



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872300
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

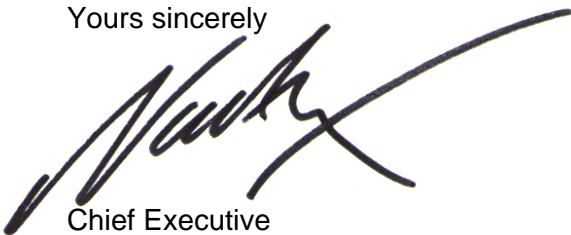
23 June 2011

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held at these Offices (Council Chamber) on Monday 4 July 2011 at 11.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely



Chief Executive

Cabinet Membership:

Councillor P A Watkins	Leader of the Council
Councillor S S Chandler	Deputy Leader and Portfolio Holder for Community, Housing and Youth
Councillor N J Collor	Portfolio Holder for Access and Property Management
Councillor M D Conolly	Portfolio Holder for Corporate Resources and Performance
Councillor P G Heath	Portfolio Holder for Health, Well-Being and Public Protection
Councillor N S Kenton	Portfolio Holder for Environment, Waste and Planning
Councillor C J Smith	Portfolio Holder for Skills, Training and External Relations

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**

Members are required to disclose the existence and nature of a personal interest under this item of business or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

3. **DECISIONS** (Pages 5-12)

The Decisions of the meetings of the Cabinet held on 2 June 2011 and 6 June 2011 numbered CAB 17 to CAB 21 (inclusive) are attached.

4. **ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES**
(Pages 13-15)

- (a) Performance Targets 2011/12
- (b) St James's Area Development
- (c) Refund of Parking Fees to users of the District's two Leisure Centres

To consider any issues arising from Overview and Scrutiny or other Committees not specifically detailed elsewhere on the agenda.

5. **APPOINTMENT OF INVESTMENT ADVISORY GROUP 2011/12**

It is recommended that the Investment Advisory Group (IAG) be appointed for the Council year 2011/12 so that the Director of Finance can, in consultation with the Portfolio Holder for Corporate Resources and Performance, call a meeting to consider issues that might affect Dover District Council's investments, such as:

- the deterioration of the economic position in Greece and possible contagion to other countries
- possible downgrading of Italy's credit status
- potential impact on the Euro
- the need for a more defensive Investment Strategy, a revised counter-party list and a revised remit to Investec
- the opportunity for Sector to provide training/update to IAG Members.

It is recommended that the IAG membership for 2011/12 comprise the following:

- Portfolio Holder (and Chairman)
- Chairman of Governance
- Chairman of Scrutiny (Policy and Performance)
- Two backbenchers – one nomination from the Conservative Group and one nomination from the Labour Group

BUDGET/POLICY FRAMEWORK – KEY DECISIONS

6. **AFFORDABLE HOUSING SPD ADDENDUM** (Pages 16-45)

To consider the attached report of the Director of Community and Development.

Responsibility: Portfolio Holder for Environment, Waste and Planning

BUDGET/POLICY FRAMEWORK – NON-KEY DECISIONS

7. **STATE OF THE DISTRICT 2010/11**

To consider the attached report of the Leader of the Council.

Responsibility: Leader of the Council

EXECUTIVE – NON-KEY DECISIONS

8. **KENT ENVIRONMENT STRATEGY AND ADAPTATION PLAN** (Pages 46-50)

To consider the attached report of the Director of Environment and Corporate Assets.

Responsibility: Portfolio Holder for Environment, Waste and Planning

9. **PREPARATION OF A COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE** (Pages 51-61)

To consider the attached report of the Director of Community and Development.

Responsibility: Portfolio Holder for Environment, Waste and Planning

10. **APPOINTMENT OF MEMBER REPRESENTATIVES TO OUTSIDE BODIES 2011/12 – MUNICIPAL CHARITIES OF DOVER**

To consider the attached report of the Director of Governance.

Responsibility: Leader of the Council

11. **DECISIONS TAKEN BETWEEN CABINET MEETINGS** (Pages 62-65)

<u>Reference</u>	<u>Subject</u>	<u>Date</u>
U02	Delegation of Executive Functions	7.6.11

12. **NOTICE OF DELEGATED DECISIONS** (Pages 66-67)

<u>Reference</u>	<u>Subject</u>	<u>Date</u>
DD01/11	Naming of New Street at Park View Close, Goodnestone	24.06.11

13. **EXCLUSION OF THE PRESS AND PUBLIC** (Page 68)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORTS CONTAIN EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

BUDGET/POLICY FRAMEWORK – NON-KEY DECISIONS

14. **ST JAMES'S AREA DEVELOPMENT** (Paragraph 3 – Information relating to the financial or business affairs of any particular person)

To consider the report of the Head of Inward Investment (to follow).

Responsibility: Leader of the Council

EXECUTIVE – NON-KEY DECISIONS

15. **CAPITAL APPRAISALS – REGENERATION PROJECTS 2011-12** (Paragraph 3 – Information relating to the financial or business affairs of any particular person)

To consider the report of the Chief Executive (to follow).

Responsibility: Leader of the Council

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Record of the decisions of the meeting of the special **CABINET** held at the Council Offices, Whitfield on Thursday 2 June 2011 at 12.30 pm.

Present:

Chairman: Councillor P A Watkins

Councillors: N J Collor
M D Conolly
P G Heath
C J Smith

Officers: Director of Governance
Head of East Kent HR Partnership
Democratic Support Officer

Apologies for absence were received from Councillors S S Chandler and N S Kenton.

The formal decisions of the Executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 17 2.6.11 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 9 June 2011</p>	<p><u>SELECTION AND APPOINTMENT OF A JOINT CHIEF EXECUTIVE WITH SHEPWAY DISTRICT COUNCIL</u></p> <p>It was agreed that the Scrutiny (Policy and Performance) Committee be thanked for its recommendation and that this be forwarded to the Joint Appointments Committee, with Cabinet's approval that 'emotional intelligence' should form part of the selection criteria.</p>	<p>To reinstate the technical interview and to not include 'emotional intelligence' in the selection criteria.</p>	<p>At its meeting held on 31 May 2011, the Scrutiny (Policy and Performance) Committee considered the report of the Director of Governance and Solicitor to the Council, and the recommendations made by the Joint Implementation Forum and Cabinet decision number CAB 15 made at their meetings held on 25 May 2011.</p> <p>The Committee made a recommendation to Cabinet and the Joint Appointments Committee which</p>	

			will meet on 6 June 2011.	
--	--	--	------------------------------	--

The meeting ended at 12.54 pm.

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 6 June 2011 at 11.00 am.

Present:

Chairman: Councillor P A Watkins

Councillors: S S Chandler
N J Collor
M D Conolly
P G Heath
N S Kenton
C J Smith

Also Present: Councillor S R Nicholas

Officers: Director of Community and Development
Director of Environment and Corporate Assets
Director of Finance
Director of Governance
Democratic Support Officer

DECISIONS

The Decisions of the meetings of the Cabinet held on 23 May and 25 May 2011 as detailed in decision numbers CAB 1 to CAB 14 were approved as correct records and signed by the Chairman.

The formal decisions of the Executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 18 6.6.11 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply Yes</p> <p>Implementation Date 14 June 2011</p>	<p><u>REFUND OF PARKING FEES TO USERS OF THE DISTRICT'S TWO LEISURE CENTRES</u></p> <p>It was agreed:</p> <p>(a) That a period of public consultation regarding the revocation of the current scheme for the refund of parking fees to users of the Tides and Dover Leisure Centres be approved.</p> <p>(b) That, in the event that no representations are received during the consultation period, the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Access and Property Management, be authorised to make an order to vary the Dover District Council (Off Street Parking Places) Order 2010 to reflect the revocation of the refund scheme.</p>	<p>None.</p>	<p>Users of Tides and Dover Leisure Centres are entitled to claim a refund when using the facilities and parking in the three associated car parks.</p> <p>Subject to public consultation, the report proposes that the refund scheme be revoked in order to maximise revenue to Dover District Council at a time when financial pressure is great.</p>	<p>Councillor C J Smith declared a personal interest by reason that he was a member of Tides Leisure Centre.</p>

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 19 6.6.11 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 14 June 2011</p>	<p><u>PERFORMANCE TARGETS 2011/12</u></p> <p>It was agreed that the indicators and targets, as set out in Appendix 1 of the report, be approved, subject to final agreement between Portfolio Holders and Officers, with the Portfolio Holder for Corporate Resources and Performance, in consultation with the Director of Governance, authorised to make any minor changes.</p>	<p>None.</p>	<p>An effective performance management culture is a fundamental requirement of an efficient and effective Council, facilitating the planning, monitoring and reporting of performance and helping to ensure that resources are directed as required to meet corporate and service objectives.</p> <p>Cabinet is requested to consider the schedule of performance targets which includes the corporate indicators that will be published in the quarterly Performance</p>	

			Report.	
--	--	--	---------	--

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 20 6.6.11 Open Key Decisions No Call-in to apply Yes Implementation Date 14 June 2011	<u>2010/11 ANNUAL GOVERNANCE ASSURANCE STATEMENT</u> It was agreed: (a) That the Annual Governance Assurance Statement 2010/11, as recommended by the Corporate Management Team, be approved, subject to the replacement of 'Reasonable Assurance' with 'Adequate Assurance' as a definition of audit assurance statements. (b) That the Leader of the Council be authorised to sign the Statement.	None.	The Accounts and Audit Regulations (England) 2003 require that the Council conducts at least annually a review of the effectiveness of its system of internal control and then publishes a statement.	

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 21 6.6.11 Open Key Decisions No Call-in to apply Yes	<u>DECISIONS TAKEN BETWEEN CABINET MEETINGS</u> It was agreed that Decision Notice U1 (Delegation of Executive Functions) be received and noted.	None.	To note the decision taken by the Leader of the Council pursuant to Section 3E of Part 3 of the Constitution.	

Implementation Date 14 June 2011				
--	--	--	--	--

The meeting ended at 11.13 am.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

PERFORMANCE TARGETS 2011/12

Responsibility: Portfolio Holder for Corporate Resources and Performance
 Report of: Director of Governance

Decision Route

Cabinet	6 June 2011	CAB 19
Scrutiny (Policy & Performance) Committee	21 June 2011	
Cabinet	4 July 2011	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 21 June 2011, considered the report of the Director of Governance and Cabinet decision CAB 19, and made the following recommendations to Cabinet:

- (a) That the indicators and targets be approved subject to any minor changes being agreed by the Portfolio Holder for Corporate Resources and Performance in consultation with the Director of Governance.
- (b) That key service delivery partnerships be reviewed using the partnership evaluation criteria and this information be included in the Performance Report.

Cabinet Decision CAB 19 of 6 June

It was agreed that the indicators and targets, as set out in Appendix 1 of the report, be approved, subject to final agreement between Portfolio Holders and Officers, with the Portfolio Holder for Corporate Resources and Performance, in consultation with the Director of Governance, authorised to make any minor changes.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

ST JAMES'S AREA DEVELOPMENT

Responsibility: Leader of the Council

Report of: Chief Executive

Decision Route

Project Advisory Group (St James's Area Development)	20 June 2011	
Cabinet	4 July 2011	
Council	27 July 2011	

Project Advisory Group (St James's Area Development) Recommendations

At its meeting held on 20 June 2011, the Project Advisory Group considered a report presented by the Head of Inward Investment and made the following recommendations to Cabinet:

- (a) That the draft Heads of Terms, as set out in the report, be approved, subject to resolution of the car parking management arrangement;
- (b) That the scheme be progressed expeditiously;
- (c) That the Council's monitoring costs be incorporated; and
- (d) That all parties strive to meet the 2013 completion date for the hotel, as set out in the report.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

REFUND OF PARKING FEES TO USERS OF THE DISTRICT'S TWO LEISURE CENTRES

Responsibility: Portfolio Holder for Access and Property Management

Report of: Director of Environment and Corporate Assets

Decision Route

Cabinet	6 June 2011	CAB 18
Scrutiny (Policy & Performance) Committee	21 June 2011	
Cabinet	4 July 2011	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 21 June 2011, considered the report of the Director of Environment and Corporate Assets and Cabinet decision CAB 18, and resolved as follows:

- (a) That the report be endorsed.
- (b) That the outcome of the consultation be reported to a future meeting of the Scrutiny (Policy and Performance) Committee.

Cabinet Decision CAB 18 of 6 June

It was agreed:

- (a) That a period of public consultation regarding the revocation of the current scheme for the refund of parking fees to users of the Tides and Dover Leisure Centres be approved.
- (b) That, in the event that no representations are received during the consultation period, the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Access and Property Management, be authorised to make an order to vary the Dover District Council (Off Street Parking Places) Order 2010 to reflect the revocation of the refund scheme.

REPORT OF THE DIRECTOR COMMUNITY AND DEVELOPMENT

RESPONSIBILITY – PORTFOLIO HOLDER FOR ENVIRONMENT, WASTE AND PLANNING

KEY DECISION

BUDGET/POLICY FRAMEWORK

LOCAL DEVELOPMENT FRAMEWORK GROUP – 8 JUNE 2011

CABINET – 4 JULY 2011

COUNCIL – 27 JULY 2011

AFFORDABLE HOUSING SPD ADDENDUM

Recommendation

Cabinet be requested to recommend Council to adopt the Affordable Housing Supplementary Planning Document (SPD) Addendum and make it available.

Contact Officer: Elizabeth Rix - extension 2065

Reasons why a decision is required

1. The Council has not yet brought into operation part of the adopted Core Strategy - Policy DM5 - to secure an affordable housing¹ contribution for developments of 5 to 14 dwellings. This is since the Council has not yet established a method for working out the size of the financial contribution. The SPD addendum is a highly technical report setting out the formula for securing financial contributions for developments of 5 to 14 dwellings. This report responds to the results of public consultation which ran for a period of 8 weeks from 13 January to 10 March 2011 together with the outcomes from the Stakeholder Event on 14 January.

