

MAIDSTONE BOROUGH COUNCIL
RECORD OF DECISION OF THE CABINET

Decision Made: 08 June 2011

BID TO THE HOMES & COMMUNITIES AGENCY'S TRAVELLER PITCH FUND

Issue for Decision

To consider a bid to the Homes & Communities Agency for funding to deliver a new public Gypsy and Traveller site in the borough by 2014/15.

Decision Made

1. That it be agreed in principle to seek to provide additional public Gypsy and Traveller pitches, subject to the availability of funding.
2. That, working in partnership with Town & Country Housing Group, it be agreed to:-
 - a) Develop a bid to the Homes & Communities Agency's Traveller Pitch fund, and
 - b) Implement new pitches in the borough by 2014/15, if the bid is successful.
3. That delegated authority be given to the Director of Regeneration and Communities to finalise the details of the bid by 20th June 2011 and to progress contractual and financial arrangements with Town & Country Housing Group.

Reasons for Decision

Background

The borough has a significant number of Gypsy and Traveller residents, the highest number of any of the boroughs and districts in the south east. The greatest majority of the borough's gypsies live on privately-owned sites. The 2005/6 Gypsy and Traveller Accommodation Assessment found that 20% of respondents had a preference for a publicly managed site. Furthermore household incomes were found to be low with the result that private site purchase is beyond the means of many Gypsy and Travellers.

There are 2 public sites at Stilebridge Lane, Marden (18 pitches) and Water Lane, Ulcombe (14 pitches) which are owned by the Council and managed by KCC. These sites are long established, fully occupied, have a low turnover of pitches and have waiting lists. Whilst the stock of private sites has expanded through the granting of planning permissions, no additional public pitches have been provided since these two sites were established in the 1970s.

Additional affordable public pitches in the borough from a site of some fifteen pitches would therefore be a substantial permanent addition to the existing stock. The pitches will also contribute to the borough need of seventy-one pitches for the period 2006 -16 agreed by Cabinet on 9th February 2011.

Additionally, the availability of alternative provision is frequently a significant issue at planning and enforcement appeals. A further public site would add to the availability of pitches under public control and thereby contribute to addressing this concern. It may also be possible to provide a mix of more flexible shorter term tenancies in addition to longer term tenancies, subject to satisfactory management.

The Council's overall planning strategy for Gypsy accommodation will be part of its LDF Core Strategy and Gypsy & Traveller accommodation issues feature in both the existing and the emerging Housing Strategy. Provision for a new public site in the borough is also a priority scheme project in the West Kent Local Investment Plan anticipated to be delivered in the later part of the 2011-15 period.

A suitable site for new public pitches has not yet been identified.

HCA's Affordable Homes Programme and Traveller Pitch Fund

The HCA recently published the Affordable Homes Programme Framework, in which they are seeking offers from providers to deliver a new supply of affordable housing over the next four years. Delivery proposals will cover the 2011-15 Spending Review Period and outline the provider's requirement for funding from the HCA to support that delivery. The HCA will invest £4.5bn in new affordable housing through the programme.

Within the HCA's new Affordable Homes Programme there is a specific, ring-fenced Traveller Pitch fund of £60million with priority for funding focused on the provision of new or additional pitches on permanent sites. 100% of site costs are grant eligible. A key consideration for the HCA will be the extent to which the proposal represents value for money.

The HCA will welcome offers from local authorities, housing associations, and traveller community groups working with Registered Providers (RPs). Although they will consider standalone proposals for single schemes, the HCA is strongly encouraging local authorities to work with RPs (principally housing associations) and other larger investment partners to access the pitch fund. The aim is that traveller pitch proposals will be presented as an element of an individual RP's larger Affordable Homes Package bid for HCA funding. The RP would act as 'Developing Agent' on the local authority's behalf and would be the recipient of the grant funding.

