

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 13 March 2013

MAIDSTONE BOROUGH LOCAL PLAN

Issue for Decision

Update on the progress of the Core Strategy and related documents, including strategic site allocations and core policies.

Decision Made

1. That a working target of 14,800 dwellings for the Maidstone Borough Local Plan period 2011 to 2031 be approved until such time as the work identifying the borough's housing land supply and the identification of environmental constraints is completed;
2. That Council be recommended that the moratorium on the release of greenfield housing sites allocated in the Maidstone Borough Wide Local Plan 2000 be revoked because the reasons for the moratorium no longer apply;
3. That, subject to the following amendment, the key public consultation issues relating to the policies that are the subject of the report of the Director of Change, Planning and Environment be noted and the recommended changes to policies set out in the schedule attached as Appendix A to the report of the Director of Change, Planning and Environment be agreed:-

"Policy CS7, paragraph 6.25 final sentence delete "from 12% to 22.5% of all trips made"."
4. That, subject to the following amendments, amended policies CS5 to CS13 and SS1, SS1a, SS1b, SS1c, SS2, SS2a, SS2b, SS2c and SS4 (attached at Appendix B to the report of the Director of Change, Planning and Environment) be approved for public consultation at the preparation stage of the local plan process (regulation 18) to enable a full sustainability appraisal to be undertaken for all policies and site allocations ahead of the Publication stage of the local plan process (regulation 19):-
 - a) Policy SS1, paragraph 3.11 second sentence: after "nearby" add "open".
 - b) Policy SS1, paragraph 3.11 Add new final sentence: "In particular this will apply to the necessary provision of formal play space for children, which the council will expect to be provided in

appropriate locations, the details of which will be agreed in the development briefs."

- c) Policy SS1a, paragraph 3.12 add to end of paragraph: "The Bridge Nursery site as used historically goes beyond the borough boundary into Tonbridge and Malling, occupying all of the land bounded by the Maidstone East railway line, the A20 London Road, the edge of the existing Allington residential area (at Lamberhurst Way, Blackmanstone Way and Fordwich Close) and the wooded area immediately north of Halstead Walk."
- d) Policy SS1a, paragraph 3.13 first sentence: after "2000" add "for housing and open space". Second sentence: after "will" add "now be developed primarily for housing and".
- e) Policy SS1a, paragraph 3.14 first sentence: replace "allocated" with "identified".
- f) Policy SS1a, paragraph 3.16 first sentence: after "expects the" add "land beyond the borough boundary in". Delete "~~portion of this site~~". After "maintaining" add "the". After "railway line" add "within Maidstone Borough".
- g) Policy SS1a, paragraph 3.18 final sentence: replace "language" with "approach".
- h) Policy SS1a(5)(i) replace "section of the site within" with "land beyond the borough boundary (as described in 3.12) in".
- i) Policy SS1b, paragraph 3.29 add as second and third sentence: "This land is comprised of 5.8 hectares designated in the Maidstone Borough-Wide Local Plan 2000 as public open space (policy ENV24 (xiii)) and 15.4 hectares north west of the borough boundary. The land north west of the borough boundary is comprised of three fields – the northern half of the orchard field which straddles the boundary and the two fields immediately east of Hermitage Lane and south of the Maidstone East railway line."
- j) Policy SS1b, paragraph 3.29 split paragraph before "Working with Tonbridge and Malling".
- k) Policy SS1b, new paragraph 3.30 after "Working with Tonbridge and Malling Borough Council," add "appropriate and necessary ecological mitigation and community open space will be provided on the 21.2 hectares of land described between the footpath/ restricted byway and the Maidstone East railway line. The land within the Maidstone boundary". Delete "~~this land (from the footpath/byway, as far as the railway) will be used to mitigate the ecological impacts of development as well as providing open space for community purposes. Within the Maidstone boundary, the land~~".
- l) Policy SS1b, new paragraph 3.30 before "designated as strategic gap" add "also".
- m) Policy SS1b, old paragraph 3.30 renumber as "3.31".
- n) Policy SS1b(12) replace "section of the site within Tonbridge and Malling" with "15.4 hectares of land north west of the borough boundary, described in 3.29".
- o) Policy SS2, paragraph 4.7 final sentence: After "new provision" replace comma with full stop. Delete remainder of sentence. Add new final sentence: "In particular this will apply to the necessary provision of formal play space for children, which the council will

expect to be provided in appropriate locations, the details of which will be agreed in the development briefs."

- p) SS2b allocation, Land North of Sutton Road, proposed amendment to site boundary amend the site boundary for Land North of Sutton Road to align with the site boundary for the local plan allocation (2000) as shown on the site plan attached at Appendix B to the report of the Director of Change, Planning and the Environment.
 - q) Policy SS2c, paragraph 4.22 first sentence: Before "Bicknor Wood" add "The ancient woodland at". Second sentence: After "to meet" add "the ancient woodland at". After "which is" add "immediately north of" and delete "adjacent to".
 - r) Policy SS2c, paragraph 4.23 final sentence: At start of sentence, add "It is important to ensure that appropriate open space is provided on site and that". Amend "dwellings will be" to "dwellings are".
 - s) Policy SS2c(ii) after "woodland belt" delete "of at least" and add "ranging from a minimum of 40 metres to"
 - t) Policy SS2c(5) after "woodland belt" add "ranging from" and delete "of". After "metres" add "to 80 metres".
 - u) Policy SS4, paragraph 5.16 delete "300m² greater than that which is existing on site (14,300m²)" and replace with "300m² greater than the total existing retail floorspace on site of 14,300m²".
 - v) Policy SS4, paragraph 5.16 move sentence "In order to assess the impact of the proposals on the town centre, a retail impact assessment will be required for both comparison and convenience goods" to new paragraph 5.16a and add: "In determining the overall impact of the retail proposals, a measured adverse impact of more than 3% on town centre turnover is unlikely to be acceptable."
 - w) Policy SS4, paragraph 5.16 replace "criterion" with "threshold".
 - x) Policy SS4(7) amend to read: "The cumulative quantum of retail floorspace will be restricted to the provision of up to 300m² above that which already exists. Any additional retail floorspace above this limit must be **of an out of town format that is** complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location".
 - (y) Policy SS4(8) amend to read:
"Submission of a retail impact assessment for both comparison and convenience goods, to be approved by the Borough Council, in order to assess the impact of retail area proposals **which clearly demonstrates that the retail development has no significant adverse impact** on the town centre".
5. That, subject to the amendments listed in decision (4) above, the strategic site allocation policies SS1, SS1a, SS1b, SS1c, SS2, SS2a, SS2b, SS2c and SS4 (attached at Appendix B to the report of the Director of Change, Planning and Environment) be adopted for development management decisions;
6. That land at junction 8 of the M20 motorway be retained as a strategic development location for employment (policy SS3) until

such time as the work identifying employment land demand and supply is completed;

7. That, subject to the following amendments, the amended targets for affordable housing in policy CS10, seeking 15% provision on previously developed land in the urban area, 30% on greenfield sites in the urban area and at the urban periphery, and 40% at rural settlements and the rural area; together with a policy threshold of ten units and such developments of 10 dwellings and over will contribute on site; and the deletion of the reference to Gypsy and Traveller accommodation contribution within this policy be approved:-
 - a) Policy CS10, paragraph 6.42 amend to read: "Viability testing indicates that affordable housing is achievable with a one dwelling threshold. For practical purposes, the threshold will be set at 10 dwellings. Affordable housing will be provided on site. Alternative provision will not be accepted unless there are exceptional circumstances that justify it. Any proposals for off site or financial provision must be made at the time of the application."
 - b) Delete paragraph 6.43.
 - c) Policy CS10, paragraph 6.44 before "Around the urban periphery" add "On greenfield and private residential garden sites in the urban area and".
 - d) Policy CS10, Policy text first sentence:
Amend "one residential unit" to "10 residential units".
 - e) Policy CS10(1)(ii) after "Greenfield" add "and private residential gardens".
 - f) Policy CS10(2) delete criterion.
 - g) Policy CS10(3) Delete "~~Where the development is 10 dwellings or more:~~" After "proven necessary" add "in exceptional circumstances".
8. That the amended targets in policy CS12 for Gypsy and Traveller accommodation of 187 pitches and for Travelling Showpeople accommodation of 11 plots, to reflect the extension of the new local plan period to 2031 be approved; and
9. That, subject to the following amendments, the infrastructure priorities for development set out in paragraph 1.12.5 of the report of the Director of Change, Planning and Environment, be agreed and the amended policy CS14 be approved for re-consultation with the public at the preparation stage of the local plan process (regulation 18):-
 - a) Policy CS14, paragraph 7.7 under "Infrastructure Priorities for Residential Development" move "Public Realm" to position 4 and

move the balance of priorities further down the list.

b) Policy CS14(3) under "Infrastructure Priorities for Residential Development" move "Public Realm" to position (iv) and move the balance of priorities further down the list.

10. That there should be consultation with the Leader of the Council and the Leader of the Opposition in advance of the Council's Sustainability Appraisal about the precise arrangements for the ecological assessment of the Bridge Nursery site in terms of when, what and who conducts the work.
11. That the policy for Bridge Nursery site should be amended to make reference to the landowners responsibility for the conduct of ecological surveys as part of the preparation for bringing forward development proposals at the planning application stage.
12. That clear information be provided to parish councils concerning the Neighbourhood Planning process viz a viz the core strategy timetable especially with respect to the housing need total and its spatial distribution.
13. That the importance of the cumulative impact of development envisaged in the Maidstone Borough Local Plan be noted and taken into account in both the Integrated Transport Strategy and the Infrastructure Development Plan and that the proposals for transport provision for walking and cycling be evaluated before it is completed.
14. That the following response be submitted to the Regeneration and Economic Development Committee SCRAIP relating to the points raised in respect of the bus lane
 - a) The Cabinet have retained the bus lane in their current proposals
 - b) Agreed to the proposed investigations
 - c) Agreed.

Reasons for Decision

On 21 November 2012 Cabinet resolved to delay the Core Strategy programme so that officers could undertake further work on the evidence base to ensure the Core Strategy would be found sound at examination. A number of core strategy examinations had been suspended because the presiding Inspectors had rejected the local authorities' demographic data. The Inspectors' concerns focused on housing and employment data that was based on the evidence behind regional strategies, which was considered to be out-of-date and did not take account of updated Department for Communities and Local Government (DCLG) household projections; an imbalance between dwellings and jobs targets; and a lack of sufficient evidence demonstrating constraints to development.

Cabinet also agreed at that time to update demographic and economic demand data, to commission a new Strategic Housing Market Assessment

(SHMA), and to produce new Strategic Housing and Economic Development Land Availability Assessments (SHLAA and SEDLAA). This additional work has delayed the Core Strategy programme by 19 months, moving its adoption date from December 2013 to July 2015.

A review of the Local Development Scheme (LDS), which sets out the timetable for plan production, is the subject of a second report. The recommendations of the LDS report include the amalgamation of Maidstone's two local plans (the Core Strategy with Development Delivery) into a single Maidstone Borough Local Plan; the rolling forward of the plan period from 2006/26 to 2011/31 to ensure the Council has a 15-year plan from the date of its adoption in accordance with the requirements of the NPPF; and the adoption of an amended LDS. The updated evidence base will reflect the new plan period. A single local plan approach is supported by the National Planning Policy Framework (NPPF) and new plan making regulations¹ published in 2012. There will still be a need for a suite of supplementary planning documents (SPD) to support local plan policies and to set out more detail for development management decisions.

The work that has been undertaken on the Core Strategy to date has not been lost. The spatial policies, core policies and strategic site allocations were subject to public consultations (regulation 18 or equivalent) in 2011 and 2012 and these policies, appropriately amended, will be carried forward to the Preparation stage consultation on the local plan (regulation 18).

Further public consultation (regulation 18) will need to be undertaken on the balance of land allocations, designated areas of protection, and new development management policies that will be included in the Maidstone Borough Local Plan (MBLP). An additional round of public consultation (regulation 18) will also need to be carried out for the Core Strategy spatial policies that will be subject to significant change as a result of new housing and employment targets. Additional consultation on the Core Strategy development delivery policy will also be needed as a result of changes recommended through the report of the Director of Change, Planning and the Environment.

However, a number of spatial and core policies that are unaffected by the housing and employment targets, together with strategic site allocations, can be "banked" until Preparation stage consultation (regulation 18). The local plan must be published in its entirety for public consultation in October 2013 (regulation 18) to enable a full sustainability appraisal to be undertaken for all policies and site allocations ahead of formal public consultation on the local plan (regulation 19) in 2014. Publication is a formal stage of public consultation on the local plan before it is submitted to the Secretary of State for independent examination. Between Publication and Submission, the Council can only make minor amendments to the local plan; any major change would result in the need for further public consultation in accordance with regulation 18. The policies that are the subject of the report of the Director of Change, Planning and the Environment have been subject to full assessment,

¹ The Town and Country Planning (Local Planning) (England) Regulations April 2012

including viability and sustainability appraisal, and have been through public consultation. As such, these policies (as amended through consultation) can be given some weight as a material consideration in the determination of planning applications. At each stage of the plan making process, policies will gain increasingly more weight.

The report of the Director of Change, Planning and the Environment informs Members of the initial results arising from updated demographic and employment demand data and recommends a working target for housing. It sets out the key issues arising from the public consultations and includes amended policies that were recommended for approval or adoption for development management decisions (Appendices A and B of the report of the Director of Change, Planning and the Environment). It discussed the position regarding the strategic development location at Junction 8 of the M20 motorway, and covers proposed changes to the affordable housing policy as a result of viability work. It proposed updated targets for Gypsy, Traveller and Travelling Showpeople pitches/plots as a result of rolling forward the local plan period, and set out the priorities for infrastructure provision.

The report of the Director of Change, Planning and the Environment did not cover the adoption of the Integrated Transport Strategy, which will be the subject of a further Cabinet report in the summer once finalised. The Transport Strategy has been developed alongside strategic site allocations and will align with the policies.

Moratorium on the release of greenfield housing sites allocated in the Maidstone Borough Wide Local Plan 2000

In 2008 the moratorium on the release of greenfield sites in the adopted Maidstone Borough Wide Local Plan 2000 (MBWLP) was reaffirmed by Council (the original resolution was made in 2002). This decision was taken in the context of:

- National guidance (PPG3: Housing) that directed local authorities to develop brownfield sites for housing before releasing greenfield sites for development;
- A government target for residential development of 60% brownfield sites, and a focus on higher density development;
- The Maidstone Borough Council Urban Capacity Study (2002 and 2006), which demonstrated that Maidstone could deliver its housing target through the potential development sites listed in the document; and
- A healthy 5-year housing land supply supported by the availability of town centre sites for high density flatted development.

The position has changed since 2008. The NPPF was published in March 2012, and the transition period for local plan compliance with the NPPF ends in March 2013 when there will be a presumption in favour of development in sustainable locations unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the NPPF as a whole. Although the NPPF still encourages local authorities to make best use of brownfield land, the 60%

target has been removed, and local authorities can set out their own approaches towards housing densities. The NPPF moves away from the urban capacity study approach and local authorities must identify deliverable sites for 5-year housing land calculations and specify developable sites or locations for years 6 to 10 and (where possible) years 11 to 15.

The importance of demonstrating a 5-year housing land supply was highlighted in a recent appeal decision where the Inspector referred to the NPPF and concluded:

“The Framework says that where the relevant policies in a Local Plan are out-of-date permission should be granted unless any adverse impacts would significantly outweigh the benefits when taken against the policies in the Framework as a whole, or the policies in the Framework indicate it should be restricted. It also confirms that, in accordance with the Government’s aim to promote house-building, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” (Ref: Valley Drive APP/U2235/A/12/2174289).

The November 2012 Cabinet report highlighted the fact that, although the Council continues to experience high levels of dwelling completion rates on sites with planning permission, the windfall sites on previously developed land (brownfield land) that formerly contributed towards the borough’s 5-year housing land supply at a steady pace are no longer materialising at the same rate. The ability to abolish regional strategies is embedded in the Localism Act (2011) but the South East Plan (SEP) has not yet been revoked. Given that Maidstone’s Core Strategy target is under review, 5-year calculations should now be based on the SEP target of 11,080 dwellings (as opposed to the draft Core Strategy target of 10,080).

