

Response by Dartford Borough Council to a question set by Examiner Mr Kemmann-Lane regarding representations which are pertinent to the independent examination of Dartford Borough Council's Community Infrastructure Levy (CIL) Draft Charging Schedule

1. Representations to be considered at Examination

The Examiner in his note (ED/1) has asked whether the Council agrees that the representation bodies listed in the first part of his note are those that have not been withdrawn or raise matters pertinent to the Examination. The Council agrees that the following are representation bodies that fall within this group;

Retirement Housing Group

Mccarthy and Stone

RPS

Asda Stores Limited

The Council understands that Landhold Capital Limited have indicated to the programme officer that in the light of the changes proposed in the draft Instalment policy, that they do not wish to attend the examination hearing.

A further response to the matters raised by the above bodies will be provided by the Council to the Examiner by midday Friday 20 September.

2. Infrastructure Planning Issues

(i) Kent Police Representation

The Examiner has requested that the Council provide their view on whether matters raised by Kent Police come within the Guidance¹ which states that the examination should not re-open infrastructure planning that has already been submitted in support of a sound relevant plan

The Council considers that the matters raised by the Police do not constitute new infrastructure planning that has been undertaken specifically for CIL and which would require testing by the examiner in order to confirm that evidence is sufficient to confirm an aggregate infrastructure funding gap demonstrating the need to levy CIL. In addition the views expressed do not alter the total target amount the Council proposes to raise through the levy, which is based upon evidence of site viability and the balance struck ensuring that planned development comes forward. This work indicates that even with forecast CIL income, a significant funding gap will remain and additional infrastructure funding sources will be required. The viability evidence also suggests that a higher CIL rate would increase the risk of certain development being made unviable.

The Dartford CIL Overview Report August 2013 para 4.1 pp3 states

¹ Community Infrastructure Guidance April 2013

“To ensure that the CIL rate is reasonable in relation to infrastructure requirements, the cost of providing the necessary infrastructure to support development has been calculated. The calculation is based on the Infrastructure Delivery Plan(IDP) February 11 version 2 and the IDP – Update of proposed projects November 2012.”

The IDP, in and in particular the February 2011 version 2 was produced to support the examination of the Core Strategy. A copy of the schedule is additionally reproduced in Appendix 2 of the plan. Information shown was based upon partners’ and service providers’ strategic plans as at July 2010. The Core Strategy was found sound and adopted in September 2011. The plan identifies the schedule as a “live” document which would be updated and provided on the Council’s website². This approach acknowledged that the projects/schemes identified to support the plan may change in detail, costing and other matters over the time of the plan.

Para 14 of CIL Guidance outlines the process of identifying a CIL infrastructure funding target. *“This target should be informed by a selection of infrastructure projects or types (drawn from infrastructure planning for the area) which are identified as candidates to be funded by the levy in whole or in part in that area. The focus should be on providing evidence of an aggregate funding gap that demonstrates the need to levy the Community Infrastructure Levy”.*

In assembling evidence of an aggregate funding gap that demonstrates a need for CIL, the Core Strategy schedule was updated³ by:

- Re-organising the schedule to indicate those components in the base schedule which are potential candidates to be funded by CIL (whole or part) and grouping similar infrastructure types together in the schedule
- Updating component costs, and other details where new information had become since the base schedule was prepared
- Adding specific details of identified other funding where known

No new infrastructure planning matters beyond those considered in the infrastructure assessment to support the adopted Core Strategy have been considered in developing the Draft Charging Schedule, other than the above updates. It is considered that this provides appropriate local evidence of a significant infrastructure funding gap that demonstrates the need to levy CIL.

Policing infrastructure requirements were considered in compiling the IDP and background paper February 11 vers 2 document and liaison undertaken with representatives. The background paper sets out existing infrastructure capacity and defines future requirements. P. 33 sets out the understanding, at that point, of existing and future provision. Requirements for limited public counter facilities were identified alongside capacity provided at the new station at Northfleet, although it was noted that there could be a need for planning contributions to supplement other funding. The Council agrees that provision of policing infrastructure is essential in supporting sustainable development and supports achievement of the Core Strategy’s objective to achieve stable integrated community living in safe neighbourhoods. In line with the Council’s commitment to continue to consider service providers forecast requirements and update the IDP, further discussion

² Appendix 2 para 1.3

³ IDP Identified projects and cost estimates Update November 2012

will be progressed with Kent Police to determine those infrastructure components and funding matters that can be translated into a future update of the IDP. This approach was highlighted in note 3 of the updated IDP Nov 2012.

To aid transparency, the Council is required to set out a draft list of infrastructure to be funded in whole or in part by the levy and known site specific matters where section 106 contributions may continue to be sought. A draft 123 list has been prepared and is based on the Core Strategy IDP. At present this does not contain any police infrastructure other than community hub provision at Ebbsfleet Valley. An indication of section 106 matters that will continue to be sought has been set out in Appendix 1 of the Overview Report⁴. This includes emergency facilities where the facility will primarily meet demand arising from a large site. This covers anticipated policing requirements within areas such as Ebbsfleet Valley.

Para 86 of CIL Guidance provides for charging authorities to set out a list of those projects or types of infrastructure that it intends to fund through the levy. This list should be based on the draft list that the charging authority prepared for the examination of their draft charging schedule. The guidance sets out consultation and other requirements for charging authorities who wish to revise their regulation 123 list. These provisions imply that the 123 list can be revised as new information becomes available. The Council consider that this provides for the inclusion of police infrastructure at a subsequent point, following the discussions described above.

In conclusion the Council does not consider that the representation made by Kent Police contains matters that fall within the scope of independent examination of the Dartford Draft Charging Schedule. Additional matters falling outside the scope of the examination will need to be progressed in implementing CIL, including on-going liaison with infrastructure providers regarding future requirements, funding and phasing. The matters raised by Kent Police will be taken forward through this process.

(ii) Swanscombe and Greenhithe Town Council representation

The Council agrees with the view set out by the Examiner that the representation submitted by the Town Council should not be a matter for the examination. This matter will be a subject of further discussion between the Council and the town council particularly in the light of the new regulations requiring a proportion of CIL receipts to be given to neighbourhood areas where development takes place.

⁴ Dartford CIL Overview Report November 12