HCA officers have advised that they expect the schemes that are due to be delivered in the latter two years of the programme to be more indicative in nature and not necessarily based on specific sites at offer stage. This would be the situation with this Council's proposal; the bid would constitute the RP's commitment to the HCA to deliver fifteen pitches in the borough on an, as yet, unidentified site by the end of 2014/15.

Housing and Spatial Planning Officers have had discussions with a number of RPs who expressed an interest in assisting the Council to make a bid. Distinguishing issues have been the willingness of RPs to forward fund pre-construction elements significantly in advance of the receipt of grant (which the HCA pays upon scheme completion), willingness to submit a non site specific bid, willingness to submit the planning application, and differing views on the supplementary information needed in a bid to the HCA.

Assuming a successful bid, the role of the RP would be:

- To submit a HCA scheme bid, acting as a Developing Agent on behalf of the council;
- To work with the Council to search for and identify an appropriate site/s;
- To lead the detailed site assessment process;
- To assist with pre-planning application public consultation (with the Council);
- To lead the evaluation of costs associated with the site delivery; and
- To lead the site delivery process, including the scheme design, planning application submission, site development and the tender for works as a design and build contract.

Based on these discussions, it is thought appropriate that Town & Country Housing Group is selected as the Council's partner in this process, as they are prepared to undertake all of the above specified roles and responsibilities. A summary of the outcomes of the discussions with RPs is attached in an exempt Appendix to the report of the Director of Regeneration and Communities. It is intended that the site/scheme will be owned by the Council and that management of the site will be undertaken by KCC, subject to negotiation, as with the two existing public sites.

The bid process takes place over a number of months and has already commenced. The timetable is as follows;

3rd May 2011	Deadline for initial bids to be submitted to the HCA. Town & Country HG bid submitted including non site-specific proposal for 15 pitches in the borough.
May-June	Assessment/negotiation between HCA, RPs and local authorities to refine bids.
20th June – 4th July 2011	HCA national aggregation and analysis of the final programme.
w/c 4th July	Ministerial and national HCA Board sign off of aggregate programme (subject to provider contracts) and confirm successful bids.
July 2011	Initial contracts signed between RPs and the HCA.

Costs

The costs incurred in submitting the bid are being met by Town & Country 'at risk' that the bid may not be successful.

Town & Country has recruited Lawson Queay Surveyors (LQS) from their Consultants Framework. LQS's tender provided best value for money. LQS will act as Employers Agent and Construction Design Management Coordinators for this project. Should the HCA bid be successful, Town and Country would be looking to tender the works as a Design and Build Contract.

The indicative costs provided by Town & Country for the purpose of submitting the bid, estimate a scheme cost of some £1,960,705. This is based upon a worst case scenario in terms of potential costs and would equate to a sum of £130k per pitch (based on a 15 pitch scheme). Given constrained public finances, it is imperative that the best use is made of limited public funding, and also the resources contributed by providers.

In order to offer value for money, and to seek to demonstrate an effort to reduce costs and the funding per pitch, the initial bid to the HCA is based on a grant requirement of £1.885m. This equates to a grant requirement of £125k per pitch. Once a suitable site has been identified and Town & Country are able to undertake a site inspection, they will be in a position to provide more informed and accurate figures for the build costs. Town & Country and LQS would seek to ensure that the project's overall costs do not exceed the set budget for which grant is available.

These costs will be further reviewed and refined during the bid offer assessment and negotiation process ahead of the HCA's national aggregation and analysis of the final programme starting on the 20th June.

As set out above, one of Town & Country's roles would be to project manage the delivery of the site itself. A breakdown of the estimated scheme costs show an overall project management fee of 5.04% of the build cost (contract sum) estimated at £1.7m, which equates to £85,680.

There are general rules applying to the choice of purchasing procedure for contracts at stated financial threshold levels, within the Council's Purchasing Guide. For works, supplies or services contracts, which represent a total value/income to the contractor of £75,000 to £156,441, at least three written tenders are required in advance, following advertisement by public notice. This procedure applies even though the costs will be paid through grant by the HCA and not from Council funds.

