

KENT COUNTY COUNCIL –PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Derek Murphy, Cabinet Member for Economic Development

DECISION NO:

23/00041

For publication

Key decision: YES

Subject Matter / Title of Decision:**Decision:**

As Cabinet Member for Economic Development, I agree to:

- (i) proceed with formal adoption of the updated Developer Contributions Guide;
- (ii) approve the service standards and methodology for calculating development mitigation contained within;
- (iii) delegate to the Director of Growth and Communities to sign off any subsequent reviews/updates and changes to approaches to contribution calculation methodologies on behalf of the County Council other than for when either a contribution rate is required to be increased beyond inflation or the introduction of a new contribution request,
- (iv) delegate to the Director of Growth and Communities to take appropriate actions including, but not limited to, KCC entering into legal agreements, legal charges, and negotiation of contributions for planning applications of proven viability concern, as necessary to implement this decision; and
- (v) to confirm the use of the BCIS All-In Tender price index (or ROADCON where required by Public Rights of Way or Highways), with the base date for indexation set at Quarter 1 2022.

Reason(s) for decision:

KCC's existing Developer Contributions Guide (first published in 2007) is now considered to be out of date and as such the authority is at threat of increased challenges to the requests for mitigation being sought. It is necessary to update the Guide to reflect changes in legislation, policies, priorities, and costs and provide developers and Local Plan Authorities (LPAs) with clear guidance on the likely financial costs of development so that they can be factored in as they prepare Local Plans and individual planning applications.

Cabinet Committee recommendations and other consultation:

The proposed decision was considered and endorsed by Members of the Growth, Economic Development and Communities Cabinet Committee at their meeting on 16 May.

Any alternatives considered and rejected:

Do Nothing - However, increasing challenges from developers and LPA's would have resulted in increased revenue and legal costs to KCC, requiring the county council to defend contributions being sought using outdated guidance, and in some instances, insufficient mitigation towards the impact upon KCC services.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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signed

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date