The Council’s Annual Monitoring Report 2011/12 reveals Maidstone has a 4.5 year land supply against a 10,080 dwelling target and 3.9 years against an 11,080 target. Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites cannot be refused on the grounds of prematurity and must be assessed on individual merit (including sustainability). The Council has already received a number of residential planning applications on greenfield sites and further applications, particularly for the strategic site allocations, are expected to be submitted after March.

It is important to note that four out of the six housing land allocations to the north west and south east of the urban area identified in the Core Strategy Strategic Site Allocations 2012 are residential allocations in the adopted MBWLP 2000: Bridge Nursery (SS1a), East of Hermitage Lane (SS1b), Langley Park (SS2a) and North of Sutton Road (SS2b). These four sites have already been through public examination so not only has the principle of residential development been established, but the sites are also development plan allocations (section 38(6) of the Planning and Compulsory Purchase Act 2004 says that planning decisions must be made in accordance with the development plan unless material

considerations indicate otherwise). The balance of MBWLP allocations include Hook Lane, Harrietsham and Oliver Road, Staplehurst which are the subject of approved and submitted planning applications, respectively; and a small site for 7 units at Detling village.

The reasons for reaffirming the moratorium in 2008 no longer apply so there is no justification in maintaining it. In order to properly manage development, as opposed to determining ad hoc planning applications, a recommendation to Council will be made to revoke the current moratorium on the release of the balance of greenfield housing sites allocated in the MBWLP 2000.

Demographic Forecasts and the Housing Target

Demographic forecasts have been updated by Kent County Council (KCC), taking account of the latest DCLG household projections released in November 2010.

Demographic Forecasts October 2012

Scenario	Additional Dwellings 2011 – 2031 (20 years)	Additional Resident Labour Supply 2011 – 2031 (20 years)
Zero net migration	7,700	-2,000
5-year trend	16,300	9,700
10-year trend	14,800	7,600

An independent consultant was commissioned to test the assumptions behind the figures. Whilst KCC maintains the industry standard is the 5-year historic trend, the consultant concluded that Maidstone is well placed to defend a strategy largely influenced by the 10-year trend in order to cover a whole economic cycle. The 10-year historic trend for Maidstone demonstrates a need for 14,800 dwellings between 2011 and 2031, which will increase the resident labour supply by 7,600 workers.

However, it was important to understand that the Council can offset dwellings that have been completed since April 2011 together with permitted sites that have not been built yet. The strategic allocations at the urban periphery and the targets for rural service centres will count towards this borough wide target, and national guidance allows the inclusion of a windfall site allowance for the latter years of the plan period. The Council is also aware of a number of other sites throughout the borough that could potentially deliver up to about 3,000 homes, although these sites have not been fully appraised at this point. However, if all known potential did materialise, the Council would need to find additional land for about 4,500 homes to meet a target of 14,800 dwellings.

The other important factor is that, while the demographic data and a new SHMA will inform the Council of its housing needs, the borough's capacity to deliver this target must also be thoroughly examined through the new SHLAA. When this work is completed, the Council will be able to demonstrate whether it can deliver 14,800 dwellings, or if environmental constraints will lead to the setting of a lower target for Maidstone borough. Officers will keep a watching brief for further data releases from

the Office for National Statistics and will advise Members of any significant impacts on the housing target.

So although the forecasts currently point to a need for 14,800 dwellings for Maidstone borough, further work will need to be completed over the summer before a final target can be approved for public consultation. It was therefore recommended that Cabinet approved a working target of 14,800 dwellings for the Maidstone Borough Local Plan period 2011 to 2031 until such time as the work confirming the borough's housing land supply and the identification of environmental constraints is completed.

Employment Demand

On 25 July 2012, Cabinet agreed it was more appropriate to replace the 10,000 jobs target set out in the Core Strategy with a specific employment floorspace requirement expressed in square metres that could be monitored.

An update of the borough's employment land demand, based on delivering a 14,800 dwelling target up to 2031, has been commissioned. The data demonstrates a minimum and maximum requirement for all B-class uses (offices, industry and warehousing). The consultant is recommending that future policy decisions are focused toward the mid to lower end of the employment range forecast. Clearly, if the dwelling target for the borough changes, the employment forecasts will need to be reviewed.

Employment Demand Forecasts B use classes 2012/31 (January 2013)

	Office		Industrial		Warehousing	
	min	max	min	max	min	max
Floorspace (m ²)	26,618	53,936	-8,679	7,993	33,639	51,683
Land (hectares)	1.8	3.6	-2.2	2.0	6.7	10.3

Compared with the last employment land review update in 2011, the office requirement has significantly increased and the demand for warehousing and distribution space has reduced. Apart from a new housing target and an extended plan period, the main reasons for the changes over the past two years are:

- the effects of the longer, deeper recession which serves to suppress overall demand;
- An additional two years of low performance affecting projections of historical trends; and
- A conclusion that Maidstone's logistics/distribution demand is likely to be of a local/sub-regional nature rather than a national-scale distribution, which controls the scale of future demand and is more likely to be for smaller premises.

Consultants have been appointed to undertake an up-to-date retail needs assessment, which will confirm future floorspace requirements to the end of the plan period. This work is expected to be completed in April and will also support the work over the summer that will determine the Council's

employment land targets.

There will also be jobs growth in other employment sectors such as education and health, but growth in these sectors does not automatically lead to the need to allocate additional land.

As the new SHLAA will demonstrate the Council's housing land capacity, the new SEDLAA will similarly inform the Council of its employment land capacity.

