

MAIDSTONE BOROUGH COUNCIL
RECORD OF DECISION OF THE CABINET

Decision Made: 10 August 2011

CORE STRATEGY 2006-2026: PUBLIC PARTICIPATION DRAFT

Issue for Decision

To consider, for consultation purposes a draft Core Strategy that identifies the pattern of the spatial distribution of development across the borough to guide development until 2026.

Decision Made

1. That the draft Core Strategy for public consultation under Regulation 25 of the Planning Regulations (included as Appendix A to the report of the Director of Change, Planning and the Environment) be approved.
2. That delegated authority be given to the Director of Change, Planning and the Environment, in consultation with the Leader of the Council, to make any necessary changes to the Draft Core Strategy to ensure that it is fit for purpose as a consultation draft prior to publication.
3. That delegated authority be given to the Director of Change, Planning and The Environment, in consultation with the Leader of the Council, to agree the Appendices to the Core Strategy, and that they be published alongside the Core Strategy Regulation 25 consultation draft.
4. That a methodology of document changes be developed and made available to the public, keeping the current version on the website updated at all times.
5. That the responses to the Scrutiny Committee Recommendation Action and Implementation Plan (SCRAIP), as attached at Appendix A, be agreed.

Reasons for Decision

It is vital that the Council sets out a long term spatial vision for the borough that enables the objectives in the Sustainable Community Strategy for the borough to be delivered.

This initial phase of consultation (Regulation 25 Consultation) will enable the Council to obtain feedback from the public, local businesses and interested parties. This consultation is not mandatory but will provide the greatest opportunity for interested parties to comment on the proposals. A further phase of formal consultation is scheduled for the beginning of

2012 but given the guidelines there will only be limited scope to make any changes at that stage.

The consultation is taking place against a backdrop of changes in planning policy at a national and regional level, particularly aligned to the Localism Bill. However, the Council needs to be proactive in moving forward rather than wait for any further prescription or guidelines which may or may not arrive.. This is a risk but given the timetable leading up to a Public Inquiry there is still some flexibility to adjust should external factors change significantly.

The current draft is in general conformity with the Regional strategy

Many factors have been considered in producing the attached draft Core Strategy, the attached document sets out a starting position on a possible optimum picture for the borough by 2026. The Core Strategy will be delivered over the period up to 2026. It is important to remember that Planning Policy Statement 12 provides guidance that the plan should be operational for 15 years from the date of adoption and therefore the Core Strategy will be subject to an early review.

There are already a number of development schemes in the pipeline to which the Core Strategy will not apply although the impact of the draft Core Strategy will increase in weight as it progresses through the system towards adoption.

Introduction and Background

The Core Strategy sets out the long-term spatial vision for the borough, the spatial objectives and the strategic policies to deliver that vision. This is the key compulsory Local Development Document within planning law. Every other Local Development Document will be built on the principles that are contained within the Core Strategy, particularly regarding the development and use of land within the borough. The Council has taken an evidence based approach in developing the attached document and the Core Strategy is accompanied by a number of appendices (listed below), some of which comprise technical information and others comprise background evidence to support the strategy as expressed:

1. South East Plan policies
2. Draft Infrastructure Delivery Plan
3. Policy Evolution
4. Sustainable Community Strategy Matrix
5. Saved Policies
6. Superseded Policies and Documents
7. Delivery of Spatial Objectives

8. Glossary
9. Sustainability Appraisal
10. Equalities Impact Assessment
11. Housing Trajectory

The attached document has been prepared for public consultation; it is proposed that this consultation should commence on the 2 September 2011. The outline consultation programme was presented to and considered and supported by and agreed by the Leisure and Prosperity Overview and Scrutiny Committee and the Local Development Document Advisory Group in February 2011, although it is recognised that some of the dates have changed.

This covering report highlights some of the key points that are contained within the comprehensive consultation document.

