

APPENDIX A

Key issues arising from the Maidstone Community Infrastructure Levy Preliminary Draft Charging Schedule (regulation 15) consultation

SUMMARY STATISTICS

GENERAL

SUPPORT	1
OBJECT	2
OBSERVATION	5
OTHER	1
TOTAL	9

LOCAL PLAN VIABILITY TESTING

SUPPORT	0
OBJECT	9
OBSERVATION	4
TOTAL	13

SECTION 106 PLANNING OBLIGATIONS

SUPPORT	0
OBJECT	1
OBSERVATION	2
TOTAL	3

PROPOSED LEVY

	GENERAL	RESIDENTIAL	RETAIL	TOTAL
SUPPORT	2	2	2	6
OBJECT	2	8	8	18
OBSERVATION	3	0	0	3
TOTAL	7	10	10	27

DUTY TO PASS CIL TO LOCAL COUNCILS

SUPPORT	0
OBJECT	3
OBSERVATION	0
TOTAL	3

INFRASTRUCTURE/LIST OF RELEVANT INFRASTRUCTURE

SUPPORT	0
OBJECT	10
OBSERVATION	6
TOTAL	16

COMMENTS

General

Some unconditional support.

Charging schedule needs to include exceptional circumstances relief.

Charging schedule needs an instalments policy.

Introduction of CIL should be immediate.

Levy should be charged on the basis that development will create need for infrastructure.

£0 CIL charge makes no sense.

Concern that agreement with infrastructure providers to spend CIL receipts needs to be legally binding.

Concern that infrastructure requirements identified in MBLP are insufficient.

CIL should have a positive effect on development.

Should take into account published guidance in NPPG.

SUPPORT	1
OBJECT	2
OBSERVATION	5
OTHER	1

Local plan viability testing

Further work required, evidence needs to be updated – costs and assumptions:

- Build costs
- Regulatory costs (CSH 4 allowance too low)
- Land values
- Sales values
- Site servicing costs too low and not evidenced
- Profits too low

Council needs to strike an appropriate balance between desirability of funding from CIL and how this potentially affects viability of development across the local authority area.

CIL evidence prepared with overly buoyant assumptions.

Does not sufficiently allow for remedial costs and other potential unknown costs.

CIL payments arising from proposed £260 pm² charge would be substantially higher than for other examples from bigger developments.

The provision of water infrastructure is not dealt with through CIL/s106, these costs needs to be adequately reflected.

Query if viability evidence is still valid in light of new sites in local plan approach – was previously Core Strategy and based on limited sites.

Further work required in relation to the income from CIL and the likely infrastructure that it can fund – should not be an unrealistic wish list.

Council should consult with developers.

SUPPORT	0
OBJECT	9
OBSERVATION	4

Section 106 planning obligations

Pooling restrictions information needs to be updated to reflect 2015 deadline.

Disagree with restrictions on pooling, sounds like a developers' charter.

Where new sites are required for new provision of services e.g. education, it is more appropriate for these to be delivered by s106 obligations, because acquiring sites is too onerous for KCC.

SUPPORT	0
OBJECT	1
OBSERVATION	2

Proposed levy

Some support for hierarchy of proposed levy.

Disagree with retail rates in PDCS being varied from those proposed in executive summary of local plan viability testing.

Make levy higher and affordable housing proportion lower in rural areas, too many affordable houses will result from the current policy position – more than are needed in Headcorn.

Concern not to advantage town centre competitors.

Town centre uses are rightly recognised as not being able to support a charge.

Object to levy on rural businesses (ref. retail) as this will significantly affect viability of such propositions and will negatively affect job prospects in rural areas.

Will cause a distortion by effectively penalising retail development at the expense of other uses which have a nil rate set against them.

Disagree that splitting levy with a use class (retail) is allowable – this unfairly benefits one part of the retail spectrum – considers that this falls foul of State Aid regulations.

This should also apply to conversions – not just new floorspace.

Proposed changes:

- Instalments policy.
- Exceptional circumstances relief.
- Flat rate levy based on infrastructure requirements with equal payments made across all uses.
- Allow for infrastructure provision as payment in kind.

£260 charge unfairly benefits larger stores but for smaller stores and alternative formats like Aldi, this is at the margins of viability.

CIL on all PDL should be at a nil rate to encourage development of PDL and allow for abnormal costs.

Rates in urban area of £84 pm² and rural area of £126 pm² are not viable.

Retail levy is too high and out of step with levy proposed in surrounding areas.

The council should set a £0 levy in the town centre to encourage development/regeneration.

A viability cushion of 30% should be applied from evidence to proposed levy.

CIL should be charged on all non-residential development, not just retail.

Question if the potential income from CIL/cost of infrastructure identified in the list of relevant infrastructure has influenced the setting of the CIL rates and if this is valid.

Proposes that CIL charge should not directly reflect viability evidence.

Figures appear arbitrary.

	GENERAL	RESIDENTIAL	RETAIL	TOTAL
SUPPORT	2	2	2	6
OBJECT	2	8	8	18
OBSERVATION	3	0	0	3

Duty to pass CIL to local councils

Does not support £100 cap on CIL payment to local councils where a neighbourhood plan has not been adopted.

SUPPORT	0
OBJECT	3
OBSERVATION	0

Infrastructure/list of relevant infrastructure

Regulation 123 list will not meet the infrastructure needs of the borough.

Does not believe that CIL will be able to deliver all required infrastructure.

CIL should rectify existing infrastructure problems before accepting new developments with new infrastructure needs.

No funding identified for police. Goes against NPPF - does not provide for secure communities. Quotes letter from DCLG - police are legitimate recipients of CIL funding.

Include flood defences/mitigation measures in list, with £TBC listed for cost, these projects will be required and will require funding from external partners and bodies.

Some schemes have been built, some are not reliant on CIL, some are currently subject to ongoing negotiation.

List should include improvements required on Hermitage Lane.

Larger items of infrastructure remain uncoded, yet these are significant elements of the infrastructure need. Query if infrastructure, and hence MBLP strategy, is deliverable/proven to be deliverable. Note that further infrastructure work is identified as being necessary.

Further work required with regard to transport and the strategic route network.

Indoor and outdoor sports facility requirements should be adequately provided for.

Pump priming should be provided on new developments to support new bus services.

KCC expects that all of its infrastructure will be wholly funded by CIL.
The list needs to include services such as Youth and Community Learning.
KCC requests that a list of sites is produced which identifies the split between CIL being the more appropriate method of infrastructure delivery, or s106 being more appropriate – KCC believes that larger sites are more appropriate for delivering infrastructure through s106 obligations. KCC believes that an update IDP should illustrate this information.

SUPPORT	0
OBJECT	10
OBSERVATION	6