Public Consultations 2011 and 2012

Appendix A to the report of the Director of Change, Planning and the Environment lists the policies and identifies the key issues that arose during the public consultations in 2011 on the Core Strategy and in 2012 on strategic site allocations. The schedule responds to those key issues and identifies any changes to the policies as a result. Appendix B to the report of the Director of Change, Planning and the Environment includes the list of amended policies unaffected by the housing and employment targets. Cabinet was recommended to approve policies CS5 to CS13 and policies SS1 to SS2c and SS4 for Preparation consultation (regulation 18) and to adopt the strategic site allocations (policies SS1 to SS2c and SS4) for development management decisions. Infrastructure delivery policy CS14 is discussed in section 1.12 of the report of the Director for Change, Planning and the Environment and this policy was recommended for re-consultation under regulation 18 because of significant amendments. Where appropriate, the policies have been amended as a result of public consultation.

The balance of policies will be amended following the completion of additional work over the summer, and will form part of the public consultation on all policies and allocations later this year to enable a full sustainability appraisal on the local plan to be undertaken. In the meantime, the public will be informed of the amended policies that Cabinet approved for Preparation consultation (regulation 18) together with the policies adopted for development management decisions. The list of policies will also be available on the Council's website. For clarity, the policies and proposed consultation arrangements are set out below.

Policy		Consultation Arrangements
NPPF1	Presumption in favour of sustainable development	Approve for Reg 18 consultation
CS1	<i>Borough wide strategy</i>	<i>To be updated for future Reg 18 consultation</i>
CS2	<i>Maidstone town centre</i>	<i>To be updated for future Reg 18 consultation</i>
CS3	<i>Maidstone urban area</i>	<i>To be updated for future Reg 18 consultation</i>
CS4	<i>Rural service centres</i>	<i>To be updated for future Reg 18 consultation</i>
CS5	Countryside	Approve for Reg 18 consultation
SS1	Strategic housing location to the NW	Approve for Reg 18 consultation & adopt for DM decisions

Policy		Consultation Arrangements
SS1a	Bridge Nursery	Approve for Reg 18 consultation & adopt for DM decisions
SS1b	East of Hermitage Lane	Approve for Reg 18 consultation & adopt for DM decisions
SS1c	West of Hermitage Lane	Approve for Reg 18 consultation & adopt for DM decisions
SS2	Strategic housing location to the SE	Approve for Reg 18 consultation & adopt for DM decisions
SS2a	Langley Park	Approve for Reg 18 consultation & adopt for DM decisions
SS2b	North of Sutton Road	Approve for Reg 18 consultation & adopt for DM decisions
SS2c	North of Bicknor Wood	Approve for Reg 18 consultation & adopt for DM decisions
SS3	Strategic employment location - J8 M20	Retain as a strategic employment location until further work completed
SS4	Newnham Park	Approve for Reg 18 consultation & adopt for DM decisions
CS6	Sustainable design	Approve for Reg 18 consultation
CS7	Sustainable transport	Approve for Reg 18 consultation
CS8	Economic development	Approve for Reg 18 consultation
CS9	Housing mix	Approve for Reg 18 consultation
CS10	Affordable housing	Approve for Reg 18 consultation
CS11	Local needs housing	Approve for Reg 18 consultation
CS12	Gypsy & Traveller accommodation	Approve for Reg 18 consultation
CS13	Historic & natural environment	Approve for Reg 18 consultation
CS14	<i>Infrastructure delivery</i>	<i>Approve changes for Reg 18 consultation</i>

The 2012 public consultation also included a proposed amendment to policy CS1 setting out individual dwelling targets for the five rural service centres. It was noted that, with a move towards a single local plan, these targets will be determined through the allocation of specific sites for public consultation (regulation 18), within and adjacent to the villages.

There are four policies in particular that require further explanation: Strategic employment location at Junction 8 of the M20 (SS3), Affordable Housing (CS10), Gypsy & Traveller accommodation (CS12) and Development Delivery (CS14).

Strategic employment location at M20 Junction 8 (policy SS3)

The Core Strategy (2011) and the Strategic Site Allocations document (2012) identify Junction 8 of the M20 as a strategic development location for employment. In 2012, unlike for the other strategic locations at the north west and south east of the Maidstone urban area and at Junction7, the strategic site allocations consultation document did not identify a specific site which the Council was proposing to allocate at Junction 8. Instead the three candidate sites were consulted upon with the intention

of garnering the public's views on all three. The three candidate sites were: Land east of Junction 8 M20, Land south of Junction 8 M20 and Land at Woodcut Farm. The promoters of the three sites were also invited to submit additional information to support the allocation of their site.

Consultation issues

The issues raised in the strategic site allocations consultation on Junction 8 were wide ranging and, to a large extent, focused on public opposition to the principle of development in this location. This included an objection from Kent County Council to the principle of a strategic location at Junction 8. The consultation did not reveal a discernable public preference for one site over the others. The main issues raised in the consultation are set out below.