The Evidence Base

A large amount of background information forms the 'Evidence Base' for the Core Strategy. A robust and defensible evidence base is critical to the Core Strategy being found 'Sound' by the Planning Inspector who will be appointed to carry out the examination into the Core Strategy. This evidence has been drawn from across the Council with further studies carried out by external parties. Members have also seen various parts of the Core Strategy Evidence Base as these documents have emerged and several internal workshops have been held as part of the evolution of the Core Strategy document. The Evidence Base is constantly evolving and will comprise documents that fall into categories of historic, current and emerging. The Evidence Base is available on the Maidstone Borough Council Website and can be found at:

www.maidstone.gov.uk/environment_and_planning/planning/local_development_framework/evidence_base.aspx

New documents will be added to the Evidence Base in the run up to the inquiry into the Core Strategy which is expected to be held during the autumn of 2012.

Local Development Scheme

The timetable for the production of the Core Strategy and other Development Plan Documents (DPD) is known as the Local Development Scheme (LDS). On 8th June 2011 Cabinet agreed the shape of the Local Development Framework and what documents would comprise the LDF. In summary the LDF will comprise:

- Core Strategy DPD

- Development Delivery DPD to include site allocations and development management policies
- Central Maidstone Area Action Plan
- Affordable Housing Supplementary Planning Document (SPD)
- Landscape Character Assessment Guidelines SPD
- Parking Standards SPD

A further report will be coming to Cabinet in October 2011 that will outline the proposed timetable to allow for the above documents to be produced. There is no longer any requirement for the LDS (Timetable) to be approved by Government Office for the South East (GOSE) but there is still a requirement to send the LDS to the Department for Communities and Local Government (CLG) for approval.

The LDF is a complicated set of documents, many of which will be interrelated and it is currently anticipated that the Core Strategy is likely to be adopted in spring 2013 with the Development Delivery Document following on as soon as possible after this.

Main Issues

Abandonment of Option 7C

The draft Core Strategy Development Plan Document (DPD) sets out the proposed spatial vision and strategy for the distribution of development across the borough up to 2026. It has set out a housing target and a target for the provision of land for employment purposes and has demonstrated how this target may be met. The Core Strategy as now proposed has abandoned the previously endorsed approach of a Strategic Development Area (known as Option 7C) to accommodate 5,000 dwellings. This was abandoned for a number of reasons relating to the viability of development and the required infrastructure, and the ability to deliver the required number of dwellings within the plan period. There were also substantial objections from the environment lobby concerned about the impact on the environment in the proposed location. Regardless of the fact that it is now considered inappropriate to pursue the development of an SDA, the Core Strategy does contain a reference to 7C and allows for representations to be received and considered on its deletion.

General Conformity with the Regional Spatial Strategy

The Core Strategy and in particular the level of housing provision must be and is considered to be in 'general conformity' with the South East Plan. The draft Core Strategy allows for the provision of 10,080 dwellings, a level that is within 9.03% of the South East Plan figure. It is important to note that the regulations do not require 'absolute' conformity and that the

use of the phrase 'general' should indicate a degree of flexibility in how this is interpreted. It is also important to note that the Kent Planning Officers Group (KPOG) Housing Forecast Sub Group are in the process of producing a document that looks at housing figure across the whole of Kent that currently indicates that if all the figures from all the boroughs are combined then Kent will produce a level of housing that is some 6,200 dwellings in excess of the requirement in the South East Plan. By the time the Core Strategy reaches the point of public examination it is likely that the South East Plan will have been abolished but as the law stands at the moment the Core Strategy cannot refer to the potential abolition of the RSS. There is a risk that a challenge will be made that the consultation draft is not in general conformity with the south-east plan and this could lead to delay, but it is considered that this risk is acceptable.

Gypsy and Traveller Accommodation

The draft Core Strategy also sets a level of provision for Gypsy and Traveller accommodation of 71 pitches up to 2016 but it is likely that this figure will be changed due to the revised Gypsy and Traveller Accommodation Assessment (GTAA) that is currently being commissioned. It is expected that a revised figure for the provision of pitches will be available before the end of 2011. The Core Strategy makes no specific site allocations for gypsy and traveller accommodation as this is a function of the Development Delivery DPD. The provision of a public gypsy and traveller site is being pursued outwith the LDF process as the need to provide such a facility is felt to be a matter of extreme urgency.

