

REFERENCE EML-OUT/P02544/122  
For the attention of Planning Policy Team

Dear Sir/Madam

**COMMENTS IN RESPECT OF DRAFT INFRASTRUCTURE DELIVERY PLAN - ON BEHALF OF AE (ESTATE DEVELOPERS) LIMITED**

AE (Estate Developers) Limited own the north-western part of Strategic Site 3 (Hillborough) - proposed for development under Publication Draft Local Plan Policy SP3.

We have submitted representations to the City Council supporting the principle of the residential development of their land but making additional comments.

On behalf of our clients, we have reviewed the Draft Infrastructure Delivery Plan and would make the following comments:

1. Paragraph 7 of the IDP advises that:

*“The infrastructure provision that is required to serve the development set out in the Draft Local Plan has been subject to viability testing by Adams Integra (CDPL11.2-11.5).”*

On behalf of our clients we reviewed and commented on the Draft Report - February 2013 - which is not included in the List of Examination Documents.

Our representations raised a number of queries and sought clarification but we did not receive any response to our queries.

Our representations email of 23rd April 2014 is attached for information.

2. We note the comments in Paragraphs 8 and 9 of the IDP that the Council is intending to prepare a Draft Community Infrastructure Levy Schedule, in the near future, if the principles set out in the Draft IDP are agreed.

The Council are, however, considering whether a “*nil CIL*” should be applied to the Strategic Sites on the basis that as the Strategic Sites will contribute to infrastructure and affordable housing, the Strategic Sites are considered to be “*the best means by which to deliver the key infrastructure for the District*” (Paragraph 10).

3. It is noted that the vast majority of the funding for the ‘off-site’ transport infrastructure (approximately 65%) will be secured by Section 106 Agreements relating to the Strategic Sites Development (Paragraph 47).

Other significant funding sources from ‘public bodies’ are identified in Paragraph 48, and Paragraph 49 advises that CIL will be used to cover the identified shortfall in funding for District-wide transport improvements.

The costs and funding sources for the identified transport measures are identified in the Tables on pages 20-25.

4. Paragraph 52 advises that:

*“Detailed discussions are ongoing between the developers of proposed strategic allocation sites and Kent County Council and Canterbury City Council in order to progress the Infrastructure Delivery Agreements.”*

Paragraphs 59-62 discuss the provision of the **Herne Relief Road** and intended funding as follows:

*“59 - The section of the Relief Road within the identified boundary of the Strode Farm development (referred to as the on-site section) will be provided by that developer under a Section 106 Agreement.*

*60 - The off-site section will be secured by way of Section 106 Agreements and funded by the developers of the following strategic site allocations: Strode Farm (Policy SP3, Site 5), Herne Bay Golf Club (Policy SP3, Site 4), Hillborough (Policy SP3, Site 3).*

*6 1 - A funding agreement based on a signed Memorandum of Understanding will set out the level of financial contribution to be provided by each of the developers based on the traffic generation from each of the allocations that will use the Relief Road.*

*62 - All the Section 106 Agreements will include development thresholds, agreed by Kent County Council, (as Local Transport Authority) which will specify the maximum number of unit completions that will be permissible for each of the strategic site allocations, prior to the delivery of the Relief Road. An appropriate phased delivery of the Relief Road will be considered.”*

Although, on behalf of our clients, we attended a meeting with City Council and Kent County Council Officers and representatives of the identified strategic sites on 13th October 2014 and our clients have considered the subsequent **Draft ‘Memorandum of Understanding’**, the wording has not yet been agreed by the landowners.

At this stage, it is therefore not possible to advise whether we support or object to this part of the Draft Infrastructure Delivery Plan.

It is anticipated that there will be further discussions between the site owners and their representatives and the City and County Councils, in the lead up to the Local Plan Examination.

Further, more detailed comments may be made on behalf of our clients as matters progress.

On this basis, we reserve the right to make further comment prior to and at the Examination itself.

We would ask, therefore, that our clients and their representatives are invited to attend the relevant sections of the Local Plan Examination in relation to the

discussions on the Infrastructure Delivery Plan and in respect of the Herne and Sturry Relief Roads and the relevant parts of the Transport Strategy.

5. **In Summary** , whilst we note the intention to secure funding for the 'off-site' elements of the Herne Relief Road from 3 of the Herne Bay Strategic Site Developments through Section 106 Agreements, insufficient information is currently available for our clients to advise whether they support or object to the Draft Infrastructure Plan and, in particular, to Paragraphs 59-62 - the proposed Memorandum of Understanding and apportionment of contributions between the sites, etc.

We trust that we will be kept advised of further progress.

Yours faithfully

**Jeanne Taylor**  
PARTNER

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Sent on behalf of Jeanne Taylor, by: