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To: Cabinet - 30 March 2009

Subject: Community Infrastructure Provision: Review of Current and
Future Service Strategies in Kent

Classification: Unrestricted

Summary: Members are asked to:

- a. Approve the Service Providers Statements as a policy document to inform district Development Plan Documents and to approve their publication for the purposes of consultation.
 - b. To delegate authority to the Portfolio holder for Finance and Portfolio holder for Regeneration following the consultation and approval by the service units Portfolio holders to sign off the revised statements and subsequent annual updates as supplemental guidance on behalf of the Council
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Introduction

- 1 (1) KCC has been successfully securing development contributions since approximately 1997 and on 12 March 2007 Cabinet considered the “KCC Guide to Development Contributions and the Provision of Community Infrastructure March 2007” and “approved the Guide for adoption and promotion as a policy supporting document for the Kent Partnership Community Strategy – “Vision for Kent”. The Guide sets out the basis and methodology for the collection of monies from developers towards the provision of KCC infrastructure. The legal framework for this procedure is provided by the Town and Country Planning Act 1990 (section 106) and the Planning and Compensation Act 2004, whilst the policy guidance is contained in Circular 5/2005.
- (2) The Guide has been instrumental in informing planning documents at district level, however The Planning and Compensation Act 2004 introduced a fundamental change to the Local Development Framework (LDF) procedure for the preparation and adoption of development plans, which in turn, has significant implications for the process of securing development contributions. Whilst the S.106 process still exists much greater emphasis is now being placed on negotiations underpinned by up to date policies and proposals which must be contained in the new style development plans which comprises a relative complex framework of documents.
- (3) In addition the potential introduction of the Community Infrastructure Levy

(CIL) will require a “charging schedule” to identify infrastructure requirements over the LDF plan period. The “charging schedule” must be evidence based and will be subject to independent examination and possibly public examination.

The Evidence Base and Local Development Documents

- 2 (1) The inclusion of policies of various kinds in Development Plan Documents, including policies relating to the provision of community infrastructure, depends however, on the preparation of a comprehensive evidence base which sets out and justifies the approach. The Service Provider Statements are intended to comprise this essential evidence base for the provision of Community Infrastructure and will provide the link to emerging planning policies.
- (2) The provision of infrastructure now has the status of a “key test of soundness” to which Development Plan Documents must comply. Further, Planning Policy Statement 12 (Local Development Frameworks) advises at para 6.3 that where evidenced based documents have been prepared by Council’s in accordance with established procedures (ie in draft and subject to public consultation) they may then be adopted as “supplementary guidance” and henceforth be regarded as a material consideration in the determination of planning applications. For procedural reasons it is recommended that this document be given such status. This will enable officers to make reference to it at public inquiries of various kinds and require Planning Inspectors to give it due status in any decisions that they make.

The Service Provider Statements

- 3 (1) The Service Provider Statements themselves comprise the collective requirements of the following services: Adult Education; Libraries and Archives; Youth Service; Primary and Secondary Education; and Adult Social Services (as at 2008), and look forward a maximum of 5 years. Whilst this timescale is shorter than that of Local Development Documents which have a timescale of at least 10 years, but may be much longer, it is considered that a 5 year time frame offers the most realistic projection given the uncertainties of central government funding and relates to KCC’s Medium Term Financial Plan (MTP) and possible changes to the way in which such services may be delivered in the future. It is expected however that the statements will be reviewed and updated annually to accord with the MTP and service business plans, hitherto unforeseen changes may then be dealt with. This annual review will then fit with the annual monitoring process that Local Planning Authorities (i.e. District Council’s in Kent) have to comply with when preparing and reviewing their development plan documents.

Service Provider Statements: Content and approach

- 4 (1) Each service description comprises a County wide statement and background statistical information, cross referenced to various national and regional evidence sources. This provides the overarching evidence base. The local interpretation of this evidence is then achieved through a series of district policy statements and project proposals, one for each district in the County (and excluding Medway unitary authority), whose purpose is to inform the policy preparation of the Local Development Documents and any locally based community service initiatives being pursued by the districts themselves. This information will also form the background evidence when commenting upon planning applications and presenting cases at planning appeals, supplemented by such further site specific data as may be necessary.
- (2) The statements will also inform the MTP, the CIL charging schedule, the Regeneration Framework, What Price Growth 2 and lobbying documents to central government.

Internal Consultation

- 5 (1) In preparing the document, there has been extensive liaison with relevant portfolio holders and service directorate senior managers. The document has also been shared with Finance Services Board and Corporate Property.

Recommendations

Cabinet is asked to:-

- a. Approve the Service Provider Statements as a policy document to inform district Development Plan Documents.
- b. Approve that the Service Provider Statements are published for the purposes of consultation pursuant to Planning Policy Statement 12 and subsequently adopted as supplementary guidance.
- c. To delegate authority to the Portfolio holder for Finance and Portfolio holder for Regeneration to agree amendments following the consultation and further approval by the service units Portfolio holders and sign off the revised statements as supplemental guidance on behalf of the Council
- d. To delegate authority to the Portfolio holder for Finance and Portfolio holder for Regeneration to sign off the revised statements on behalf of the Council following the annual review and approval by the service units Portfolio Holders

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Background Documents:

None

*Please note a full copy of the service provider statements is available upon request.
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