Options available to the Council with assessment of preferred option

2. The Council could decide not to adopt the Affordable Housing SPD Addendum, to adopt it as it stands or to adopt it with amendments in light of this report which responds to representations received as a result of consultation on the draft SPD Addendum. Approval with amendments would enable the document to achieve the necessary formal status to bring it into effect. This is the preferred option. Failure to adopt the SPD Addendum would delay the implementation of Policy DM5 and schemes of fewer than 15 units would not be meeting the requirement to provide affordable housing.

Information to be considered in taking the decision

3. On 6 December 2010 Cabinet agreed a draft version of the SPD Addendum for public consultation and for ease of reference that report minus the Appendix containing the draft guidance, is attached at **Appendix 1**. This report describes the consultation arrangements and analyses representations received together with a suggested response. That is set out in **Appendix 2**. **Appendix 3** summarises the outcomes from the Stakeholder Event which took place within the consultation

¹ Affordable Housing is defined in national guidance (Planning Policy Statement (PPS) 3: Housing) dated 9 June 2011 and contained within Annex B: Definitions

period. **Appendix 4** contains the proposed version of the SPD for approval, amended in line with the responses as set out in the table in **Appendix 2**. Changes have been indicated by use of strikethrough and distinctive text. It will be noted that the version proposed for approval differs from the draft version in that it does not discuss the range of for securing a financial contribution but sets out the preferred formula.

4. The consultation period opened on 13 January 2011 and ran for eight weeks. On 14 January a Stakeholder Event took place, structured around the Key Questions posed in the consultation document. The event was well attended with representatives from registered providers, the house building industry and a number of sections of the District Council. **Appendix 3** contains a summary of the discussions which took place at the Stakeholder Event. This concludes with some key points for consideration.
5. The Council has received a total of 25 representations to the SPD Addendum of which 24 were from organisations/groups. Representations may be briefly characterised in terms of:

1 supporting the SPD

3 stating objections (all from one organisation)

21 making comments (of these 3 were to make 'no comment')

6. Clearly consideration will need to be given to all of the representations in the analysis table together with the outcomes from the Stakeholder Event, but for ease of reference attention is drawn to a number of specific issues and the suggested approach to them.

Clawback mechanism

7. When the Local Development Framework Policy Advisory Group considered the draft SPD Addendum for consultation on 1 December 2010 it was agreed to introduce a fourth option detailing a clawback arrangement, Option 6D, as the Preferred Option. On balance it was considered that this provided the most suitable way of securing financial contributions since it enables the contribution to be based on the actual sales values achieved on the development site.
8. One representation raised concerns from a developer's perspective that a clawback arrangement adds complexity and additional costs for the developer. If a clawback mechanism was introduced then this would have resource implications for the District Council. Discussions have subsequently taken place with Development Management regarding the implementation of the policy, staff resources and, the cost and time of having an independent viability assessment for each planning application. As a result of current budgetary constraints coupled with staff resource implications, it was concluded that this mechanism be removed as it could become very onerous on the District Council. Option 6A, where the developer provides an estimate of the Open Market Value (OMV) of each unit, appears to be a much more workable solution.
9. To ensure that reasonable figures have been presented the Regeneration Delivery Section will review the OMV figures supplied using comparable information (i.e. the sales values recently achieved in the vicinity of the application) for an initial period of one year. The procedure would then be reviewed and firmed up as necessary.

Brownfield/ Greenfield sites

10. At the Stakeholder Event discussions included a suggestion to exclude sites on Brownfield land. The Council has carefully considered this, however, on balance, it is

felt that not all Brownfield sites require costly remediation. In fact, there are often instances when Greenfield sites require significant infrastructure investment. No changes are recommended.

Points of clarification

11. The adopted SPD provides detailed information on many aspects of affordable housing provision. Appendix 5 of the adopted SPD presents model obligations for inclusion in legal agreements. Page 40 states that “In the event that the contribution towards affordable housing (or any part of it) has not been spent or committed within a period of 5 years from the date of payment to repay, provided it is requested, the part not spent or committed to the Developer together with interest”. The Addendum does not seek to alter this obligation.
12. To assist at planning application stage, the Council will provide a model legal agreement, which will be placed on the Council’s website to ensure it can be updated as necessary. Further guidance on the material required to support a planning application is available from the Development Management Section.
13. One representation raised an objection to the requirement for any scheme to mirror the Strategic Housing Market Assessment (SHMA) mix for reasons of practicality. The Council considers this to be the starting point for any planning application, as set out on page 43 of the adopted Core Strategy. Should any planning application wish to deviate from the required SHMA mix then evidence would need to be submitted as part of any planning application. The Council has amended the SPD addendum to add clarity on this aspect.
14. The consequences of the above amendments, together with those proposed in **Appendix 2** have been reflected in the changes made to the SPD addendum contained as **Appendix 4**. Cabinet is therefore requested to take account of these considerations and to recommend accordingly to Council that the SPD be adopted.
15. Summary of key points:
 - Applicable to all schemes of 5 to 14 units
 - Use figures provided by developers
 - Requires use of comparables to check information provided
 - Model legal agreement on website
16. This report will be considered by the LDF Policy Advisory Group on 8 June, and their recommendations will be reported orally to Cabinet.

Background Papers

Appendices to this report.
Adopted Affordable Housing SPD
Strategic Housing Market Assessment (SHMA)
Affordable Housing Economic Viability Report
Affordable Housing Delivery Plan (2010-2015)

Resource Implications

Requirement from Current Budget	Requirement for Additional Budget	
	Current Year	Full Year
Consultation costs are contained within the current Forward Planning Budget	None	None

Customer Access Review

A further round of public consultation took place for an 8 week period starting in January. This had equality issues built in to the process.

Comments from Equalities Officer

There may be Equality issues within this proposal, however Equality and diversity were built in throughout the consultation process.

Attachments

- Appendix 1 – Report to Cabinet 10 December 2010
- Appendix 2 – Tables of representations and suggested responses
- Appendix 3 – Outcomes from Stakeholder Event, 14 January 2011
- Appendix 4 – Proposed adopted version of the SPD Addendum

MICHAEL G DAWSON

Director of Community and Development

REPORT OF THE DIRECTOR OF DEVELOPMENT AND PUBLIC PROTECTION

RESPONSIBILITY – PORTFOLIO HOLDER FOR ENVIRONMENT, WASTE AND PLANNING

KEY DECISION

EXECUTIVE

LOCAL DEVELOPMENT FRAMEWORK GROUP – 1 DECEMBER 2010
CABINET – 6 DECEMBER 2010

AFFORDABLE HOUSING SPD ADDENDUM

Recommendation

The Affordable Housing Supplementary Planning Document (SPD) Addendum attached as Appendix A to this report is approved for public consultation

Contact Officer: Elizabeth Rix - extension 2065

Reasons why a decision is required

1. The Council has not yet brought into operation part of the adopted Core Strategy - Policy DM5 - to secure an affordable housing contribution for developments of 5 to 14 dwellings. This is since the Council has not yet established a method for working out the size of the financial contribution. The draft addendum is a highly technical report to set out options to consider the formula for securing financial contributions for developments of 5 to 14 dwellings. It is of most interest to the house-building industry, and therefore the Council is putting the proposal out for consultation.

Options available to the Council with assessment of preferred option

2. The Council could approve the Affordable Housing SPD addendum for public consultation, decide not to approve it, or approve it with amendments. Approval with, or without, amendments would enable the document to move to its next stage of formal consultation. Failure to approve it for consultation would delay the implementation of Policy DM5 thereby allowing schemes of fewer than 15 units to evade the requirement to provide affordable housing.

Information to be considered in taking the decision

3. Following the adoption of the LDF Core Strategy earlier this year, Policy DM5 'Provision of Affordable Housing' has replaced Local Plan policy HS10 in its entirety, but the Affordable Housing SPD remains in operation. The adopted Affordable Housing SPD only contains a formula to secure a financial contribution for schemes of 15 dwellings or more.
4. Policy DM5 rolls forward previous requirements but also introduces a new requirement for developments of 5 to 14 homes to make a contribution (either on-site or financial) towards the provision of affordable housing. The policy requires financial contributions to be 'broadly equivalent' to the value of on-site provision. In order to help applicants work out any financial contribution, and to help the Council determine the acceptability of such contributions, there is a need to develop a formula and details of its application. While the adopted SPD does contain a formula to secure a

5. A stakeholder workshop was organised as a participatory event for invited stakeholders to discuss and assess the options for a formula. Invitees comprised those organisations that have close links with affordable housing and covered RSLs, private sector developers and their agents, Kent County Council and the District Council.
6. A background paper was written which set out all the main issues and proposed eight formulae together with their advantages and disadvantages and was circulated to all of the workshop attendees prior to the event. A copy of this report is included in Appendix B. After the workshop the Council invited respondents to submit further comments, and an 'outcomes' paper was produced to detail the outcomes of the event (attached as Appendix C).
7. As a result of the stakeholder event three further options were developed all of which developed the option based on securing a percentage of the Gross Development Value (GDV) of the site. This is the amount the developer ultimately receives on completion or sale of the scheme.
8. The preferred option that forms the basis of the Draft SPD Addendum has been selected taking into account the advantages and disadvantages of each of the three revised options set out in this paper. On balance, it is considered that Option 6A provides the most suitable way of securing financial contributions for the provision of affordable housing in the District. Option 6A takes the Open Market Value (OMV) of each unit to work out the GDV of the proposed scheme. The contribution requested would be 5% of the total GDV. For further details of the preferred option together with a fuller analysis of the options considered please see Appendix A – draft Affordable Housing SPD addendum.
9. Paragraphs 11.11 and 11.12 of the Affordable Housing Delivery Plan (2010-2015) sets out how the Council intends to spend monies received through commuted payments. Further details of current schemes and those in the pipeline are available from Strategic Housing.
10. This report will be considered by the LDF Working Group on 1st December, and their recommendations will be reported orally to Cabinet.

Background Papers

Appendices to this report.
 Adopted Affordable Housing SPD
 Strategic Housing Market Assessment (SHMA)
 Affordable Housing Economic Viability Report
 Affordable Housing Delivery Plan (2010-2015)

Resource Implications

Requirement from Current Budget	Requirement for Additional Budget	
	Current Year	Full Year
Consultation costs are contained within the current Forward Planning Budget	None	None

Comments from Finance

No further comments to add since the consultation costs are already budgeted for.

Customer Access Review

Comments from Equalities Officer

A Customer Access Review is not necessary at this stage. The LDF and the affordable housing scheme have both had their own equality assessments and the public consultation had equality issues built in to the process.

Attachments

Appendix A – Draft Affordable Housing SPD Addendum

Appendix B – Background paper for discussion at Stakeholder Event

Appendix C – Affordable Housing Stakeholder Workshop 'Outcomes' paper

MICHAEL DAWSON

Director of Development and Public Protection

Appendix 2 - Tables of representations and suggested responses

Person ID	Organisation Details	Full Name	ID	Type	Number	Your Represent	Representation	Consideration
498572	managing Director Brownfield Land Assembly Company	Mr Richard Barwick	1	Web	Question 1	Supporting	Although our company (the Brownfield Land Assembly Company - 'BLAC') is in agreement with the proposed addendum to the draft, we have one comment. Brownfield Sites should be excluded from the proposition. Reason: there is a completely different viability equation for greenfield and brownfield sites i.e most brownfield sites have little or no value in Dover town area already. Risks are greater, and cost of delivery on brownfield sites is considerably higher compared to greenfield. A clawback proposal will not help bring forward regeneration of these sites, those sites already moribund in a declining housing marketplace. Perhaps we could suggest a fixed period where the clawback would not apply, to try and encourage development sooner. After a defined period, members could review their position and decide whether to extend this special regeneration initiative, or not. The precise area would be defined by a 'red line' around it to highlight the councils regeneration zone at that particular time.	We do not agree that a blanket approach can be applied to brownfield sites. It is our understanding that there may be instances where higher development costs are associated with greenfield sites.
411055	Environmental Planning Adviser Natural England	Giulietta Holly	2	E-Mail	4.1	Commenting	Natural England is only able to offer comments on areas of the supplementary planning document which fall within our remit and these are provided below. Natural England would encourage the provision of biodiversity and/or landscape enhancements as a result of the provision of affordable housing within the District. Similarly, we encourage the integration of green infrastructure within any affordable housing developments in the. Natural England recommends that green infrastructure is at the heart of all developments and recommends that such multifunctional greenspaces should be integral to all housing developments proposed within the Borough and we would draw the Council's attention to the Accessible Natural Greenspace Standards (ANGS)*. These standards recommend that people living in towns and cities should have: An accessible natural greenspace less than 300 metres from home; Statutory, Local Nature Reserves at a minimum of one hectare per thousand of population; At least one accessible, 20 hectare site within two kilometres of home; one accessible 100 hectare site within five kilometres of home and one accessible 500 hectare	This is a general comment, which is not specific to the options proposed in the Affordable Housing Addendum.
507408	Planning Member Friends of North Deal	Mr William Elliott	3	Letter	Question 1	Commenting	In view of the limited number of properties (5-14) covered by this document we assume it will attract the smaller local developers. Have you obtained a cross-section of their opinions as to the viability of such a scheme? This one-size-fits-all scheme will not resolve the continuing problem of affordable rental homes for agricultural workers, and we suggest that consideration be given to a way of differentiating between urban and rural low-cost housing needs, requiring a percentage of rural developments to be retained on a continuing rental basis. The current financial climate, with the probability of long-term recovery, suggests an increasing need for rental properties. Developers, for whom profit is a prime motivation, will need to be encouraged to view the rental market as a means of making a continuing profit in the long term. For this reason the early consultation with developers will be crucial to the success of the scheme.	The Addendum provides details of the extensive opportunities given for Stakeholder involvement throughout the process of option development.
409239	Deputy Town Clerk Deal Town Council	Lorna Crow	4	E-Mail	Question 1	Commenting	Deal Town Council will agree with option 6d if it is amended to include that the developer under 15 units is offered the opportunity to enter into 106 agreement to retain the property with the proviso that the tenant has the right to buy and the council has 100% occupancy rights.	The adopted Affordable Housing SPD contains a section on the Long Term Management and Occupancy Controls. Paragraph 5.44 states that "Housing legislation allows full 'staircasing', that is to say many occupiers of shared ownership dwellings will have the right to acquire 100% of the equity of their homes". The Addendum does not contain proposals to amend these sections of the adopted SPD.
486477	Developer Contributions Manager Kent Police	Mr Trevor Hall	5	E-Mail	4.1	Commenting	Kent Police did not submit any representations or responses in relation to the original consultation on the Affordable Housing SPD and, in general, the vast majority of the topic is not within the policing remit. However, the availability of affordable housing does have a direct impact upon Kent Police's ability to deliver effective and efficient policing services to the residents of Dover and the rest of the County. If potential new staff are unable to find suitable housing then they will go elsewhere where such housing is available. The proposed developments within Dover (the 'Whitfield Urban Extension' to name one) will necessitate an increase in staff across the public sector many of which will be Key Workers and who will require housing. The projected increase in staffing for Kent Police was detailed with Kent Police's correspondence of 27 January 2011 entitled 'Kent Police - Requirement For Developer Contributions - Whitfield Urban Extension - Planning Applications DOV/10/01010 and 01011'. Dover District Council may, therefore, wish to consider making a statement within this proposed Addendum as to its support for Key Worker Housing to be included within the Affordable Housing allocation.	This is a more generalised comment which is not specific to the contents of the Affordable Housing SPD Addendum.
496936	Development Analyst Southern Water	Sarah Harrison	6	E-Mail	4.1	Commenting	Southern Water has no comment to make on this document.	Noted