- **Need:** Kent County Council argued that there is no clear justification for a new strategic employment location for offices and light industry given the opportunities in the town centre and urban area. A new site for offices would compete with the town centre and there is a lack of market need for a new site in the light of other M20 sites which have been slow to develop (Kings Hill, Eureka Park). The AONB Unit argued that this slow uptake is an indicator of a low rate of demand. There is no imperative to match the 10,000 job target given that the resident workforce is forecast to increase by only 5,200. It is not realistic to rely on reduced out commuting to London and increased in commuting from neighbouring areas which are also seeking to retain/increase employment levels. Conversely it is argued that the proposals would attract workers from outside the borough as the location is well connected to Medway and Ashford.
- **Duty to cooperate:** It is considered by KCC amongst others that the Council has not looked at the economic markets of the wider area and how needs could be met, in particular in Tonbridge & Malling borough. There is provision elsewhere e.g. Ashford.
- **AONB impact:** There is concern from Natural England and the Kent Downs AONB Unit about the impact of development on the setting of the AONB, particularly of large warehousing buildings. It is considered that the proposal is contrary to the AONB Management Plan which Maidstone Borough Council has approved.
- **Impact on Roads:** It is stated that there is existing congestion and lack of road capacity. There will be an impact on rural roads, including roads through villages (Bearsted, Hollingbourne and Leeds) and Willington Street, and when Operation Stack is in place. Some respondents advocate that the Leeds-Langley bypass is needed in connection with this development.
- **Loss of countryside:** It is stated that development will encroach into the countryside and result in the loss of accessible green space which is used for recreation, walking etc, as well as the loss of rural character and a loss of productive agricultural land.

- **Sustainability of the location:** Concern is raised that Junction 8 is poorly served by public transport for a new workplace destination and unrelated to key services and centre of population. KCC and the AONB Unit are amongst those who make this point.
- **Precedent:** It is stated that the proposal will lead to further development in the area.
- **Impact on Leeds Castle:** There is the concern that the proposals will affect the wider setting of this Grade I listed building and registered historic park & garden and will impact on the operation of events at Leeds Castle.
- **Existing sites:** Vacant space and brownfield sites such as Detling Airfield, Park Wood and Reeds paper mill at Aylesford should be used first which will help regeneration. It is stated that the proposals will encourage existing firms to move, leaving existing premises empty/derelict.
- **Uses:** It is argued that offices should be directed to the town centre under the sequential approach and that this development will adversely affect the town centre and compromise the delivery of existing commitments at Springfield and Eclipse Park and other sites in need of regeneration. Development is more likely to be warehousing than offices/manufacturing and these are not the types of high quality jobs which Maidstone needs.
- **Alternative uses:** Suggestions include tourism (centre parcs); agriculture; culture; reservoir; sports; residential care facility; DIY superstore; a culture park; and underground heat source.

Response to consultation issues

In response to the issues raised, it is recognised that there is a stock of industrial and warehousing land in nearby authorities in particular in Swale, Medway and Ashford which is currently available to meet market needs. KCC Highways' view is that the highways impact of the development can be appropriately ameliorated with improvements to Junction 8 itself and other identified junctions on A20. It is acknowledged that the site is not currently well served by public transport and that improvements would be required if development were to proceed. With respect to Leeds Castle, it is of note that the KIG Inspector did not place weight on the impact of that specific proposal on visitors to the area. Inter-visibility to/from the Castle grounds will be contingent on which site, if any, is allocated and will be addressed as a site specific matter.

Development at Junction 8 of the scale and nature that has been proposed will significantly impact on the established rural character of the area, introducing a substantial tract of development where the current development pattern is small scale and disparate. The location is at the foot of the scarp slope of the Kent Downs AONB and development would impact on the setting of the Downs. The degree of landscape impact will be dependent on site selection and the detailed design and mitigation

measures put in place. With regard to the concern about the precedent that development in this location would create, legal or other controls would be employed as necessary to mitigate against expansion beyond the land allocated.

When the decision was taken to identify Junction 8 as a strategic employment location, it was recognised that this was not a sustainable location for development², but a key piece of evidence informing the decision was the employment land forecast in the Council's Employment Land Review Partial Update (July 2011). This revealed a significant quantitative need for employment floorspace. The warehousing requirement for the period 2010 to 2026 was for between 40,450sqm and 75,810sqm and the industrial requirement was for between 2,971 and 2,341sqm for the same period. At that time the identified need for industrial/warehousing development was of a scale that could not be met through a dispersed pattern of development. If quantitative needs were to be met, or substantially met, employment development at Junction 8 was needed as part of the Council's strategy³. Junction 8 was identified as a location where the range of B use class needs could be accommodated on a single site, planned in a comprehensive way to achieve a high quality mixed use development well connected to the strategic road network. At the time, this requirement was of such a scale that the need for employment land was judged to outweigh the landscape and countryside impacts that the development would have.

Since the last Employment Land Review Partial Update (July 2011), the recession has continued. An updated employment land forecast has been undertaken which takes account of the longer, deeper recession, the proposed change to the plan period and the proposed working housing target of 14,800 dwellings. This latest forecast reveals a significant requirement for office floorspace and a reduced demand for warehousing compared with the previous forecast. The updated evidence points to a more modest requirement for employment land overall, with a particular emphasis on office uses which, based on the town centre first principle, should be directed to the centre of Maidstone in the first instance. Based on this evidence, the justification to release employment land at Junction 8 is less clear cut than previously.

The Strategic Economic Development Land Availability Assessment (SEDLAA) will reveal what other potential new sites for employment use there are in the borough in addition to Junction 8 to accommodate these updated requirements. A review of the existing designated employment areas will be undertaken as part of this work. This piece of evidence needs to be completed before a decision on the future approach to the allocation of land at Junction 8 is made. This information will be part of the report to Cabinet later this year and a decision will be sought prior to the next round of public consultation (regulation 18) on all policies and land allocations.