The overall project management fee is estimated to exceed £75k. The Director of Change, Planning and the Environment has agreed to waive the Contract Procedure Rules for the requirement to obtain competitive tenders in this case due to the extensive market testing and discussions that have taken place with a number of RPs who had expressed an interest in partnering with the Council.

Forward Funding

The HCA will not stage payments to the RP. It will make a single grant payment upon completion of the scheme. Town and Country have indicated that the build costs can be front funded by them stipulating that payment will be made to the contractor upon completion in their build contract, so there will be a relatively short lead in time before their costs will be recouped from the HCA.

There is the potential that the RP could incur significant pre-construction costs two or more years before the grant will be paid (eg site investigations, planning application costs). It is proposed that a budget for estimated pre-construction costs be agreed with Town and Country. Based on indicative costs and a similar comparable scheme, this is thought to be in the region of £250k to £415k.

Should the council be convinced of the need, it could offer to help meet these advanced costs ('forward funding') in the knowledge that expenditure would be recouped at the end of the project when the HCA grant is paid. The current capital programme includes a small budget to support the development of a gypsy site or sites. The sum available is £48,000 and is allocated in 2011/12.

The act of forward funding the balance of the acquisition and other pre-construction costs by the Council would constitute capital expenditure as the asset acquired would be recognised on the Council's balance sheet. The expenditure will require financing from resources such as capital receipts but, on completion, the grant would replace the funds utilised. As the grant would be received post completion of the scheme it would effectively be recycled into the financing of the future capital programme.

In order to ensure that this approach is affordable, some realignment of funding will be required around the period between commencement and receipt of grant. The resources available to finance the capital programme will not be reduced in total however the need to forward fund this scheme may mean greater pressure on resources earlier in the programme period. At the meeting in May 2011, Cabinet considered the additional resources available from one-off underspend in 2010/11 and transferred the sum of £0.8m to general balances. This unallocated sum could be considered as a possible method of mitigating any risk to the Capital Programme should the grant be delayed or not received.

The risk borne by the Council in forward funding the cost is the failure of Town & Country to complete the works and therefore the failure to meet the grant criteria. A legal agreement will be required between the Council and Town & Country and should include appropriate clauses to ensure the progress toward completion is adequate and that the RP takes the necessary action to obtain the grant on the Council's behalf as well as confirming the arrangements for reimbursement to the council once the grant is paid.

Revenue consequences

The inclusion of an additional site or sites in the Council's portfolio will increase repair and maintenance costs and the management charge from Kent County Council. In the case of the two existing sites the income generated from rents falls slightly short of being sufficient to cover direct costs. The shortfall is approximately £19,000 over the two sites in 2010/11. Charges from the Housing and Property Services teams are not covered by the rent and service charge income. An additional site will have an impact on costs and at this stage it should be assumed that an increase in revenue funding of £10,000 will be required. Identification of a site or sites and detailed design work will enable this figure to be more accurately estimated at a later time and this will be submitted for consideration as part of the Medium Term Financial Strategy.

Alternatives considered and why rejected

It could be decided not to make a bid for HCA funding at this time. The Traveller Pitch fund is a ring fenced fund providing 100% costs of new Gypsy and Traveller pitches. The current funding round is not expected to be repeated for a further four years. To not make a bid on this occasion would represent a missed opportunity to access scarce public funding.

The Council could submit a bid without the partnership of a RP. However such stand alone proposals will not be considered until after the Affordable Rent programme packages, including any Traveller Pitch Funding proposals submitted as part of a package, have been assessed and agreed. There is a significant risk that funding will have been fully allocated before such stand alone schemes are assessed. A RP will also bring additional expertise to the process of bringing a potential site forward.

