

Maidstone Borough Council Local Plan (2011-2031) Examination

Inspector: Mr. Robert Mellor BSC DIPTRP DIPDBE DMS MRICS MRTPI

Programme Officer:
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Mr. Rob Jarman,
Head of Planning & Development,
Maidstone Borough Council,
Maidstone House,
King Street,
Maidstone ME15 6JQ

21st September, 2016

Dear Mr. Jarman,

The Strategic Policies of the Local Plan

Introduction

1. Having reviewed a wide variety of matters and issues that are set out in the hearing agendas the Inspector wishes to raise a concern that the submitted Local Plan may not adequately distinguish which are its strategic policies and which are not. This is of particular relevance to the relationship of the Local Plan to the numerous emerging Neighbourhood Plans. However it is also a matter relevant to the clarity and effectiveness of policy, including in development management.
2. The Inspector therefore requests that the Borough Council reviews how the Plan's strategic policies are defined and presented. This would not necessarily involve significant rewording but it may involve changes in the chapter headings, and policy numbering. It will also require consideration of where some policies (or parts of policies) and their reasoned justification are located within the Plan. This is likely to inform discussion of individual policies during the hearings.

National Policy

3. Paragraph 182 of the National Planning Policy Framework (the Framework) provides amongst other things that, to be sound, a Local Plan is to be positively prepared, justified, effective, and consistent with national policy. This includes that the Plan should be based on a strategy to meet objectively assessed needs and also that it is the most appropriate strategy. It follows that the Local Plan's strategy needs to be clearly identifiable as such.

4. Paragraph 184 of the Framework in relation to neighbourhood planning provides amongst other things that:

'Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.'

For Neighbourhood Plans to be recognised to be in general conformity with the strategy requires firstly that the strategic policies are clearly expressed and identified.

How Strategic Policies are defined in the Local Plan

5. In this context the Inspector is concerned that the Local Plan does not clearly distinguish its strategic policies (including strategic allocations) from its other policies such as the non-strategic site allocations and development management policies. Only Policy SS1 is described as a spatial strategy policy and yet it is vague about how the quantum of development is to be distributed and is dependent for its interpretation on the subsequent spatial SP policies. These indicate how the Borough-wide development targets will be distributed across Maidstone town, other settlements and the countryside. Together with SS1 the SP Policies make up the spatial strategy but are not clearly identified as such.
6. Some SP policies are explicitly described as concerning 'strategic development locations'. Others are not identified as strategic, but they nonetheless serve to define the contribution of individual settlements to the overall spatial strategy. That is of particular relevance to neighbourhood planning since a reference to the quantum of development in local settlements is likely to be needed in order to determine if each neighbourhood plan is providing for more or less development than is required to generally conform with the Local Plan strategy.
7. One way forward would be to renumber the SP (Spatial Policy) policies as SS (Spatial Strategy) policies. This may require some rewording to remove any non-strategic elements that are covered elsewhere in the Plan and which would be capable of variation in subsequent neighbourhood plans without undermining the overall strategy.
8. If the SP policies are strategic then it needs to be clarified whether the SP policy references to individual site allocations make those sites strategic allocations or not. Similarly it needs to be clarified whether the protection of individual employment sites is or is not a strategic matter.

9. Policy SP17 has strategic elements but also reads in part as a Development Management (DM) policy. This creates potential for confusion and ineffectiveness, particularly where subsequent DM policies covering the same matters have different wording. The potential for inconsistency or repetition might be avoided by appropriate cross-referencing from SP17 to the relevant DM policies.

10. Policies H1 (Paragraph 1), EMP1, RMX1 and GT1 read as strategic policies that set out broad objectives for different types of development. However H1 also contains development management criteria (i-v and paragraph 2) which would merit a separate non-strategic policy. RMX1(1) and Policy EMP1(5) are allocations of strategic importance given their scale and should be identified as such (if EMP1(5) is to be retained). The other individual site allocations which follow policies H1, EMP1, RMX1 and GT1 may be considered not to be strategic except where they cumulatively amount to a strategic location such as those at SE and NW Maidstone.

11. Policy H2 (Broad Locations) is also a strategic policy but is buried deep within the Plan after a long series of site allocations and has been misperceived by some as a site allocation policy. It would be more appropriately included in an earlier section as part of the spatial strategy. That would also align with the provision in national policy at Framework paragraph 157 that Broad Locations for strategic development are identified on the Key Diagram whereas land-use designations are to be shown on the proposals map.

12. Policy DM20 Economic Development reads as a purely strategic policy. There are also significant elements of strategy contained in some of the other Development Management Policies, notably DM24 Sustainable Transport (parts 1 and 2) and DM25 Public Transport (part 1) (but not other parts of these policies). Consideration should be given to moving the relevant parts of these policies to an earlier part of the Plan where they would be clearly presented as part of the strategy.

Yours sincerely,

Louise St. John Howe

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