Appendix 2 - Tables of representations and suggested responses

Person ID	Organisation Details	Full Name	ID	Type	Number	Your Representation	Representation	Consideration
486529	Planning Liaison Technical Specialist Environment Agency	Jennifer Wilson	7	Letter	4.1	Commenting	Environment Agency have no comments to make.	Noted
499078		Mr Alan Found	8	E-Mail	Question 1	Commenting	1. A need to encourage good quality family housing in Dover. The town seems to run a risk of becoming over run with problems and a danger that all social housing will be located here. 2. A need to encourage brownfield developments generally by not applying charges on these.	Noted and agreed. Please see consideration of representation number 1
							3. I am concerned that there will be an unintentional result of encouraging developments of 4 units on sites where 5 or more could be built, which is inefficient. One way of overcoming this would be to only charge 5% of the value of units above 4, or to introduce a scale of charges, eg 1% for 5, 2% for 6, up to 5% for 9 and above?	National Planning Policy requires efficient use of land (PPS3) and Policy CP4 of the adopted Core Strategy sets out density requirements. Therefore, any planning application must accord with these policies. Furthermore, if a large site was divided into a number of smaller parcels of land then the affordable housing requirement would be calculated based on the site as a whole.
494301	CT15 4DZ Eythorne Parish Council	Mrs Christine Rogers	9	Web	4.1	Commenting	Eythorne Parish Council understands the necessity for additional affordable housing in suitable locations. They would support option 6d as the preferred option IF any financial contribution from developers were to be paid directly to the Parish Council where the development takes place so that the local community could benefit.	The purpose of securing a financial contribution is to provide affordable housing elsewhere in the District (i.e. not on site) to meet a recognised need. The Parish Council is not a provider of affordable housing, and thus this would not be possible.
295808	Partner Lee Evans Planning	Jeanne Taylor	10	Web	Box 3	Objecting	The reliance on the SHMA unit split may have implications for its practical application. It may not be possible to propose a unit split to match those recommended in the SHMA due to site layout, scale or shape constraints. The site may only be suitable for a scheme comprising only flats, or only 2 bedroom terrace dwellings. The assessment should be based on the actual scheme content. If the scheme cannot resemble any split referred to in the SHMA, how do Dover District Council foresee resolving the matter? What are the alternatives? This should be clarified. The SPD should relate the contribution to the actual scheme to be granted planning permission. To require some other theoretical mix, purely for quantifying the affordable housing contribution, would be wholly wrong.	The requirement to mirror the SHMA is due to the need for development proposals to accord with the SHMA mix as set out on page 43 of the adopted Core Strategy. If any deviation is sought from the SHMA mix then this would need to be evidenced as part of the supporting material submitted with the planning application.
							The arbitrary imposition of a 5% contribution may reduce the profit of a development below the typical margins expected, making the development of the site undesirable or ultimately making schemes unviable. This may deter a lot of developers from considering these smaller sites as a direct result of this 5% figure.	Policy DM5 includes the wording "The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions". Consequently, an applicant is able to supply evidence to the District Council for consideration to show that payment of the financial contribution would render the scheme unviable.
							It is submitted that an assessment of viability, taking full account of the additional costs of redeveloping brownfield sites, and a percentage contribution calculated from that assessment would be fairer and more likely to result in sites being built out. The extent of contribution required does not differentiate between development on Greenfield land and Brownfield land and fails to recognise the contribution that redeveloping the latter brings to the District, e.g. remediation and environmental improvements resulting from redevelopment. Again, the 5% contribution may render brownfield sites with high redevelopment costs unviable.	Please see response to representation number 1.
							Have the changes to the Homes and Communities Agency Affordable Rent Model (proposed for April) and the reduction in housing grant been considered in drafting this document and with a view to the application of the policy?	Yes, The Homes and Communities Agency attended the Stakeholder Event giving a verbal update in connection with the new affordable rent model.

Appendix 2 - Tables of representations and suggested responses

Person ID	Organisation Details	Full Name	ID	Type	Number	Your Represent	Representation	Consideration
							In the case of outline applications, the requirements for affordable housing must be set out, either in planning conditions or a Section 106 Agreement, in such a way that the developer will understand the potential financial impact of the subsequent scheme to be considered as a Reserved Matters Application. An appropriate form of wording will be required along the lines that the Reserved Matters Application should be accompanied by a Statement which sets out the proposals for the provision of affordable housing and with reference to the SPD and its approach to the calculation of the level of contribution.	Noted.
							The SPD will need to include a safeguard that ensures the contribution will be used solely for the provision of additional affordable units, but not for the refurbishment or maintenance of the existing housing stock, given the removal of ring fencing on many council activities. The contribution should be used towards the provision of affordable housing in the immediate area of the site, i.e. within the town or parish or adjoining parishes. The breakdown of the District in the SHMA may be a suitable indication of local areas.	This will be detailed in the legal agreement. A template will be provided on the District Council's website.
							What period will Dover have to spend the contribution? A mechanism for returning the monies, if not spent within this period, must be identified and transparent to all parties.	Page 40 of the adopted SPD states that the District Council has 5 years in which to spend or commit the contribution. The addendum does not seek to alter this.
295808	Partner Lee Evans Planning	Jeanne Taylor	11	Web	Box 7	Objecting	As this SPD is to deal with smaller schemes, the mechanisms for assessing the level of contribution from any individual scheme must be simple and straightforward and not overly complex. A complex scheme will lead to disproportionate costs being levied upon the developer. To assist this, the Planning Authority must produce templates for: a simple formula to calculate the value of the contribution - avoiding complex models such as the Grimley model; model Unilateral Undertaking/Section 106 Agreement which again are simple to use and agreed by the Local Authorities Planning and Legal Departments.	Noted - the Council agrees that a template legal agreement needs to be provided. This will be placed on the District Council's website and to enable updates when necessary.
							We are concerned about the principle of incorporating an element of 'claw-back' through the assessment of affordable housing for smaller schemes, where this does not feature as a requirement for the larger schemes. This is not only iniquitous, discriminating against the developers of smaller sites, but it imposes additional costs on the developer by requiring two or more valuations to be undertaken at the beginning and the end of the development. Again, in trying to keep the system simple, appropriate to the scale of the development scheme and to be easily understood and transparent, complex arrangements for claw-back should be avoided, particularly as these may not generate sufficient additional funds to justify the additional costs involved in undertaking the assessments. See also comments in respect of Option 6A, above re. mirroring the mix in the SHMA'.	Concerns regarding the proposed clawback mechanism have been raised during the consultation process. Potentially, it is not only additional work for the applicant, but also for the Council's Planning Department to ensure that each application is closely monitored.
295808	Partner Lee Evans Planning	Jeanne Taylor	12	Web	Box 5	Commenting	This option would address many of the issues raised with Option 6A and may offer more flexibility to developers by taking in to consideration the viability of difficult sites. This approach would encourage developers to assess the viability of potential development schemes and enter dialogue with Dover District Council to try to bring new housing forward. A broad market assessment could be used to produce what would be a less costly and simpler option for both parties to administer. However, Dover would need to source funding if an Annual Survey were to be used - would this be levelled at developers/applicable applications?	Noted.
295808	Partner Lee Evans Planning	Jeanne Taylor	13	Web	Box 8	Commenting	This box could be used to include the period over which Dover District Council must spend the contribution. A period of 5 years is considered sufficient to utilise the contribution. If after 5 years it has not been used it would suggest that there is no short or medium-term need in the local area. Could a list of specific affordable housing sites in need of funding be provided as part of this section of the Addendum? This would need to be updated every year.	See representation 10. The Addendum seeks to provide links to the Affordable Housing Delivery Plan. This Plan sets out the role of the Council as enabler.
295808	Partner Lee Evans Planning	Jeanne Taylor	14	Web	3.4	Commenting	Payment upon sale of units might assist cashflow during the construction phase, but given that the SPD is to relate to smaller schemes such an approach could be administratively complex and costly. Payment should be required at completion of the development.	Extensive discussions took place at the Stakeholder Event in connection with the timing of the payment. The conclusions reached suggest that the payment should be made prior to commencement of the development. This will help ensure that the Council receives the contribution and one unit is not held back to delay payment.

Appendix 2 - Tables of representations and suggested responses

Person ID	Organisation Details	Full Name	ID	Type	Number	Your Represent	Representation	Consideration
295808	Partner Lee Evans Planning	Jeanne Taylor	15	Web	4.4	Commenting	Whilst the above seeks to minimise costs in preparing and evaluating development schemes, there are concerns regarding the use of District Valuers following previous experiences with planning applications within the Dover District Council area and elsewhere. Assumptions made in the Valuers' assessments have on occasion led to far from accurate results and additional costs incurred in resolving disputed elements of the valuation.	Noted.
295808	Partner Lee Evans Planning	Jeanne Taylor	17	Web	Question 1	Objecting	We have commented above in respect of Option 6D - setting out our objections. This SPD is to deal with smaller schemes, the mechanisms for assessing the level of contribution must be simple and straightforward as a complex scheme would lead to disproportionate costs being levied upon the developer. Incorporating an element of claw-back for these smaller schemes would be iniquitous as there is no such requirement on larger schemes, imposing additional costs both in terms of administration and potentially a higher proportion of the development value being sought. Any contributions must be based upon the actual scheme, subject of the application, not an 'ideal' mix taken from SHMA.	See response to representations 10 and 11.
295808	Partner Lee Evans Planning	Jeanne Taylor	18	Web	Question 2	Commenting	The level of contribution sought must take into account the viability of any particular scheme, recognising the additional costs incurred in brownfield developments as opposed to greenfield developments.	See response to representation 1.
295808	Partner Lee Evans Planning	Jeanne Taylor	19	Web	Question 3	Commenting	Whilst a phased payment may assist with cashflow, given that this document is to deal with smaller schemes, this approach could be administratively complex and costly. Payment should be required at the completion of the scheme.	See response to representation 14.
295808	Partner Lee Evans Planning	Jeanne Taylor	20	Web	Question 5	Commenting	Yes, the Preferred Option could be simplified by removal of the complex proposal for a claw-back mechanism and the phasing of payments. As commented above, if the SPD is to deal with smaller schemes, the mechanism for calculating and paying contributions must be simple and straightforward to avoid disproportionate costs being levied upon the developer. The scheme must not be more complex in administration by introducing additional assessments and complications beyond those required for larger schemes. To keep things simple, the Planning Authority must produce templates for: a simple formula to calculate the value of the contribution - avoiding complex models such as the Grimley model; model Unilateral Undertaking/Section 106 Agreement which are simple to use.	See response to representation 11.
295808	Partner Lee Evans Planning	Jeanne Taylor	21	Web	Question 6	Commenting	There is a danger in trying to build in flexibility that the process will become overly complex and inflexible. The aim must be to keep things simple with administration proportionate to the nature of the scheme - small schemes. If the contributions are based upon profit, which will take into account matters such as rising or falling house values and abnormal development costs, then the scheme would take account of changes in the market.	The Council is seeking to ensure that the method of calculation is as simple as possible, whilst remaining site specific. This is particularly important given the variations in house prices across the District.
488719	Highways Agency	Mr Howard Moore	22	E-Mail	4.1	Commenting	No comment on this occasion. Please see attached PDF.	Noted.
510759		Mr Robert Edmond	23	E-Mail	Question 1	Commenting	Having studied the LDF website and appendices 1 & 2 in particular I note that Policy DMS proposes a new requirement for developments of 5 to 14 houses to make a contribution (either on site or financial) towards the provision of affordable housing. Previously HS10 had only affected development in excess of 15 units. I am inclined to the view that the formulas (appendix 1) appear to underestimate residential land values and overlook the fact that 'developers profit' is an extremely variable factor for complex reasons and not a simple 25% as suggested by DDC. The stakeholders workshop held by DDC show a number of flaws in the formulas and whilst Cluttons try to simplify the problems by proposing a straight levy of 5% regulated by a Se 106 agreement this may simply end up increasing development costs and hence the viability of a relatively small development scheme. The Addendum might also prove counter-productive if small scale developers decide to direct their efforts to other districts which may still have a more amenable development policy. Although Government has doubtless cut funding to	Noted. These issues have been discussed in previous stakeholder events. The Council recognises the opportunity to secure monies for affordable housing provision which will help provide for those in housing need.
							Housing Associations/Registered Social Landlords I can see no real benefits arising from the proposed addendum.	
409242	Clerk to the Parish Council Wingham Parish Council	Mrs M Richards	24	E-Mail	Question 1	Commenting	Wingham Parish Council supports the preferred option of the District Council - Option 6D. The Council suggests that provision should also be made to ensure that a developer can not develop a site in batches of 4 dwellings.	Noted. If a developer is seeking to build out a site in a phased manner then the contribution would need to be considered for the site as a whole.