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: 15 June 2011

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 08 June 2011

PERFORMANCE TARGETS 2011-15

Issue for Decision

To consider targets for performance indicators 2011-15 as set out in the Strategic Plan 2011-15.

Decision Made

1. That changes to specific indicators following the agreement of the Strategic Plan 2011-15 be agreed.
2. That targets for performance indicators 2011-15 set out at Appendix A of the report of the Head of Change and Scrutiny for publication as part of the Strategic Plan 2011-15 be agreed.
3. That the Performance Indicator Explanations set out at Appendix B to the report of the Head of Change and Scrutiny be noted.
4. That the indicators that have been deleted within Appendix C of the report of the Head of Change and Scrutiny be noted.

Reasons for Decision

Performance Indicators 2011-15 Targets and Monitoring

The performance indicators for 2011-15 were agreed in the Strategic Plan 2011-15. Since this was agreed a number of indicators have been changed as the methodology for collecting the data was still being devised at the time of drafting the plan. An explanation of each indicator for 2011-15 is set out at Appendix C of the report of the Head of Change and Scrutiny.

The following indicators have had their definitions revised or been replaced with a more appropriate measure:

- The percentage of car parking spaces used – was originally going to be reported quarterly however due to the level of resources required to collect this data its frequency has been changed to annual.
- Income from pay and display car parks per parking space will be reported quarterly rather than annually.

- Percentage of vacant units within the town centre has been further defined and is Percentage of vacant retail units within the town centre.
- Average grant per MBC funded affordable home unit will be reported annually rather than quarterly due to concerns over misinterpretation of data as home units will not be completed in accordance with a quarterly schedule.
- Local Street & Environmental Cleanliness a) Litter, b) Detritus, c) Graffiti, d) Fly posting was previously a national indicator. A local measure has been devised using the national indicator guidance which will report on a) litter and b) detritus.
- Average time taken to respond to reports of fly-tipping has been changed to percentage of fly-tipping reports responded to within one working day as this measure makes it easier to identify trends in service response times.
- Savings identified through reviews has become savings delivered through reviews and will be reported annually.
- Average time taken to process commercial planning applications and average time taken to process residential planning applications have both been changed to percentage processed within statutory timeframes. This is due to the different categories of planning application for example there could be a minor residential applications which will always be processed in a shorter timeframe than a major residential application.

Where possible targets have been set for the next four years to align with the Strategic Plan 2011-15 this is set out at Appendix B of the report of the Head of Change and Scrutiny (an explanation of the indicators is set out at Appendix C of the report of the Head of Change and Scrutiny and details of deleted indicators are at Appendix D of the Head of Change and Scrutiny). This does not mean that all targets are set in stone. Targets are agreed by Service Managers and Heads of Service. Each year targets are reviewed and throughout the year managers are asked if the annual target is likely to be achieved, this is then reported to Cabinet through the Quarterly Monitoring Reports, so that early action can be taken to mitigate the situation.

As targets are part of the Council's aspiration it is proposed that they are published as part of the Strategic Plan 2011-15.

To put the indicators into context, we are looking at including a borough profile with the performance reports. Management team have been requested to consider the profile information we are able to gather in terms of age, accuracy and relevance to determine what information should be included. A census was undertaken in 2011 and it is expected that the data will not be available until July 2012, this will assist in providing a more up to date and accurate picture for next year's plan.

Ongoing Performance Management

Cabinet receive quarterly performance reports which are also considered by Corporate Management Team (CMT) and Overview & Scrutiny, to ensure that performance issues are picked up and actions are taken to improve performance before the end of the year. In addition at the end of each quarter the Performance Officer meets with all Heads of Service to discuss performance issues in their area. Performance issues are also discussed at Cabinet Member portfolio meetings.