² KIG Appeal Inspector's Decision (APP/U2235/A/09/2096565)

³ Cabinet 26 July 2012 and 9 February 2011

Viability and Affordable Housing (policy CS10)

During the 2011 public consultation, one of the main comments relating to the affordable housing policy (CS10) was that the development industry required an up to date viability assessment to be undertaken in support of maintaining a uniform 40% on-site requirement across the borough, dependent on a threshold being met. Some comments suggested that a graduated affordable housing contribution would be more appropriate, depending on the size of the proposal, or a variation of this theme. Some comments further suggested that the Council should not intervene with a commercial housing market matter.

The NPPF and evidence from a number of residential developments in Maidstone has emphasised the need for up to date viability work. The Council has since commissioned consultants to undertake this work and, using proposed and generic development sites for testing taken from the Strategic Site Allocations 2012 consultation and the 2009 SHLAA, respectively, new affordable housing targets have emerged.

Another key concern arising from the 2011 public consultation was the inclusion of a financial contribution towards Gypsy and Traveller accommodation as part of the wider affordable housing contribution. Since the consultation, further evidence work (Gypsy and Traveller and Travelling Showpeople Assessment: Maidstone 2012) has proven inconclusive as to the need for affordable contributions of this type because, in particular, of the reluctance of interviewees to answer questions on personal finance.

Based on the viability testing undertaken by consultants, proposals to amend policy CS10 include:

- A 15% affordable housing provision on previously developed land within the urban area – this provides a fiscal incentive to develop sites that have stagnated;
- A 30% provision on greenfield sites in the urban area and on the urban periphery – the intention being to balance the affordable housing contribution and the availability of financial contributions towards other infrastructure;
- In the rural area and in rural settlements, testing has indicated that a 40% provision is easily achievable;
- The threshold at which affordable housing is required is proposed to be lowered to one unit – developments between 1 and 9 dwellings will contribute financially, or provide on site, or with a mixture of both, or make commensurate provision off site; developments of 10 dwellings and over will contribute on site; and
- The deletion of the Gypsy and Traveller contribution within this policy

The affordable housing targets can be delivered using a zero site threshold to trigger the need for this type of accommodation but there was concern that this would place an administrative burden on developers and on the council. It was agreed that a 10 dwelling threshold represents a standardisation of contribution thresholds for housing developments, in line with the threshold for development contributions towards education

(Kent County Council), health (Primary Care Trust) and parks & open spaces (Maidstone Borough Council).

Gypsy & Traveller and Travelling Showpeople Pitch/Plot Targets (policy CS12)

Targets for Gypsy and Traveller pitches and Travelling Showpeople plots for the period October 2011 to March 2026 were agreed by Cabinet in March 2012. These targets were 157 pitches and 9 plots. Since 2011, 37 permanent pitches have been granted planning permission to date, and a further 15 pitches will be provided on the Council's new public site if planning permission is granted.

It was proposed that the plan period should be extended to 2031 which means that the pitch and plot requirements have needed to be rolled forward a further 5 years. This work has been completed by Salford University, the authors of the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2012), and results in a Gypsy and Traveller pitch target for the additional 5 years (2026/2031) of 30 pitches and an extra 2 Travelling Showpeople plots for the same period.

The total requirements for the whole plan period (2011-31) are 187 pitches and 11 plots, and these updated targets are included in policy CS12 attached at Appendix B to the report of the Director of Change, Planning and the Environment. Work to identify sites to accommodate the balance of need will be undertaken over the spring/summer this year, and these sites will also count towards the targets.

Infrastructure Delivery (policy CS14) and the Infrastructure Delivery Plan

Since the Core Strategy public consultation in 2011, and the subsequent decision to include strategic site allocations, the Council has re-consulted the infrastructure providers and amended the draft infrastructure delivery plan (IDP). The IDP lists the infrastructure schemes considered necessary to support planned growth, including the strategic site allocations, but it is currently based on the provision of 10,080 homes for the period 2006/26. The IDP will support the local plan public consultation (regulation 18) so it will be updated further over the summer as additional land allocations are proposed. A full report on the IDP will be presented to Cabinet later this year.

The Core Strategy public consultation in 2011 (regulation 18 equivalent) has resulted in two significant proposed amendments to the infrastructure delivery policy CS14:

- Deletion of paragraphs 8.8-8.9 of the supporting text and paragraph 4 of the policy, where it was stated that the Council would consider reductions in the amount of Community Infrastructure Levy (CIL) that would be charged to a developer if it was proved that the levy would threaten the viability of a development. The inclusion of new text in the policy states that once the levy is set, it will be applied to all development that meets the qualifying criteria; and

- The strengthening of paragraph 8.5 of the supporting text, which lacked detail on how infrastructure would be funded, in particular the detail about key infrastructure priorities for the borough and the intended role of CIL.

It was noted that some forms of infrastructure provision had historically not kept pace with development in Maidstone. This has been a contributory factor to a congested road network, a shortage of affordable housing and deficiencies in certain types of open space. There is concern that future growth will intensify this problem unless a coordinated effort is made to address identified deficiencies and to ensure that essential infrastructure accompanies new development at all times. This is particularly important for the strategic development sites at Maidstone's urban edge, which will create a need for significant improvements to transport infrastructure.

Recent viability testing has highlighted that it is unlikely that all of the infrastructure schemes can be delivered on certain sites while still ensuring the sites' viability. This has created a need to prioritise infrastructure schemes, which will give clear guidance to the development industry, Members, officers and the public should a development scheme not be able to provide for all of the planning obligations it generates. The prioritised list, as amended as a result of the decision of Cabinet, has been derived from existing infrastructure deficiencies and the schemes listed in the draft IDP. With the recommended adoption of strategic site allocations for development management decisions, the establishment of infrastructure priorities for the Council is vital.