Appendix 2 - Tables of representations and suggested responses

Person ID	Organisation Details	Full Name	ID	Type	Number	Your Represent	Representation	Consideration
499076	Planning Policy Officer The Theatres Trust	Rose Freeman	25	E-Mail	4.1	Commenting	The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that 'The Theatres Trust exists to promote the better protection of theatres. It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include development involving any land on which there is a theatre.' Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and as this consultation is not directly relevant to the Trust's work, we have no comment to make but look forward to being consulted on further LDF documents.	
499851	Clerk Worth Parish Council	Michelle Cooper	26	Web	Question 1	Commenting	Worth Parish Council supports the requirement for contributions to affordable housing for developments of 3 to 15 homes. It broadly supports Options 6 and 7 and specifically supports the ideas that: 1) Contributions to affordable housing should reflect the cost of the land as building land at current values and housing types built so as to reflect a proportion of the likely profit with an option for claw back by either developer or council if values change markedly within an agreed time period of , say, 12 to 18 months.	The Addendum presented four options - 6A to 6D. 1) Noted - the preferred option included a clawback proposal.
							2) there is a need to keep calculation of contributions reasonably simple while reflection a reasonable percentage of property value and monetary gain to developer, so that development remains attractive	2) Noted -- and has been an important consideration throughout the process.
							3) Affordable housing should only be built where a need is demonstrable and the local community supports it.	3) As monies are collected by the Council they will be utilised to facilitate the provision of affordable housing in areas in particular need.

Appendix 2 - Tables of representations and suggested responses

Recommendation
No change
No change
No change
No change
No change

Appendix 2 - Tables of representations and suggested responses

Recommendation
No change
No change
Provide a more detailed explanation of this rationale within the Addendum.
No change
No change

Appendix 2 - Tables of representations and suggested responses

Recommendation
No change
No change
That the clawback mechanism be dropped and instead the Council monitors closely the estimates and actual sales values over an initial period of one year. Depending on the rate of completions it may be necessary to extend this initial monitoring period. After the initial monitoring period it is anticipated that a review of the level of contribution will take place.
No change
No change
No change

Appendix 2 - Tables of representations and suggested responses

Recommendation
No change
No change
No change
No change
No change
The Council proposes removing the clawback mechanism. This will result in a simple, more transparent method of calculation.
No change
No change

Appendix 2 - Tables of representations and suggested responses

Recommendation
No change
No change
No change

Summary of Affordable Housing Event January 2011List of Attendees

Group	Name	Organisation
C	Alan Found	Hartwell Architects
B	Alister Hume	Hume Planning Consultancy Ltd
A	Anita Pearce	Homes and Communities Agency
B	Clive Tidmarsh	Clive Tidmarsh Designs
A	David Parry	Cluttons
A	Eoin O'Connor	Hobbs Parker
C	John Healey	Coombs
B	Martin Hart	Pentland Homes
C	Mike Nee	Sanctuary Housing
B	Richard Barwick	Brownfield Land Assembly Company
A	Nathan Anthony	Lee Evans
A	Shirley Metson	Town and Country Housing Group
C	Victor Evans	Alternative Energy Solutions

The following officers were also in attendance:

- Robert Reid-Easton
- Elizabeth Rix, Senior Planner
- Peter Wallace, Principal Planner
- Paul Whitfield, Strategic Housing Manager
- David Whittington, Senior Planner

The following comments made are in response to the 6 key questions set out in the 'Draft Addendum to Affordable Housing SPD' which was the subject of an 8 week consultation period from 13th January to 10th March 2011. The Stakeholder Event took place within the consultation period on 14th January.

Question 1

**Is the identification of Option 6D as the preferred option, reasonable?
If not, why not – please explain.**

Group A

Majority view is preferred option is reasonable.
Supporting evidence to be submitted alongside planning application.
Concerns raised over use of the District Valuers and the assumptions which they have used.

Group B

Good because it is simple compared to the others (if we have to). DC viability appraisals – quicker.

But

- No consideration of cost of scheme – assumes all sites can provide housing
- For small sites – additional costs- may not stack up
- Does not reflect markets – Dover will not work but Sandwich would
- Build costs rising
- Viability report already done
- Could put developers off – to go to other LPA areas
- Issue today – it will not work
- Area (town) assessment preferred
- Banks – developers need to prove

Group C

Ability of LPA to monitor schemes (cost/collection)

- Works in favour of LPA in rising market
- Generally considered reasonable subject to viability considerations re individual sites
- Simplicity –very positive
- Payment on sale – supported

Question 2

Is 5% the most appropriate percentage for calculating the financial contribution?

Group A

Take the 5% off the value of the land – i.e. ask for the contribution on commencement of development. The landowner would be giving back to the community and embracing localism.

5% is suitable to cope with changes in the market, given that it is a percentage, thus if prices increase then so would the contribution required.

If a revised scheme is submitted then we would need to compare the original scheme with the revised scheme and adjust the 5% contribution required accordingly.

5% contribution would be required at Reserved Matters stage.

Group B

Reasonable figure – needs to be tested and consulted on it. Use as benchmark. Target areas when it does not stack up.

- Promote areas – Brownfield and Greenfield
- If tested DC does not have resource to detailed site by site – show DC process

Group C

Could percentage be linked to build cost rather than GDV (more stable than sales values)

- Possibly arbitrary to and provides certainty and probably better than alternatives

Question 3

How could the payment of the contribution be phased in order to assist with the developer's cashflow?

Group A

Developer to notify DDC on sale of units (and their value)

Group B

When?

- At the end of the day – in S106 – how?
- Linked to completions
- Risk of losing it if builder folds
- Per unit – so when money comes in from buyer is passed to LPA via solicitor
- But what if market changes? Banks would take profit first – may not leave anything for LPA

Group C

- Oppose payment upfront
- Preferred option to pay at end of development on sale
- What happens if units are rented not sold?

Question 4

Does the clawback mechanism need to be modified for properties which are not sold on the open market and instead retained for as part of the developer's portfolio?

Group A

If properties are to be let, or sold to an investor (or to a RSL) then DDC would require an independent assessment of the OMV at each unit (perhaps two and then take an average).

Group B

Trigger – when building control sign off final unit

Group C

- Examples of schemes where units cant be sold and developer is renting
- Use of build cost rather than sales values could overcome this

Question 5

Could the preferred option be simplified, and if so, how?

Group B

Comes back to viability.

5% would put developers off.

Fairest way – viability studies start and end – but will cost developer and Council more in terms of money and time.

- 'Benchmark' formula – at beginning
- Suspend on brownfield land (need evidence base)
- Or at end or beginning – no clawback
- Option 6C – broad market assessment

Delay implementation of SPD until CIL is known – suspend it on brownfield land at least.

Group C

- Use of build cost (BCIS)
- Option to developer to pay upfront or on completion/sale

Question 6

Is there sufficient flexibility in the SPD addendum to deal with changes in the market?

Group A

Yes, given that the formula proposes a percentage as a contribution. This means it will reduce if the market declines and increase if the market becomes more buoyant.

Group B

Is SPD flexible? – no benefit to Council at moment

- 5% extra would put developers off
- At present some areas in the District cannot afford the contribution
- Cost to Council and developers
- Postpone SPD?
- Relationship with self-build?

Group C

- Yes, sufficiently flexible – subject to viability backstop.

Other points raised

As part of the new system, grant should be assumed as zero, and payment will be 100% on completion.

Importance to ring fence contribution

Investigation needed into new Council housing

How will the money be spent? HCA advise that it could be difficult to utilise the monies to 'top-up' on sites which have already been funded with HCA monies.

A £1,000 threshold for a de minimus value would be roughly appropriate

To ensure transparency, at the end of the process, DDC would be required to share any calculations with the developer

Monitoring costs to cover only DDC's legal fees

Period to spend money? -- 5 or 10 years? Or unnecessary given that affordable housing is required in perpetuity

Key points for consideration

- How will the money be spent?
- Financial contribution to be worked up at the Reserved Matters stage
- In light of low land values in Dover concerns that schemes may be unviable thus discouraging developers from investing. Assertion that option 6C, where an area based viability report is produced, would resolve this as it could show that a particular area may not be able to afford to pay the financial contribution.
- Timing – should the contribution be paid upfront or on completion of units
- Request to suspend the need for a financial contribution on Brownfield land.

1 Introduction	3
1.1 How has the SPD Addendum been prepared?	3
1.2 The Consultation Process	4
1.3 Sustainability Appraisal	4
2 Residual appraisal	5
2.1 Explanation of terms	5
2.2 Appraisal of the eight options	6
2.3 Appraisal of revised options	6
3 Securing the Financial Contribution	9
4 Key Questions	11
4.1 Recovering monies as a result of undertaking viability appraisals	12
4.2 Other factors	12

1 Introduction

1.1 The Dover District Core Strategy was adopted in February 2010. The Core Strategy includes Policy DM5 – Provision of Affordable Housing – in the ‘Development Management Policies’ Annex. This states:

Policy DM5

The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing. Affordable housing should be provided on the application site except in relation to developments of 5 to 14 dwellings which may provide either on-site affordable housing or a broadly equivalent financial contribution, or a combination of both. The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions

1.2 The Council’s adopted Affordable Housing Supplementary Planning Document (SPD) 2007 contains a formula to secure a financial contribution, but it is not applicable to schemes under 15 units. The purpose of this ~~draft~~ addendum to the SPD is to set out ~~options for the formula to secure financial contributions for affordable housing from smaller schemes of 5 to 14 dwellings and identify a preferred option. This would enable the Council to bring this part of Policy DM5 into operation.~~

1.3 The Affordable Housing SPD sets out the procedures and mechanisms that the Council will use when negotiating affordable housing. It also addresses the proportion of affordable housing that should be for rent and for intermediate forms of tenure, together with the Council’s approach towards the use of public grant to support affordable housing. These provisions will apply to affordable housing contributions secured from developments of between 5 and 14 dwellings.

1.4 Since the publication of this SPD the Council has adopted the Core Strategy as part of its Local Development Framework (LDF) for which additional evidence base documents have been produced. They include a Strategic Housing Market Assessment (SHMA) and an Affordable Housing Viability Assessment. Both of these documents provided the necessary evidence to support Policy DM5 in the Core Strategy.

1.1 How has the SPD Addendum been prepared?

1.5 Following informal discussions with industry representatives the Council developed a series of options for working out a broadly equivalent financial contribution. A stakeholder workshop was then organised as a participatory event for invited stakeholders. Invitees comprised those organisations that have close links

with affordable housing and covered Registered Social Landlords Providers (RSLs RPs), private sector developers and their agents, Kent County Council and the District Council. The workshop considered the merits of the options and proposed some variations. The outputs of the workshop have been used to develop this draft SPD Addendum.

1.6 The Council's Preferred Option underwent formal public consultation in early 2011. As part of this a Stakeholder Event took place. Key points emerging from the consultation have been considered and incorporated as appropriate into this Addendum.

1.2 The Consultation Process

1.7 The consultation for this document runs for a period of 8 weeks from Thursday 13th January 2011 to Thursday 10th March 2011. Comments will be carefully considered along with the need for any changes, before the Council draws up the final document and adopts it as a Supplementary Planning Document.

1.8 If you would like to make a comment, the Council would very much prefer comments are made direct on the Council's website – this is the preferred method as it makes collation and analysis of comments much easier and quicker. Comments can also be e-mailed:

1.9 The contact addresses are:

Website: www.dover.gov.uk/ldf

E-mail address: forwardplanning@dover.gov.uk

Postal address: Dover District Council, Forward Planning Section, White Cliffs Business Park, Dover, Kent. CT16 3PJ.

1.3 Sustainability Appraisal

1.10 Sustainability Appraisal (SA) of Development Plan documents is required in the UK by the Planning and Compulsory Purchase Act 2004. However, the 2008 Planning Act has removed the requirement for carrying out SA of SPDs. This came into force on 6th April 2009 with The Town and Country Planning (Local Development) (England) (Amendment) Regulations (2009).

1.11 Policy DM5 of the adopted Core Strategy sets out the requirement and thresholds for affordable housing. As this Policy has been assessed as part of the SA to the Core Strategy and the SPD Addendum is simply the 'delivery vehicle' for achieving strategic priorities that have already been identified following a sound decision making process (including SA), an SA of this Affordable Housing SPD Addendum is considered not to be necessary.

2 Residual appraisal

2.1 ~~A background paper was prepared outlining seven initial options to work out a financial contribution, detailing the advantages and disadvantages of each option. Together with an additional eighth option, this material was circulated prior to the Stakeholder Event, and forms Appendix 1.~~

2.2 ~~The analysis of the options~~**formula** utilises a residual development appraisal model. The model can take into account the impact on the scheme's residual value when considering affordable housing and other development contributions.

2.3 Residual appraisal is highly sensitive to inputs and may vary widely between different developers, depending on the assumptions used. Consequently a model has not been developed for inclusion within this document. Further details regarding undertaking an independent viability appraisal are contained in paragraph 5.32 of the adopted Affordable Housing SPD.

2.1 Explanation of terms

2.4 ~~The options presented in this section seek to~~**formula** takes into account the following variables in this process which are explained below.