CMT also receive monthly performance reports for each team through Reach the Summit (RTS), which measures the operational service provided by each team. Managers are responsible for indicators that are at basecamp (performing below a minimum level) for three consecutive months have to formulate an action plan to improve performance and present this to CMT. RTS is also one of the Council's mechanisms to reward good performance with monthly awards and an annual award. All RTS indicators and targets were reviewed in 2010/11 and for 2011/12 service plan actions plans will be reported alongside indicator out-turns.

Alternatives considered and why rejected

Having a comprehensive and relevant set of performance targets is vital to ensure that the Council delivers the priorities and outcomes set for the next four years. It is important to look at these measures and set targets that reflect the Council's overall aim of continuous improvement.

During 2010, the Government abolished the National Indicators (NIs) set as part of its programme on reducing the data burden for local government. This year we have reduced the number of outcomes in the Strategic Plan and the number of performance indicators in line with the message from central government and the Council's own wish to focus on priority areas.

Previously the Local Authority had a duty to produce a Best Value Performance Plan, setting out the annual out-turns for all performance indicators and targets for the next three years. In 2009 this duty was removed; it is still considered best practice to set and publish targets.

Background Papers

Strategic Plan 2011-15
Performance Plan 2010-13
Annual Performance Report 2010/11

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: 15 June 2011

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 08 June 2011

PERFORMANCE OUT-TURNS 2010/11

Issue for Decision

To consider the draft out-turn results for 2010/11.

Decision Made

1. That the Performance Out-turns for 2011-15 for inclusion with the Annual Report be agreed.
2. That the performance out-turns and narrative for 2010/11 be noted.
3. That the areas where data has not been provided as requested (KPI 013 and 050) or is currently unavailable be noted.

Reasons for Decision

Performance Out-turns 2010/11

From 2009 Cabinet have received quarterly monitoring reports with year to date information. This level of detail is now included in the annual performance report to allow trends and fluctuations in data to be seen.

As the Annual Performance Out-turn (as set out at Appendix A of the report of the Head of Change and Scrutiny) is a backward look at how we have achieved against the targets set it is proposed that they are published as part of the Annual Report.

Not all the performance indicators from 2010/11 were retained for 2011-15 details of deleted indicators are set out at Appendix E of the report of the Head of Change and Scrutiny.

Overall 66% of all indicators achieved the targets set for 2010/11 and 54% of all indicators have improved, with 18% just missing their target. Last year 75% of the targets were met and 58% of all indicators improved. In terms of priority themes performance has been strong for the Strong, healthy and safe communities theme but weaker in Clean and green. It is clear that the economic climate and service changes have impacted on performance for example there have been lower numbers of planning applications received and the introduction of a food waste collection service has created changes to service which have resulted in an initial decline in performance.

Performance Summary

Performance against target

Performance against target	On Target	Missed target (within 10%)	Target not achieved	N/A¹	Total
Achieve, prosper and thrive	7 (64%)	3 (27%)	1 (9%)	2	13
Clean and green	7 (46.6%)	4 (26.6%)	4 (26.6%)	2	17
Strong, healthy and safe communities	5 (83%)	1 (16%)	0	0	6
Live and enjoy	17 (77%)	2 (9%)	3 (14%)	0	22
Efficient and effective public services	16 (64%)	4 (16%)	5 (20%)	3	28
Total	52 (66%)	14 (18%)	13 (16%)	7	86

Direction of Travel

Direction of Travel	Improved	Sustained	Declined	N/A	Total
Achieve, prosper and thrive	6 (66%)	0	3 (33%)	4	13
Clean and green	5 (38%)	3 (23%)	5 (38%)	4	17
Strong, healthy and safe communities	3 (50%)	1 (16.6%)	2 (33.3%)	0	6
Live and enjoy	9 (45%)	0	11 (55%)	2	22
Efficient and effective public services	17 (65%)	0	9 (35%)	2	28
Total	40 (54%)	4 (5%)	30 (40.5%)	12	86

Strong performance

Unemployment rate is down from 2.7% at quarter 4 last year to 2.4% (KPI 006). A baseline has been set for vacant retail units at 13.25% and the Council is aiming to reduce this to 12.25% for 2011/12 (KPI 008).

