**