Grant is paid (subject to availability) by the Homes and Communities Agency (HCA) to Registered Social Landlords ~~(RSLs)~~**Providers (RPs)** for capital investment in affordable housing.

Open Market Value is an estimation of the price which could be achieved if the property was to be sold without any restrictions

Land value is an estimation of the value of land if sold without any restrictions

Gross Development Value is the amount the developer ultimately receives on completion or sale of the scheme

~~RSL~~ **RP offer** the price which a ~~registered social landlord~~**Registered Provider** is willing to pay for the completed affordable housing units

Build Cost is the amount it costs to build each completed housing unit

Strategic Housing Market Assessment is a technical exercise to assist in determining the location and amount of affordable and market housing needed; for whom it is required; and within what timescale it needs to be provided.

2.5 Aside from the variables listed above other factors which need to be taken into account as part of residual appraisal include (but are not limited to) developer profit, land acquisition costs, site preparation costs, off-site infrastructure costs, fees for professional advisors, marketing and sales costs and financial costs.

~~2.6 The options are intended to interrogate the variables in different ways to try to replicate the broad value of affordable housing. Appendix 1 contains further details on each option.~~

~~2.2 Appraisal of the eight options~~

~~2.7 At the Stakeholder Workshop the merits of the eight options were discussed, and attendees were invited to suggest alternative options. A summary of this 'Outcomes' paper is contained in Appendix 2. For a variety of reasons, as set out in the 'Outcomes' paper, the attendees at the Event did not support any of the eight initial options.~~

~~2.3 Appraisal of revised options~~

~~2.8 After the Stakeholder Workshop the Council invited respondents to submit further comments, and details of these responses are included in the 'Outcomes' paper. Whilst there was no overall consensus at the workshop Option 6 emerged with the greatest support subject to amendments in order to reflect some of the concerns raised.~~

~~2.9 Option 6 takes a contribution of 50% of the OMV for the number of units which would be required as affordable. It takes no account of the type of units and is based only on the OMV of 2 bed units. For example, in a scheme of 12 units there would be a requirement for 4 affordable units. If the OMV of a 2 bed unit is £120,000 then the contribution required would be £60,000 multiplied by 4 to give £240,000.~~

~~2.10 Four new options have been proposed, all of which are variations of Option 6. Details of these options, 6A, 6B, 6C, and 6D, and an analysis are included in the next section. Appendix 2 contains further details of the revised options, and examples of how the contribution would be calculated.~~

~~Option 6A~~

~~Ensure that the proposed scheme is based on a split of units which, as closely as possible, mirrors the recommendations contained in the Strategic Housing Market Assessment (SHMA):~~

~~Take the OMV of each unit to work out the GDV of the proposed scheme:~~

~~The contribution requested would be 5% of the total GDV.~~

~~2.11 Advantages~~

- ~~• Takes account of variations in values across the District~~
- ~~• The formula could be reviewed when the housing market recovers, if evidence is available to show that a higher percentage could be secured as the contribution without adversely affecting viability~~

2.12 Disadvantages

- Concerns as to whether the 5% is arbitrary; however it takes into account the profit on a scheme, and is roughly equal to a third of the profit
- The Council does not have specialist expertise to ascertain whether OMV figures submitted are accurate. Applicants would need to submit details of comparables.

Option 6B

This option takes the Option presented as 6A and expands it with the introduction of a sensitivity model.

2.13 The Council does not believe that this option can be progressed as the information required by the model is potentially commercially sensitive and subject to variations dependent upon individual developer's financial requirements. In addition, the Council believes that Policy DM5 enables flexibility through allowing applicants to submit details of viability to the Council.

Option 6C

Similarly, this option seeks to utilise Option 6 as a basis, whilst requiring additional evidence prior to determining the percentage required for the financial contribution. An annual district wide viability assessment would provide the necessary evidence and it is anticipated that the contribution could be different depending upon the area the site is located within the District. There is the potential for this to mirror the housing market areas identified in the SHMA.

Note: the additional evidence would be an annually updated report which assessed the viability of schemes on an area basis

2.14 Advantages (for additional detail see Appendix C)

- Less complex and more transparent than other options. The applicant would be able to see the sum requested 'up front', rather than having the possibility of the OMV challenged when their evidence is submitted as part of an application
- The applicant would not have any uncertainties relating to a potential clawback request, and therefore less monitoring of schemes would be required by the Council.
- Would be less likely to require 'expert' advice to 'test' viability assumptions and therefore be more robust.

2.15 Disadvantages

- The SHMA areas are too broad, so for Dover there may be variations within a area e.g. Coombe Valley is much less affluent than the River area of Dover

- ~~The Annual Survey may show that no contribution for affordable housing can be afforded in certain areas as a whole. Linked to the above point this may mean that an individual development could be in a position to contribute although the survey shows no contribution is obtainable.~~
- ~~The Annual Survey would become out of date quickly leading to possible challenge~~
- ~~Individual analysis of economic viability of the scheme could still be submitted by an applicant, thus still requiring the Council to seek expert advice~~
- ~~The cost of the Annual Survey would fall to the District Council~~

Option 6D

~~Takes the options presented as 6A but includes provision for phasing of payments and a clawback mechanism. The applicant will submit details of the predicted GDV as part of the material required for a planning application. The Council will monitor the sales values achieved on each unit through Land Registry data. An amount for monitoring will be secured as part of the legal agreement. The final payment will take into account any difference between the predicted GDV and the actual sales values achieved.~~

2.16 Advantages:

- ~~Takes account of variations across the District~~
- ~~The Council can secure additional monies should the market show signs of recovery, as reflected through the actual sales values achieved, during the lifespan of the construction of the development~~
- ~~Would be less likely to require 'expert' advice given that the figures would be verified as part of the process~~

2.17 Disadvantages:

- ~~Concerns as to whether the 5% is arbitrary; however it takes into account the profit on a scheme, and is roughly equal to a third of the profit~~
- ~~Additional monitoring costs, including reviewing Land Registry data~~
- ~~Requires a more complex legal agreement to set out details of phasing of payments and how the clawback would be calculated – with a de minimus figure identified.~~

3 Securing the Financial Contribution

3.1 The preferred option has been chosen taking into account the advantages and disadvantages of each of the four revised options 6A, 6B, 6C and 6D. On balance, it is considered that, Option 6D provides the most suitable way of securing financial contributions since it enables the contribution to be based on the actual sales values achieved on the development site.

Option 6D Formula for securing a financial contribution

Takes the options presented as 6A but includes provision for phasing of payments and a clawback mechanism. The applicant will submit details of the predicted GDV as part of the material required for a planning application. The Council will monitor the sales values achieved on each unit through Land Registry data. An amount for monitoring will be secured as part of the legal agreement. The final payment will take into account any difference between the predicted GDV and the actual sales values achieved.

Ensure that the proposed scheme is based on a split of units which, as closely as possible, mirrors the recommendations contained in the Strategic Housing Market Assessment (SHMA).

Take the OMV of each unit to work out the GDV of the proposed scheme.

The financial contribution requested would be 5% of the total GDV.

To ensure that reasonable figures are presented these will be reviewed by the District Council using comparable evidence.

3.2 The SHMA has been used to inform the Core Strategy; its findings identified the broad split of demand for market housing. The split is stated on page 43 of the adopted Core Strategy. This should be considered as the starting point for any planning application. Should an applicant deviate from the figures then they would need to submit supporting evidence. For ease of calculating an affordable housing contribution the SHMA should therefore be considered as the starting point in line with the development plan.

3.3 For completeness, and to show how the preferred option could operate in practice, a hypothetical example is included below. Please note that this is based on illustrative house values.

3.4 Assuming the mix for the scheme mirrors the SHMA, for a 12 unit scheme the total GDV for the scheme would be £1,965,500.

Take 5% of the total GDV = £98,275 would be the financial contribution payable by the applicant to the District Council.

3.5 Payment of the contribution is required on commencement of development.

3.6 ~~To assist with cashflow, the Council will consider phasing payments in line with the completion of units:~~

3.7 ~~The Council will monitor the actual sale values achieved on each unit and compare this with the figures presented at the time of making the application. For example, if the GDV were to rise to £2,000,000 then the contribution required would rise by £1,725. A de minimus threshold may be desirable to avoid unnecessary administration and would be defined in the legal agreement.~~

4 Key Questions

4.1 Comments can be made on any part of the document, however, the Council would, though, find it helpful to have views on the following issues:

Question 1

Is the identification of Option 6D as the preferred option, reasonable?

If not, why not – please explain.

Question 2

Is 5% the most appropriate percentage for calculating the financial contribution?

Question 3

How could the payment of the contribution be phased in order to assist with the developer's cashflow?

Question 4

Does the clawback mechanism need to be modified for properties which are not sold on the open market and instead retained for as part of the developer's portfolio?

Question 5

Could the preferred option be simplified, and if so, how?

Question 6

Is there sufficient flexibility in the SPD addendum to deal with changes in the market?

4.1 Recovering monies as a result of undertaking viability appraisals

4.2 Should an applicant consider that issues of economic viability prevent the proposed development from meeting affordable housing contributions, in full or part, the Council will expect this to be demonstrated through the submission of an economic viability assessment. Guidance on this is provided in paragraphs 5.32 and 5.33 of the Affordable Housing SPD. In particular, paragraph 5.33 states that:

"The Council may need to seek specialist independent advice in assessing the economic viability of development proposals and will seek to recover the cost of so doing under the terms of a Section 106 Agreement."

4.3 This has, however, not proved to be a satisfactory method as the Council bears the cost of such appraisals either temporarily until the permission is implemented and the Agreement activated, or permanently if the application is subsequently withdrawn or refused permission. The Council considers that the cost of such appraisals should be borne by the applicant at the time the appraisal is prepared and, in practice, many applicants already accept this position.

4.4 The Council is also concerned with the cost and time implications of this arrangement. An applicant has, in effect, to pay twice for economic viability appraisal work and this can also add considerably to the time taken to process an application. This could be avoided if the applicant provides an independent economic viability assessment provided by the District Valuers.

4.5 The Council therefore proposes to the following replacement to paragraph 5.33 of the Affordable Housing SPD:

" The Council may need to seek specialist independent advice in assessing the economic viability of development proposals and will seek the applicant to meet such costs at the time the work is undertaken."

4.6 The Council also proposes the following alternative arrangement in the interests of reducing time and costs:

"When an applicant wishes to put forward a case of economic viability in support of proposals that involve less affordable housing contributions than envisaged in Core Strategy Policy DM5, the applicant may choose to provide an independent economic viability assessment undertaken by the District Valuers, in which case the Council will not seek to independently verify the conclusions of their report."

4.2 Other factors

How the contribution will be spent

4.7 Paragraphs 11.11 and 11.12 of the Affordable Housing Delivery Plan (2010-2015) set out how the Council intends to spend monies received through commuted payments:

Extract from the Affordable Housing Delivery Plan

11.11 From time to time the Council may receive commuted sums for the off-site provision of affordable housing especially as we will be seeking contributions on sites below the 15 unit threshold.

11.12 We will explore various schemes through which this money can be spent including:

- The funding of known affordable housing schemes where HCA funding is not available.
- The joint funding of schemes where this will help to lever in the required investment to deliver affordable housing
- The acquisition of land for the development of affordable housing
- The acquisition of existing satisfactory dwellings (ESDs) targeted at specific property types or areas e.g. villages where there are no opportunities for new development, areas of poor quality housing or with a high proportion of empty properties where the acquisition and improvement of homes may help lever in private investment and create a more balanced market

4.8 The Council intends to produce an annual statement of monies collected and monies spent, to ensure monitoring and accountability.

4.9 ~~Appendices 1 and 2 accompany this document; electronic versions of these are available on the [Council's website](#).~~

Model Legal Agreement

4.10 To assist at planning application stage, the Council will provide a model legal agreement, which will be placed on the Council's website to ensure it can be updated as necessary. Further guidance on the material required to support a planning application is available from the Development Management Section.

Further Information

Please contact: Elizabeth Rix, Senior Planner on 01304 872477

Postal address: Dover District Council, Regeneration Delivery Section, White Cliffs Business Park, Dover, kent. CT16 3PJ

Website: www.dover.gov.uk/ldf

REPORT OF THE DIRECTOR OF ENVIRONMENT AND CORPORATE ASSETS

RESPONSIBILITY – PORTFOLIO HOLDER FOR ENVIRONMENT WASTE AND PLANNING

NON-KEY DECISION

EXECUTIVE

CABINET – 4 JULY 2011

KENT ENVIRONMENT STRATEGY AND ADAPTATION PLAN

Recommendation

- | |
|--|
| <ol style="list-style-type: none">1. <i>To adopt the Kent Environment Strategy insofar as it is consistent with this Council's corporate priorities and to the extent that resources will permit.</i>2. <i>To adopt the Kent Adaptation Plan and the adoption of such actions which are relevant to this authority and will contribute to the joint actions where applicable and where resources permit.</i>3. <i>To note the proposed development of a Local Action Plan to take forward relevant and appropriate environmental actions and improvements in support of the Kent Environment Strategy and Adaptation Plan.</i> |
|--|

Contact Officer: Shaun Cline, extension 2218

Reasons why a decision is required

1. Kent County Council, working in partnership with the twelve District Councils has developed a Kent Environment Strategy and a Climate Adaptation Plan, which have been approved by the Kent Partnership and adopted by the majority of Kent authorities. Cabinet are now being asked to adopt these two documents. In addition Cabinet are asked to note the proposal to update its Local Carbon Action Plan to support this work. This report is to present the strategy and plans to cabinet and seek recommendations on a way forward.