The recommended infrastructure priorities for Maidstone are:

	Residential Development		Business and Retail Development
1	Affordable Housing	1	Transport
2	Transport	2	Public Realm
3	Open Space	3	Open Space
4	Public Realm	4	Education
5	Health	5	Utilities
6	Education		
7	Social Services		
8	Utilities		
9	Libraries		
10	Emergency Services		

The above list of priorities for the negotiation of Section 106 planning obligations⁴ represents a departure from the list previously agreed by Cabinet in 2006⁵, which ranked transport infrastructure lower than education for residential development and which listed affordable housing and open space as joint top. Transport infrastructure is considered of vital importance to ensure the deliverability of local plan strategic site allocations and smaller site allocations, together with the Council's aims

⁴ Town and Country Planning Act 1990

⁵ Cabinet 12 July 2006

for growth and prosperity and for the borough to be a decent place to live. There will be a focus for business and retail development at the town centre, so the key change for these uses relates to the introduction of public realm as an infrastructure priority.

Given the significance of this change, the Council must give the public an opportunity to comment on the proposed policy CS14 amendments before they are incorporated into the local plan for Publication consultation (regulation 19). It was recommended that the infrastructure priority list be agreed and that policy CS14, as amended at Appendix B to the report of the Director of Change, Planning and the Environment and as a result of the decision of Cabinet, be approved for public consultation (regulation 18) in October 2013.

In addition to development contributions, the funding for infrastructure depends on the community infrastructure levy and new homes bonus (for as long as this is in place). The Council has been successful in achieving additional income from new housing development over recent years, but the six year programme for new homes bonus reaches its maximum level in 2015. Meanwhile, the Council is seeking external funding for transport schemes.

The Work Programme

The Local Development Scheme report set out a revised work programme for the Maidstone Borough Local Plan.

Stage	Date
Strategic Housing and Economic Development Land Availability Assessments, including Member/stakeholder engagement	February to June 2013
Strategic Housing Market Assessment	March - June 2013
Independent Sustainability Appraisal of sites	June 2013
Formulation of new policies, including Member/stakeholder engagement	March - August 2013
Cabinet approval of land allocations and policies for public consultation (Regulation 18)	September 2013
"Preparation" public consultation on land allocations and policies (Regulation 18)	October/ November 2013
"Publication" consultation on the Maidstone Borough Local Plan(Regulation 19)	July/August 2014
Cabinet and Council approval of "Submission" of the Maidstone Borough Local Plan (Regulation 22)	November 2014
Independent Examination (estimate) (Regulation 24)	February/March 2015
Adoption (estimate) (Regulation 26)	July 2015

The initial findings of the housing and employment forecasts form part of the discussion in this report. Further work is likely to be required once the SHMA, SHLAA and SEDLAA have been updated, and a report will be brought to Cabinet in September.

Discussions with neighbouring authorities over the joint commissioning of a new SHMA are on-going and this work is expected to be completed over the summer. The SHMA, together with demographic forecasts, will objectively assess Maidstone's housing needs, in accordance with the requirements of the NPPF.

A "call for sites" exercise was undertaken recently, which invited the public and the development industry to submit sites with development potential to the Council. These sites will be subject to a rigorous assessment, including sustainability appraisal, to test their suitability for development. The call for sites formally ended on 25 January, and the list of sites has been distributed to the external bodies who contribute expert advice to the assessment. The sites will be subject to key stakeholder consultations (local ward Members, rural service centre parish councils and the development industry) and approved for consultation by Cabinet; and the sites will ultimately be listed in the draft SHLAA and SEDLAA, which will categorise each site proposed for allocation and rejection. These documents and the background material will be published on the Council's website as part of the regulation 18 public consultation later this year.

In addition to the work on new housing and employment targets, together with new land allocations, officers will also be focusing on the preparation of new policies this year. These will include the amended Core Strategy spatial policies, but also policies for the regeneration of the town centre, designated protection areas and development management, in preparation for public consultation. The role of the Spatial Planning Strategy Advisory Group will be vital in the development of these policies.

The Cabinet also received a reference from the Spatial Planning Strategy Advisory Group setting out their recommendations in respect of the issues before the Cabinet. Additionally they also received an urgent update report from the Head of Planning setting out his recommendations in respect of the issues raised by the Spatial Planning Strategy Advisory Group and a number of issues they sought to be amended in the plan. The Regeneration and Economic Development Overview and Scrutiny Committee also submitted a SCRAIP to the Cabinet regarding the bus lane.

Alternatives considered and why rejected

The Cabinet had the option to not approve local plan policies for Preparation consultation (regulation 18) or to not adopt strategic site allocations for development management decisions at this stage, and to wait until the next round of public consultation (regulation 18) has been completed for all policies and sites. This approach was not thought appropriate. In the context of the end of the transition period for local plan compliance with the NPPF, a shortfall in the Council's 5-year housing land supply, and pressure from the development industry through the submissions of planning applications on greenfield sites (including for sites allocated in the adopted MBWLP 2000), the approval of policies and the adoption of strategic sites will carry weight as material planning considerations. This is particularly important for infrastructure provision

associated with strategic site allocations.

The Cabinet could opt for higher or lower affordable housing targets within the three identified locations set out in section 1.10 of the report of the Director of Change, Planning and the Environment. The recommended rates and distribution of affordable housing result in development that is viable and deliverable, they offer an incentive for the regeneration of sites in the urban area, and the policy requirements are supported by the Council's experience in delivering residential sites with affordable housing in these locations.

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: 26 March 2013
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