Employment Land

The distribution of land for employment has been expressed in broad terms. Whilst members were presented with a proposed employment distribution at Cabinet on 9th February 2011 this was not accepted and officers were instructed to revisit the proposals to see if any alternative solutions were available.

Following on from the Cabinet meeting on 9th February 2011 and after receipt of the revised Employment Land Review (ELR) it was considered that there is a need to provide for some 17 ha of employment land. The proposed distribution strategy echoes that adopted for housing following a dispersed pattern. However in the case of employment land this approach would not be sufficient to meet the total requirement. There is, therefore, a need for a strategic location for employment development. Following consideration by officers of all known and available land it was resolved that this was best placed in the vicinity of Junction 8 of the M20. The quantum, design, access, bulk and massing of any development at Junction 8 will be guided by a Development Brief. Development at Junction 8 will be expected to accommodate in the order of 11 ha of employment related development including warehousing and other industrial and employment uses. It is also considered appropriate and

sustainable to allow for development at Junction 7 that is specifically related to the new clinic and medical services.

Tests of Soundness

The Core Strategy has been drafted to ensure that it is consistent with national policy. This is one of the tests of 'Soundness' that an Inspector will apply. To be sound a Core Strategy must be "Justified, effective and consistent with national policy." Consideration of whether the Core Strategy meets these tests is also contained in the results of the Self Assessment Toolkit which will also be published alongside the Draft Core Strategy.

Public Participation

Consultation at this stage in the Core Strategy process is voluntary due to changes in the regulations governing the production of Development Plan Documents. However, the decision was taken to undergo informal public participation at this stage to inform the development of the Core Strategy and to ensure that the community at large have had every opportunity to shape how the Core Strategy has been formed.

Work has been carried out to develop a consultation strategy that will encompass best practice and will allow for the widest possible dissemination of important Core Strategy messages to all elements of the local community. A report was taken to the 21st February 2011 Joint Meeting of the Local Development Document Advisory Group and the Leisure and Prosperity Overview and Scrutiny Committee that outlined the general proposals for consultation. This report will be considered at the Local Development Document Task and Finish Scrutiny Panel at a meeting on the 3 August 2011 and any recommendations to the Cabinet will be presented as an update at the Cabinet meeting on 10th August.

Conclusions

The Core Strategy has now reached the stage where it is considered appropriate to seek public participation. Representations that are made as part of this process will be reported to Cabinet and the implications of the representations will be considered by the officers of the Spatial Policy team assisted by officers in other parts of the Council including Development Management, Economic Development, Environmental Health, Parks and Leisure and Housing amongst others.

Legal advice has been sought from Stephen Hockman QC to ensure that any potential risks to the Core Strategy being found unsound have been minimised.

Following the completion of this stage of public participation officers will prepare a revised version of the Core Strategy that will be put before an Inspector appointed by the Government to determine if the Core Strategy is sound. Cabinet and Task and Finish Panel will be fully engaged in the

process of helping to shape the Core Strategy as it progresses towards submission to the Secretary of State and will be kept up to date with changes in legislation before they impact on the Core Strategy. Prior to submission to the Secretary of State a final report will be brought to a full meeting of the Council.

The Core Strategy is a fundamental part of the way in which the borough will develop in the period up to 2026. It will also form an important part of the bedrock for the development of Neighbourhood Plans due to be introduced as a result of the Localism Bill. A sound Core Strategy will also enable the Council to defend decisions made about applications for development and will help protect the Council's wishes to be proactive about achieving economic prosperity and dealing with the impact of the potential presumption in favour of development that may also result from the enactment of the Localism Bill.

Alternatives considered and why rejected

The housing target and employment land targets in the Core Strategy have been tested against alternatives in a variety of weighted exercises and compared through the Sustainability Appraisal that accompanies the Core Strategy. The draft Core Strategy now before Cabinet meets the Council's strategic objectives.

Cabinet could propose an alternative strategy to that promulgated by officers but this would lead to considerable delay. However, there may be some changes that might be required to the Core Strategy and its integral spatial distribution strategy as a result of the public participation that is being recommended.