Options available to the Council with assessment of preferred option

2. The options available are:
 - (1) The Council adopts the Environment Strategy and Adaptation Plan.
 - (2) The Council adopts the Environment Strategy and Adaptation Plan with alterations.
 - (3) The Council rejects the Environment Strategy and Adaptation Plan.
3. Option 1 is the preferred option and is in line with the recently published Memorandum of Understanding (MOU) between the LG Group and Department of Energy and Climate Change and the milestones set out therein and supports the 80% Green House Gas (GHG) reduction required in the Climate Change Act.

Information to be considered in taking the decision

Kent Environment Strategy

4. The County Council has developed the draft Kent Environment Strategy over a period of time, and has consulted with Local Strategic Partnerships to ensure that its emerging aims and themes are supported locally and fit with local priorities. Consultation with the Dover LSP took place in September 2009.
5. The strategy proposes three broad themes which can be summarised as living within resource limits, adjusting to climate change and protecting the valuable environmental resources. These themes are divided into ten priorities representing the major challenges and opportunities for Kent over the next 10 to 20 years. Throughout the strategy the Ecological Footprint priorities are referred to as 'EF', Climate Change priorities are referred to as 'CC', and the priorities for Valuing the natural Environment are referred to as 'VE':
 - EF Priority 1 Make homes and public sector buildings in Kent energy and water efficient, and cut costs for residents and taxpayers.
 - EF Priority 2 New developments and infrastructure in Kent are cost effective, low carbon and resource efficient.
 - EF Priority 3 Turn Kent's waste into new resources and jobs for Kent.
 - EF Priority 4 Reduce the ecological footprint of what we consume.
 - CC Priority 5 Reduce future carbon emissions.
 - CC Priority 6 Manage the impacts of climate change, in particular extreme weather events.
 - CC Priority 7 Support the development of green jobs and business in Kent.
 - VE Priority 8 Utilise the full social and economic potential of a high quality natural and historic environment in Kent.
 - VE Priority 9 Conserve and enhance the quality of Kent's natural and heritage capital.
 - VE Priority 10 Ensure that Kent residents have access to the benefits of Kent's coast, countryside, green space and cultural heritage.
6. The Strategy also emphasises the opportunities provided within these themes, for example the economic benefits of resource efficiency and the economic value of the emerging environmental technology sector.
7. Under each theme, the strategy proposes priorities for action, and target outcomes for the short and long term. For example, under the first theme, the strategy proposes that one priority should be to make homes and public sector buildings more energy and water efficient, and a specific action under this theme is to develop a Kent-wide retrofit programme.
8. The Kent Environment Strategy is a helpful framework within which we would work to achieve our local and global environmental objectives, both locally and in partnership across the county however, it should be recognised that the council has limited resources and must focus those it has onto its core business. Therefore, while there are advantages for the council in indicating its general support for the Kent Environment Strategy, it will be necessary to point out that it will only be able to assist directly in the development and implementation of the strategy where this is consistent with the councils own priorities.
9. The Kent Environment Strategy reports (as part of the Unlocking Kent's potential suite of Strategies) to the Kent Forum. The KES has now been adopted by the

majority of Kent's local authorities. The new Kent Environment Strategy supports the delivery of Kent's Community Strategy.

Kent Adaptation Plan

10. The Kent Adaptation Plan recognises that Climate Change poses a threat to our county which cannot be ignored. The scientific evidence of Climate Change is overwhelming. Average temperatures have risen by nearly one degree since the 1970's. The UK's world-class Climate Projections indicate that increases in total winter rainfall and more intense downpours will make the risk of flooding more severe in some areas. In the South East this Spring time has been the warmest and driest since we began keeping records over 100 years ago. This places considerable pressure on the supply of fresh water in what is already a water stressed area.
11. The Kent Adaptation Plan takes a risk based approach to the identification of appropriate and proportionate responses to the threats and opportunities of climate change. It has sought to identify where actions can be addressed in partnership across the county to avoid duplication and the plan is directly linked to the Kent Environment Strategy, aiming to deliver on the priority in the plan to manage the impacts of climate change, in particular severe weather events.
12. The priority of the plan is to build resilience and maximise opportunities within:
 - Health and social care
 - Public Sector estate
 - Public Sector staff
 - Biodiversity and Natural Environment
 - Kent Businesses
 - Kent Communities
 - Kent Highways Services
 - Waste Management
13. All partners will need to be engaged in the delivery of actions.
 - Development of a co-ordinated communications strategy across all partners to inform priority groups of the increased risks and opportunities from climate change
 - Building our understanding of our vulnerability to climate change (e.g., monitoring how we are currently impacted by severe weather events)
 - Embedding of climate resilience into our businesses processes (e.g., risk management, business planning, strategy development and key decisions)
 - Building the resilience of the public sector estate (e.g., understanding our estate's current and future vulnerabilities to severe weather and taking action where appropriate)
 - Empowering our communities to build their resilience to climate change and severe weather (e.g., identifying priority groups and developing community-led resilience plans)

- Ensuring our staff understand the implications of climate change and are able to maintain service delivery during severe weather (e.g., training and development, Health & Safety of staff)
- Building climate resilience into the requirements for new developments (e.g., updating Kent Design Guide to incorporate adaptation, training and guidance for planners)

DDC Response

14. The need to mitigate and adapt to a changing climate will have an impact on the council's resources. Initially the new Government discontinued some of the Climate change indicators. However these have been re-introduced under the National Indicator 185 emissions from the councils own operations). Councils are required to collect energy data and publish a Green House Gas (GHG) report for all six GHG's covered by the Kyoto Protocol. The Councils Climate Change/Support Officers will contact relevant sections to collect the necessary data to calculate the council's carbon emissions.
15. The pivotal role that councils have in tackling climate change is recognised by the LG Group and the Department of Energy and Climate Change (DECC) who have reached an historic agreement setting out how local and central government will work together to tackle climate change. Signed in March 2011 by LGA Vice-chair Cllr Richard Kemp, and Secretary of State for Energy and Climate Change Chris Huhne, the Memorandum of Understanding (MOU) will help local government work toward its aim of reducing its own carbon emissions by on average 30 per cent and support homeowners to save on average £300 on their energy bills.
16. The purpose of the memorandum is to set out the partnership arrangements between the Department for Energy and Climate Change and the LG Group, including scope, governance, accountability and roles and responsibilities. This includes meeting climate change, fuel poverty and renewable energy targets.
17. The MOU introduces a series of mile stones set against time lines. One of the main themes is the launch of the New Nottingham Declaration which councils will be expected to sign to demonstrate their public commitment to reduce carbon emissions
 - (a) Councils own estate and operations.
 - (b) Within council control and influence in homes, businesses, transport infrastructure and procurement to support and reduce barriers to the green economy.
 - (c) Participating in national carbon reduction policies to be delivered at local level such as the Green Deal, smart meters and renewable energy deployment.
18. Travel, Communications, Business Continuity, Green Housekeeping, Asset Management and Procurement are the areas which will form the backbone of the Dover District Council Action Plan. Each of these components lends itself to a series of actions which need to be explored and delivered.
19. Travel is key to what we do, in carrying out our business, meeting to discuss our business or in the actual delivery of our business. The council should consider a green travel plan, it is proposed to have a list of actions which are travel related which pull together and meet the over arching objectives of reducing carbon emissions from carrying out our business.

20. Communications need to be harnessed in order to reduce travel and the need to travel; more remote or home working can keep the footprint down from the council. Virtual technology will help the council achieve objectives in this area.
21. Asset Management is a critical operational area where we can harness the power of alternative energy, look at producing electricity for the grid from our estate, use alternative sources of power to carry out our business. Look for financial savings in the resources used, recycle those we do use.
22. Procurement is critical to all services we supply, both frontline and back office, work in this area will address all primary and secondary requirements to achieve objectives in the reduction of carbon from our business.

Background Papers

[Kent Environment Strategy](#)

[Kent Adaptation Plan](#)

[Memorandum of Understanding Between The LG Group and DECC](#)

Resource Implications

None.

Comments from Finance

No comments to add - DL

Customer Access Review

This report has been developed in consultation with all other Kent local authorities and agencies. Full and relevant consultation has been undertaken. Projects under this strategy will be assessed individually as and when delivered.

Comments from Equalities Officer

There may be Equality Implications for protected groups in the delivery of this report and these will be impact assessed as part of the project delivery.

Attachments

None.

ROGER WALTON

Director of Environment and Corporate Assets

The officer to whom reference should be made concerning inspection of the background papers is the Climate Change Officer, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2218.

REPORT OF THE DIRECTOR OF COMMUNITY AND DEVELOPMENT

RESPONSIBILITY – PORTFOLIO HOLDER FOR ENVIRONMENT, WASTE AND PLANNING

NON-KEY DECISION

EXECUTIVE

CABINET – 4 JULY 2011

PREPARATION OF A COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Recommendation

Cabinet agrees re-allocation of resources within the Local Development Framework budget to prepare a Community Infrastructure Levy Charging Schedule, the use of external specialist consultants and the priority level of the project as recommended in the report.

Contact Officer: Emma-Jane Allen, extension 2120.

Reasons why a decision is required

1. On 6 April 2011, the Council agreed in principle the need to prepare a Charging Schedule for the purposes of the Community Infrastructure Levy (CIL). The Council will have to devote considerable resources to this task if the requirements of the CIL regulations are to be fulfilled, however it is not currently listed in the Local Development Scheme (LDS) so no funding has been allocated. To deliver the Charging Schedule it will be necessary to either reprioritise within the Local Development Framework (LDF) programme or to secure new funding for the programme.

Options available to the Council with assessment of preferred option

2. (i) CIL regulations introduce restrictions to the use of developer contributions or Section 106 agreements, including a limit of five agreements per 'project, or type of infrastructure'. The restrictions began in April 2011 and will come into full force in April 2014. A local CIL charging schedule must be in place in advance of the latter date in order to maintain sufficient income from new developments to fund their associated infrastructure requirements. Collation of the evidence base, viability study, consultations specified by the regulations and the examination in public will take a minimum of fourteen months to complete, therefore preparation of the Charging Schedule should be undertaken as soon as possible. The Council may choose to complete the tasks in one of three ways:
 - (a) Put out all preparation to external contractors
 - (b) Undertake all work in-house
 - (c) A combination of in-house resources with external contractors
3. Option A would have the advantage of causing minimal disruption to the existing work schedule, but the cost would be high. Option B would have a lower direct cost to the Council, but would cause a severe disruption to the existing work plan. There

4. (ii) Preparation of the CIL Charging Schedule will incur examination charges that are estimated at £25,000, and if Option C above is accepted then an estimated £15,000 will be required for economic viability testing. Unless additional funding can be secured for the LDF programme, these costs must be borne through reprioritisation within the programme. A possible source has been identified; preparation of a Gypsy and Traveller Development Plan Document (DPD) has not been scheduled in the District Council's Local Development Scheme (LDS) but was identified as a cost for Local Development Framework (LDF) budget purposes.
 - (a) Secure additional funding for the LDF programme for preparation of the CIL Charging Schedule.
 - (b) Prioritise funding the CIL Charging Schedule over the Gypsy and Traveller DPD

5. Option A would have the advantage of providing both a CIL Charging Schedule and a policy framework within which to determine planning applications for Gypsy and Traveller sites. However, this would require the Council to provide approximately £40,000 additional funding to the budget. Option B would enable the Charging Schedule to be prepared within the existing LDF budget, but would result in a lack of policy framework against which to assess planning applications for Gypsy and Traveller sites. Option B is the recommended option, because the Council may assess individual planning applications on their own merits (as discussed below) and the preparation of Gypsy and Traveller Development Plan Document is no longer a high national priority.

6. Preparation of the CIL Charging Schedule will have to be added to the Local Development Framework work programme. Consequently the level of priority for this work should be assessed against the existing programme. The main task in hand is preparation of the Site Allocations Development Plan Document.
 - (a) Prioritise the CIL Charging Schedule
 - (b) Prepare the CIL Charging Schedule in parallel with the Site Allocations DPD
 - (c) Prioritise the Site Allocations DPD

7. Option A would have an unnecessarily heavy impact on completion of the Site Allocations DPD. If work on the CIL were postponed until after completion of the Site Allocations DPD, as outlined in Option C, then introduction of the Charging Schedule would be delayed with a consequent loss of income. Option B is recommended, in particular if completion of the CIL Charging Schedule follows soon after the Site Allocations DPD then any infrastructure requirements identified through preparation of the Site Allocations DPD can be included in the sample project list of the Charging Schedule.

Information to be considered in taking the decision.

8. Another consequence of allocating the funding to CIL will be the consequent lack of capacity within the Regeneration Delivery team to prepare any further masterplan documents to support the Local Development Scheme. Areas in which the need for a masterplan may be anticipated are Dover Waterfront and Connaught Barracks.

9. A joint bid for transitional funding between Dover District Council, Ashford Borough Council and Kent County Council is under consideration by DCLG. This would support a project officer for two years at Ashford Borough Council on infrastructure planning in both districts. If the bid is successful the officer will provide useful support to Dover District Council in preparing the Charging Schedule, but outcome of that decision will not affect any of the options outlined in this report.
10. Considerable investment will be required before the Council begins to receive any money from this new funding source to support infrastructure projects. Monitoring and enforcement of the levy could also require substantial additional officer time. However, it is likely that much of the initial investment will be recouped because the Council may use up to 5% of the CIL receipts to recover the costs of establishment and administration. In any case, unless a CIL Charging Schedule is put in place opportunities to collect revenue from a new source will be missed and the increasing restrictions on developer contributions will cause a decrease of income for infrastructure projects.
11. The precise cost of preparing for CIL is unclear because no Charging Schedules have been examined in public yet, and so it is not certain how much supporting evidence will be required. The first examination will begin on 20th July 2011 at Newark in Nottinghamshire, and further examinations are expected later in the year. Therefore more information on the levels of evidence required will be available by the time Dover District Council submits its Charging Schedule for examination. Further uncertainty arises from the fact that amendments to the Regulations are expected under the Localism Bill.
12. Regeneration is a priority for the Dover District, therefore the introduction of a CIL Charging Schedule must not have a negative impact on this objective. It is possible that neighbouring districts in which a charging schedule has not yet been introduced may be temporarily more attractive to developers. However one of the government's objectives in devising CIL was to provide developers with greater clarity of associated costs. Also, government guidance states that the rate(s) should be set at a level that strikes an appropriate balance between the desirability of funding infrastructure from CIL and the potential effects of the imposition of CIL. There is an associated risk that if the CIL rate is set too low then insufficient funds will be recovered to deliver the infrastructure required. These risks should be mitigated by robust viability testing.

Background Papers

Community Infrastructure Levy report for Dover District Council, attached as Appendix A

Estimated timetable of actions required, attached as Appendix B sized A4, also supplied printed as A3

Dover District Local Development Scheme, July 2010

Resource Implications

Requirement from Current Budget	Requirement for Additional Budget	
	Current Year	Full Year
No additional implications		

The LDF budget contained £165,000 allocated for Gypsy and Traveller work, but this would have resulted in a deficit of £125,000 by 2013/14. In order to avoid the LDF budget going into deficit £40,000 is available, if the Council does not proceed with the

G & T work. If the £40,000 is insufficient to complete this work a further report will be prepared. Costs are estimated as £15,000 for viability testing in the current financial year and examination costs of £25,000 incurred during financial year 2012/2013.

Comments from Finance

Finance has no further comments as the funding will be coming from the LDF Reserves; however as future financial implications of CIL could be significant Finance would like to be involved in future reports.

Communication Statement

The Corporate Communication Group will be briefed at the time the public consultation is scheduled.

Impact on Corporate Objectives and Corporate Risks

The main risk is that funding will be required for its original purpose of Gypsy and Traveler sites, but risk assessment, impact assessment and partnership working have indicated that this is unlikely.

Customer Access Review

A Customer Access Review will not be necessary for this project because equality issues will be investigated through the public consultation and the policy will be externally examined.

The implications of reallocating funds to enable this project from the previously proposed Gypsy and Traveller Development Plan Document have been carefully considered. An East Kent Gypsy and Traveller Accommodation Assessment Report by De Montford University, Leicester published in 2007, identified that thirteen new traveler pitches would be required in the Dover District in the following ten years. Since 2007 four new encampments have been regularised, so the current system of determining planning applications on their own merits is providing new sites at approximately the recommended rate.

The East Kent Gypsy and Traveller Accommodation Assessment report investigated needs across the districts of Dover, Canterbury, Shepway and Thanet, and recognised that many travelers move freely between the districts. For example all of the travelling show people interviewed stated that they travel around Kent, half regularly leave the county. Currently Canterbury, Shepway and Thanet are not progressing Gypsy and Traveller Development Plan Documents, and there would be little point in progressing a plan for this district in isolation. The decision to prioritise preparation of the CIL charging schedule can be revisited at a later date if new evidence emerges.

Comments from Equalities Officer

There may be Equality Implications in this proposal for Gypsies and Travelers, however, these have been assessed as described in the Customer Access Review Section. There are no other Equality implications in this proposal.

Attachments

Appendix A – Community Infrastructure Levy report
Appendix B – Process for CIL implementation

MICHAEL DAWSON

Director of Community and Development

The officer to whom reference should be made concerning inspection of the background papers is the Senior Infrastructure and Delivery Officer, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2120.

Community Infrastructure Levy

Purpose of the Levy

The Community Infrastructure Levy (CIL) is a new charge that local authorities may apply to most types of development, the funds obtained must be used to help provide local or sub-regional infrastructure⁽¹⁾. The levy is designed to support development of an area in line with the local authority's development plan. Core public funding will continue to bear the main burden of infrastructure provision, but CIL may be used to fill funding gaps. In order to collect the levy Dover District Council will have to publish a charging schedule applicable to the District, which will enable developers to anticipate expected liabilities.

Brief context and overview

Planning obligations (or Section 106 agreements) will still be permitted, but the new regulations have scaled back the way that they may operate. CIL is intended to provide a flexible means of supporting the development of an area as a whole, while planning obligations may only apply to provision of infrastructure that makes individual applications acceptable in planning terms and they must be directly related to the development. In particular, limits have been placed on the pooling of contributions from planning obligations. It is not entirely clear how the limitation will operate: from 6th April 2010 the Council may only accept five contributions to infrastructure projects or types of infrastructure but these terms are not defined^(1,2). Across the country only a small proportion of developments provide contributions under the current system, CIL was introduced in an attempt to redress this⁽³⁾. The new regulations also scale back the use of planning obligations.

The majority of CIL raised in the Dover District will be collected by Dover District Council. However, Kent County Council will collect CIL levied by DDC on developments for which the county gives consent. An annual report must be published each year by DDC specifying the total figure received, monies remaining unspent and summary details of any projects supported.

CIL rates must be expressed as pounds per square metre and are levied on the gross internal floorspace of the net additional liable development. Change of use that involves no increase in floorspace cannot be charged. Liable development includes all buildings that people usually go into, it excludes buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery. The minimum size of development liable for the levy is 100 square metres new gross internal floorspace or a single residence, as applicable. 100% relief from CIL must be granted to any parts of a chargeable development that are intended to be used as social housing.

When proposing a charging schedule, the Council will have to strike an appropriate balance between the desirability of funding infrastructure from CIL and the potential effects of the imposition of CIL upon the economic viability of development across the district. Inevitably some potential development will be put at risk by the imposition of CIL, but the rate must not jeopardise development of the area overall. When a draft charging schedule is submitted for examination in public it must be supported by appropriate available evidence, including an up-to-date development strategy.

Available options that require further research

1. Should the Council charge a single rate across the District?

The Council may fix a single rate, or may chose to vary the rates according to local conditions. A single rate would have the benefit of being simpler to apply, but government guidance suggests that different rates may be appropriate for urban and rural land, and that regeneration zones could attract a different rate from growth areas. Differences in rates would have to be justified by reference to the economic viability of development in the relevant parts of the district, and would therefore require preparation of more detailed evidence than for a single, flat rate.

2. Should the Council charge different rates for different categories of development?

Charging authorities may charge different rates by reference to the economic viability of different intended uses of development, provided that the different rates can be justified by a comparative assessment of the economic viability of those categories. Government Guidance warns that it could be difficult make a charging schedule that combines different rates for both area and intended use compliant with State Aid regulations.

3. Which types of infrastructure project should be funded by CIL in the Dover District?

The Planning Act 2008 provides a wide definition of the infrastructure that may be funded by CIL, this is interpreted by government guidance ⁽⁴⁾ to include transport, flood defences, schools, hospitals and other health and social care facilities, play areas, parks and green spaces, cultural and sports facilities, district heating schemes, police stations and other community safety facilities. CIL receipts may also be passed to external bodies such as Kent County Council to support education infrastructure or the Environment Agency for flood defence. Affordable housing was specifically excluded from the original list of permissible infrastructure, with the intention that provision of affordable housing would continue to be achieved through planning obligations. However, the status of affordable housing may be changed by the Localism Bill.

An indicative set of projects must be identified by the Council in order to calculate the CIL rate. Any infrastructure type included in the list may not also be funded through S106 agreements, to avoid double charging. The larger the list of potential projects the more flexibility is retained in allocating any funding obtained, but at the same time the potential for future S106 agreements is reduced. Compilation of the project list is an expense in itself because a robust evidence base will be required for each infrastructure type, however, projects identified in the Core Strategy will not be re-examined. Some flexibility is allowed so that charging authorities can respond to changing local circumstances over time; charging authorities may spend their CIL revenues on different projects from those identified during the rate setting process.

4. Should the Council provide discretionary relief to charity landowners?

Charity landowners who undertake development wholly or mainly for charitable purposes are not liable for CIL. The Council may choose to offer discretionary relief to a charity landowner where the greater part of the development will be held as an investment, from which the profits are applied for charitable purposes. In such cases the Council would have to publish its policy for giving relief.

5. How should the Council administer transfer of a 'meaningful proportion' of the

This requirement is not be fully defined; further details will be provided in the Localism Bill.

6. Should the Council hold a joint examination with another authority?

The regulations allow authorities to jointly submit their charging schedules for examination. However, a Core Strategy must be in place before CIL may be charged and, other than Dover, the only district in this position locally is Ashford. So unless the joint examination were with Ashford, it would probably delay the introduction of a Charging Schedule to this district. A joint examination might result in reduced costs for the collaborating districts, however when a similar scenario was investigated early in the LDF process no savings were identified.

Collaboration with neighbouring districts could provide some advantages, for example CIL receipts may be pooled between charging authorities to support the delivery of 'sub-regional infrastructure' and preparing a joint charging schedule would facilitate projects of that scale. However, high priority cross-district projects of this type, such as the Broomfield Bank Waste Water Treatment Works and the East Kent Access Road, have already been completed.

At this stage there appears to be little advantage for Dover District Council to collaborate formally with other districts during preparation of the Charging schedule, nor to plan for joint examination. Both options may be assessed as more information becomes available and in the meantime informal collaboration may prove useful. If the joint bid is successful between Dover District Council, Ashford Borough Council and Kent County Council to CLG for transitional funding.

Outline programme of work

A summary of this information is presented as a flow chard in Appendix B.

1. Estimate budget required and timescales.
2. Establishment of a steering group that includes appropriate elected members.
3. Prepare preliminary draft charging schedule, including:
 - Selection of indicative set of projects (review/create development strategy, comply with PPS 12 *Creating Strong Safe and Prosperous Communities through local Spatial Planning*)
 - If the infrastructure planning in the existing development plan is weak or outdated additional bespoke infrastructure planning may be undertaken, which may be limited to applicable infrastructure types.
 - Identify total cost of selected infrastructure
 - Identify existing funding sources for the selected infrastructure
 - Determine aggregate funding gap; the CIL infrastructure funding target
 - Calculation of levy rate or rates 'There is room for some pragmatism'⁽⁴⁾
 - Preparation of an Ordinance Survey based map that precisely defines the location and boundaries of the charging zones selected for different rates (if applicable)
 - Test draft charging schedule for viability across the district (so far most councils have engaged consultants for this)

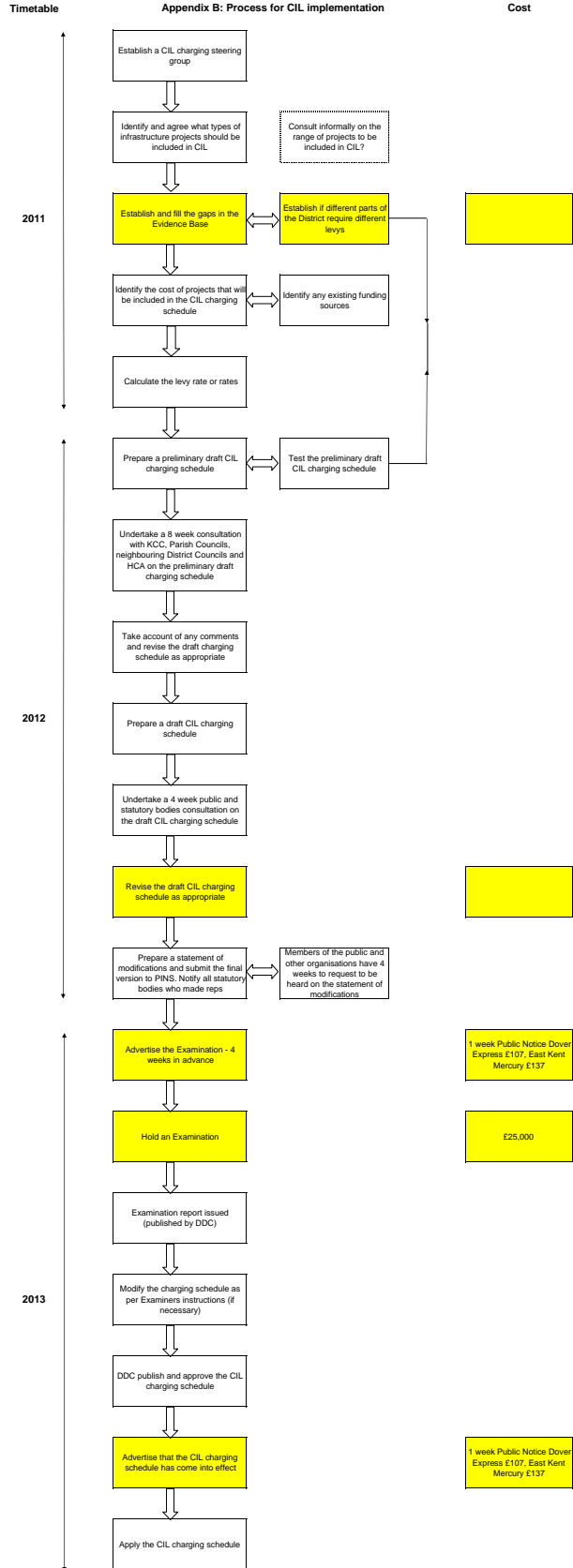
- If more than one rate is proposed then evidence must be provided for each rate
 - Where possible existing data should be drawn on, such as the values of land in both existing and planned uses and property prices
 - A broad test of viability across the district will be required, not focused on the potential implications for individual development sites. However, CLG suggests sampling sites where the impact of CIL is likely to be most significant. This would be particularly helpful in locating the boundaries of different charging zones.
 - Draw on information in the Strategic Housing Land Availability Assessment (consider updating the SHLAA if appropriate).
 - New data may be required for non-housing sectors such as retail and commercial, e.g. rental yields and property values
4. Consult KCC, parish councils, neighbouring district councils, Homes and Communities Agency etc, for a period of at least 6 weeks (regulation 15)
 5. Revise to form the **draft charging schedule** according to feedback obtained from consultation bodies (if appropriate)
 6. Public consultation (minimum 4 weeks stipulated by CIL regulations) and forward copies of the draft charging schedule to each consultation bodies
 7. Revise charging schedule responding to public representations, if appropriate, and prepare a statement of modification if necessary. For a period of four weeks the council must accept requests to be heard at the examination on the modifications.
 8. Submit final version to the Planning Inspectorate for examination in public
 9. Advertise the time and date of the examination at least four weeks in advance
 10. Examination in public. Any bespoke infrastructure planning undertaken especially for CIL will be tested, but the information included in the Council's adopted Core Strategy will not be re-examined.
 11. Publish the examiners findings
 12. Formal approval of the charging schedule (presuming the examiner accepts the schedule, correct errors if necessary)
 13. Advertise that the charging schedule has come into effect.
 14. Establish administrative and monitoring procedures:
 - Legal requirement to report each year on the funds received, the amount from the previous year(s) that remains unspent and summary details of the projects supported
 - Will have to account for administrative costs each year if we are to support that work from CIL receipts
 - Calculate the payable amount for every relevant planning application (unless Development Management can do this using the formula specified in the regulations (regulation 40)
 - Possibly we will need to check the previously existing floor area where applicable, and whether any previously existing building was in lawful use?