It is also considered necessary to delegate responsibility to the Director of Planning, Change and The Environment in consultation with the Leader to make minor changes to the documents to allow for documents to be updated and factually corrected before publishing them for consultation. If this were not to happen the publication of the documents would face considerable delay which in turn would impact on the ability of the draft Core Strategy to meet the timetable proposed for its production.

Consultation at this stage is considered an informal but necessary part of the process in ensuring that a Core Strategy is produced that has had all possible exposure to being shaped by the wider community of the Maidstone Borough Council area. If this Regulation 25 stage were not pursued then there is a danger that any draft Core Strategy proposed would not have been exposed to the necessary opportunities to be changed as a result of that consultation and that as a result would have been subject to considerable change at Regulation 27 the formal consultation stage. In turn this again would lead to considerable delay in adopting a Core Strategy.

Background Papers

None

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: **18 August 2011**

Appendix A

SCRUTINY COMMITTEE RECOMMENDATION ACTION AND IMPLEMENTATION PLAN (SCRAIP)

Committee:LDD Task & Finish Scrutiny Panel

Meeting Date: 3 August 2011

Minute N^o: 18

Topic: URGENT ITEM: Core Strategy Regulation 25 Consultation.

Recommendationⁱ	Chief Officer /Cabinet Memberⁱⁱ	Responseⁱⁱⁱ	Timetable^{iv}	Lead Officer^v
The core strategy and its appendices are fit for public consultation;		Noted.		
the following grammatical errors are corrected; i. Page 7 of the Core Strategy 1.3 'and the Council resolved to reject the representation'; ii. Page 22, 4.3 be re-phrased; iii. Page 45, 6.21 ends the paragraph with the word 'the'; and iv. Page 45, 6.22 'if the rural economy is to continue to makes'.	Cabinet	(i) Agreed. (ii) Not Agreed. This will be considered in response to any representations made during the consultation process. (iii) Agreed. Should read "the Economic Development Strategy". (iv) Agreed.	August 2011	Flo Churchill
the methodology of document		Any document changes	September	Flo Churchill

changes be developed and made available to the public, keeping the current version on the website updated at all times;	Cabinet	between the version of the core strategy presented tonight and the consultation document will be listed and agreed with the Leader of the Council. The consultation version will then be available on the Website from the 2 nd September.	2011	
the simplified leaflet for mass publication be presented to the Scrutiny Panel at the next meeting;	Cabinet	Agreed. Draft to be produced to highlight key issues and signpost people to the further information and ways of responding. Cabinet is requested to give Director of Change Planning and environment delegated authority to approve the leaflet having regard to any comments made by the scrutiny panel.	August 2011	Flo Churchill
wording within policy CS7 – Sustainable Transport use the phrase ‘across the borough’ rather than ‘urban areas’; and	Cabinet	Not agreed. This will be considered in response to any representations made during the consultation process.	August 2011	Flo Churchill
the full Council should be involved in the process for responding to the consultation on the National Planning Policy Framework;	Cabinet	This point related to the National Planning Policy Framework paper that appears elsewhere on the agenda. A member workshop has been proposed to discuss this in	August 2011	Flo Churchill

		<p>further detail prior to a Council response by the deadline of 17 October. The Leader will consider requesting Scrutiny to advise him on the response before he agrees it. Scrutiny may also refer the issue to full Council for discussion before the Leader makes his decision.</p>		
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Notes on the completion of SCRAIP

ⁱ Report recommendations are listed as found in the report.

ⁱⁱ Insert in this box the Cabinet Member whose portfolio the recommendation falls within.

ⁱⁱⁱ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box either the acceptance or rejection of the recommendation.

If the recommendation is rejected an explanation for its rejection should be provided. The 'timetable' and 'lead officer' boxes can be left blank

If the recommendation is accepted an explanation of the action to be taken to implement the recommendation should be recorded in this box. Please also complete the 'timetable' and 'lead officer' boxes.

^{iv} The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box when the action indicated in the previous box will be implemented.

^v The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box the Officer responsible for the implementation of the action highlighted in the 'response' box.