- Monitor commencement of development dates as this will trigger liability for payment, and also other development milestones if staged payments have been agreed
- Procedure for checking charitable status of applicants that apply for relief (regulation 43)
- Possibly monitor affordable housing that has been subject to relief as this will have to be repaid if the usage changes within 7 years
- Invoice for payment and monitor whether payments have been made
- Put stop notices in place if payment is not forthcoming and move to legal proceedings if necessary
- Administer a project panel? Or some other arrangement to decide which projects have the highest priority
- Tender and manage any projects that are funded by this source that take place on DDC land
- Oversee and monitor any projects carried out on behalf of DDC on other land (presumably these would only be part funded by CIL receipts)

References

- (1) Statutory Instruments 2010 No 948 Community Infrastructure Levy, England and Wales, The Community Infrastructure Levy Regulations 2010, Made 23 March 2010.
- (2) Draft Statutory Instruments 2011 No. - Community Infrastructure Levy, England and Wales, The Community Infrastructure Levy (Amendment) Regulations 2011.
- (3) Community Infrastructure Levy An Overview, Department for Communities and Local Government, March 2010.
- (4) Community Infrastructure Levy Guidance, Charge setting and charging schedule procedures, Department for Communities and Local Government March 2010.

CIL Charging Schedule



**APPOINTMENT OF MEMBER REPRESENTATIVES TO OUTSIDE BODIES
2011/12 – MUNICIPAL CHARITIES OF DOVER**

Recommendation

That Cabinet:

- (i) agrees that its decision numbered CAB 5 of 23 May 2011 be amended to reflect the fact that only 3 nominative trustee appointments to Municipal Charities of Dover are required.*
- (ii) confirms which 3 Members should be appointed as nominative trustees to Municipal Charities of Dover for terms of 4 years.*

Contact Officer: Kate Batty-Smith, extension 2303.

Reasons why a decision is required

1. At its meeting held on 23 May 2011, Cabinet appointed 4 nominative trustees to Municipal Charities of Dover, these being Councillors Sue Nicholas, Diane Smallwood, Pauline Beresford and Keith Morris (Cabinet decision number CAB 5). Councillor Nicholas was reappointed following the expiry of her existing term of office. Councillor Smallwood's trusteeship had lapsed because of her non-attendance at meetings for a period of one year, but she was reappointed on the basis that she would in future be in a position to attend meetings. Councillors Beresford and Morris were appointed to fill vacancies caused by the resignation of Mr Barry Late (in January 2011) and the lapse of Councillor Roger Walkden's trusteeship which the Trust advised was imminent due to his being unable to attend daytime meetings.
2. Municipal Charities of Dover has now advised that, due to a recent change in circumstances, Councillor Walkden's trusteeship has not, in fact, lapsed. The implications of this are that one of the nominations made by Cabinet on 23 May must be withdrawn in order to reflect the fact that only 3 nominative trustee appointments are required.

Options available to the Council with assessment of preferred option

3. To not agree to withdraw one of the four appointments made by Cabinet on 23 May 2011. According to the Charity Commission Scheme which applies to Municipal Charities of Dover, all nominative trustees are appointed for a period of four years, unless they are absent from all meetings of the trustees for a period of one year, or are adjudged bankrupt or wish to resign of their own volition. Given that none of

these circumstances applies, and further discussions would be required with the Trust and existing trustees to find a way forward, this option is not recommended.

4. To agree to withdraw one of the four appointments made by Cabinet on 23 May 2011, and to confirm the other three appointments made at that meeting. This option is strongly recommended.
5. To agree to withdraw one of the four appointments made by Cabinet on 23 May 2011, and to appoint three different Members to those appointed on 23 May. This option is not recommended.

Information to be considered in taking the decision

6. Dover District Council is entitled to appoint five nominative trustees to Municipal Charities of Dover. Councillor G J Hood was appointed as a nominative trustee in May 2009 for a period of four years and, given that his appointment is not due to expire until 2013, it was not considered by Cabinet on 23 May 2011. Based upon advice received in a letter dated 17 March 2011 from the General Manager of Municipal Charities, Cabinet was requested to make four appointments on 23 May, including one to replace Councillor Roger Walkden who had indicated that he was unable to attend daytime meetings and who, according to the Charity, was therefore likely soon to fall foul of the Charity's rule which states that: "Any Trustee who is absent from all meetings of the Trustees during a period of one year...shall cease...to be a Trustee." Cabinet duly appointed the following as nominative trustees for terms of four years:

Councillor S R Nicholas (reappointment)
 Councillor D G Smallwood (reappointment)
 Councillor P M Beresford (to replace Mr Barry Late/Councillor Roger Walkden)
 Councillor K E Morris (to replace Mr Barry Late/Councillor Roger Walkden)

7. In an e-mail dated 21 June 2011, the General Manager of Municipal Charities advised that Councillor Walkden's trusteeship had not lapsed as predicted as a recent change in circumstances now allowed him to attend daytime meetings of the Trust. With Councillor Hood's and Councillor Walkden's appointments extant, this leaves only 3 nominative trustee appointments to be made to Municipal Charities of Dover. It is therefore necessary for Cabinet to withdraw one of the four appointments made at its meeting held on 23 May, and to determine which three Members should be appointed as nominative trustees to Municipal Charities of Dover. In respect of the latter, Cabinet has the option to decide whether to confirm the appointment of three of those Members already appointed on 23 May or to appoint three new Members entirely, although the latter course is not recommended.

Background Papers

Letter of 17 March 2011 from General Manager, Municipal Charities of Dover
 E-mail of 21 June 2011 from General Manager, Municipal Charities of Dover

Resource Implications

Requirement from Current Budget	Requirement for Additional Budget	
	Current Year	Full Year
None	None	None

Comments from Finance

None.

Consultation Statement

Save for Municipal Charities of Dover, nobody else has been consulted in relation to these appointments.

Impact on Corporate Objectives and Corporate Risks

These appointments will support the Council's commitment in the Corporate Plan to improve and enhance the quality of life of all the District's residents, and also supports the Plan's themes of communities and well-being.

Customer Access Review

A Customer Access Review is not considered necessary.

Comments from Equalities Officer

There are no equalities implications in these appointments.

Attachments

None.

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is Kate Batty-Smith, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2303.



COMMITTEE SECTION ONLY	
Decision No:	U2
Notification Date:	07/06/11
Implementation Date: (unless called-in)	07/06/11
Call-in:	

**Notice of Decision Taken by ~~Portfolio Holder~~/Leader of the Council
Between Meetings of the Cabinet**

(Please read the attached guidance notes before completing this notice)

A. Decision taken by: Councillor P A Watkins, Leader of the Council

B. Part of the Constitution authorising decision:

Section 3 of Part 3: Responsibility For Executive Functions

C. (a) Subject (including whether it is a Key Decision and included within the Forward Plan):

Delegation of Executive Functions.
Not a Key Decision.

(b) Is the decision likely to disclose exempt information?

No

Yes — under paragraph(s) _____ of Part 1 of Schedule 12A of the
— Local Government Act 1972.

D. Decision:

(1) That pursuant to section 14 (2) of the Local Government Act 2000, where during the period May 2002 to 9 May 2011 the Cabinet authorised any officer(s) to discharge any function of the executive, either acting alone or in consultation with any member(s) of the executive or other officer(s), then the officers in question shall be authorised to continue to discharge the executive functions in question subject to the same liaison/consultation requirements as were contained in the original decision.

(2) Where the responsibilities of any officer(s) and executive members have changed since the date of any decision referred to in (1) above, the executive functions to be discharged shall be discharged by the officer whose current responsibilities most closely reflect the range of responsibilities discharged by the officer described in the original decision acting in liaison/consultation with the executive member(s) whose current responsibilities most closely reflect the range of responsibilities discharged by the executive member(s) described in the original decision.

E. Reason(s) for decision (including why the decision cannot wait until the next meeting of Cabinet (or Council where appropriate)):

This decision is not one for the Cabinet to make as it must be made by the Leader in accordance with the requirements of section 14 (2) of the Local Government Act 2000.

F. Details of alternative options considered and rejected:

During the period 8 May 2002 to 9 May 2011 the Cabinet, by a number of various decisions authorised officers, either acting alone or in consultation with either or both executive members and other officers, to discharge various functions of the executive.

On the third day following the district Council elections held on 7 May 2011 the making of arrangements for the discharge of executive functions became the responsibility of the 'new style' leader as 'senior executive member' in accordance with section 14(2) of the Local Government Act 2000.

The purpose of this decision is to put beyond doubt that officers who were authorised to discharge executive functions by various 'ad hoc' decisions of Cabinet between May 2002 and May 2011 shall continue to be so authorised.

Alternative options of the Leader of the Council himself discharging the executive functions in question or making alternative arrangements for their discharge were considered and rejected on account of the administrative inconvenience that would be caused thereby to established working practices.

G. Any personal or prejudicial interest declared by the Portfolio Holder/Leader of the Council when the decision was taken:

None.

H. Background Documents:

None.

I. Decisions within the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Cabinet (Part 3, Section 3C, paragraph 13 - General Responsibilities Delegated to All Members of the Executive)

I confirm that the decision-taker has taken the decision in consultation with me.

Not applicable.

Signed: _____ Dated: _____
(Leader/or Deputy)

J. Decisions outside the Budget or Policy Framework taken by the Portfolio Holder (or Leader of the Council) between Meetings of the Council (Part 4, paragraph 4 – Budget and Policy Framework Procedure Rules)

Please give reasons why it is not practical to convene a quorate meeting of the Council or General Purposes Committee to take the decision.

I have given my consent to the decision being taken as a matter of urgency.

Not applicable.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

K. Urgent decisions not subject to call-in

I confirm that this decision is an urgent one and should not, therefore, be subject to call-in. Yes/No

Signed: _____ Dated: _____
(Decision-taker)

On the advice of the decision-taker, I agree that the decision is reasonable in all the circumstances and, as a matter of urgency, should not be subject to call-in. Yes/No

Signed: _____ Dated: _____
(Chairman/Vice-Chairman/Head of Paid Service or their nominee)

(Please note that L-N relate to Key Decisions not in the Forward Plan (Part 4; Rules 15 and 16 of the Access to Information Procedure Rules))

L. Reason(s) for General Exception/Special Urgency (i.e. why the decision was not included in the current Forward Plan and why it would be impracticable to defer the decision until the period covered by the next Forward Plan)

Not applicable.

M. Notice of use of General Exception Procedure (to be followed where at least five clear days will have elapsed between issuing a General Exception Notice and informing the Chairman of the relevant Scrutiny Committee, and the Key Decision being taken)

I have informed the Chairman of the relevant Scrutiny Committee.

Not applicable.

Signed: _____ Dated: _____
(Decision-Taker)

N. Agreement to use of Special Urgency Procedure (to be followed where it is not possible to give five clear days' notice that a Key Decision will be taken)

I agree that the taking of the decision cannot reasonably be deferred.

Not applicable.

Signed: _____ Dated: _____
(Chairman of the relevant Scrutiny Committee)

Signed: _____ Dated: _____
(Decision-Taker)



COMMITTEE SECTION ONLY

Decision No: DD01
Notification Date: 17/06/11
Implementation Date: 23/06/11
(unless called-in)
Call-in: Yes

**Decision Notice
Delegation to Individual Portfolio Holder**

A. Decision taken by: Councillor N J Collor
Portfolio Holder for Access and Property Management

B. Delegated Power:

Part 3 of the Constitution – Responsibility for Functions; Section D1 (Specific Powers Delegated to Members of the Executive)

C. Subject:

The naming of a new street at a residential development at Park View Close, Goodnestone

*Is the decision likely to disclose exempt information? No
If so, please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972.*

D. Decision:

The proposed name of MANICOM CLOSE was agreed following consultation with Royal Mail and the Emergency Services.

E. Reason(s) for decision:

The Council is the statutory authority for street naming and numbering. This decision was taken in accordance with the legislation (Section 17 of the Public Health Act 1925) and office procedures.

F. Details of alternative options considered and rejected:

None.

G. If the decision-maker has a personal interest in the matter, the existence and nature of that personal interest must be stated below:

None.

H. List of persons consulted by the decision-maker:

Royal Mail and the emergency services

I. Any conflict of interest declared by any executive member who has been consulted by the decision-maker:

None.

J. Note of any dispensation granted by the Standards Committee in respect of any declared conflict of interest:

Not applicable.

K. Background Documents:

Letters from developer and replies from consultees

Signed: _____
Decision-Maker

Dated: _____

EXCLUSION OF THE PRESS AND PUBLIC**Recommendation**

That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the remainder of the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Schedule 12A of the 1972 Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
St James's Area Development	3	Information relating to the financial or business affairs of any particular person
Capital Appraisals – Regeneration Projects 2011-12	3	Information relating to the financial or business affairs of any particular person