Housing has performed strongly throughout 2010/11. The number of households in temporary accommodation (NI 154), the number of households prevented from becoming homeless through intervention (KPI 009), the number of people helped through the staying put partnership (KPI 010) and the number of homes occupied by vulnerable people made decent (KPI 011) all exceeded the annual targets. There was an increase of 490% in the number of people helped through the Staying put Partnership. Changes were made to expand the programme in 2010, the large increase coupled with only slightly lower figures for households in temporary accommodation compared to this point in 2010 illustrates that the impact of the recession is still being felt by Maidstone's residents.

¹ Indicators rated N/A are not included in percentage see page 5 of the Appendix A for a full key to understanding how performance has been rated.

The indicators relating to key objective 15: Encourage more adults and to participate in sport have all achieved target. There was a 20% increase in take-up of council funded activities provided through Sports and Play (KPI 034). Satisfaction with the leisure centre (KPI 035) increased from 52% in 2009/10 to 60.8% for 2010/11 and the number of users at the leisure centre (KPI 036) has increased by 18%.

Planning performed well in 2010/11 with five out the seven indicators under objective 20: Improve the quality of the built environment including protecting the borough's heritage and ensure new buildings are well designed achieving the annual target. In relation to ensuring good design 93.75% of major planning applications had pre-application discussions (KPI 047). On protecting heritage 29.27% of conservation areas have up to date character appraisals (BV 219b) and 80.65% of planning enforcement cases were signed off within 21 days (KPI 046).

Revenues and Benefits have performed well for 2010/11. The collection rates for Council tax (BV 009) and National Non-domestic rates have both achieved target and improved slightly since last year. The fraud partnership identified over a million pounds of fraud an increase of 120%. The team also reduced the time taken to process housing benefit/council tax benefit new claims and change of events by over a day giving an annual result of 7.66 days.

Corporately, the number of day lost to sickness absence (BV 012) has improved and for 2010/11 averages 6.22 days per employee. The introduction of invoice manager has helped increase the percentage of invoices processed within 30 days (BV 008).

Weak performance

Performance indicators related to key objective ten: Reduce the amount of waste produced by local people and increase the proportion of waste reused or recycled have struggled to achieve the annual targets set this year. The roll out of the food waste collections has increased the number of missed bins (BV 88) for the last quarter which has resulted in the annual target not being achieved. The food waste collection and the recycling collections have helped reduce the amount of residual household waste (NI 191) by 2.5% and increase the amount of waste recycled (NI 192) by 2.5% however these changes are lower than predicted and both indicators have marginally missed the annual target.

Looking ahead to 2011/12 the Council is keen to improve customer satisfaction and recognizes the importance of improving complaint handling. Satisfaction with complaint handling (KPI 051) dropped from 55.25% (2009/10) to just 26.53% (2010/11) and although rated as amber the percentage of complaints resolved within timescales (KPI 052) dropped from 98% to 90.03%. During 2011 a new correspondence system will be introduced which should help improve the tracking and monitoring of complaints. The Head of Change and Scrutiny will also be taking an action plan to Standards Committee for improving satisfaction including training for staff, revising and updating the policy and monitoring responses.

There has been a 15% decrease in the number of people visiting parks and open spaces measured by footfall compared to 2009/10 (KPI 015). This could be due to a number of variables such as weather. Footfall in quarter 1 was unexpectedly low compared to previous years, 32% down on the 2009/10 figures for quarter 1.

Of the six indicators relating to key objective seven: Maintain a clean and pleasant environment for people who live and visit the borough, three have not achieved the annual target. Satisfaction with street cleansing (KPI 019) has declined by 2% since 2009/10 resulting in the annual target being marginally missed. Environmental cleanliness –litter (NI 195a) also missed the annual target and declined during 2010/11, cleanliness has declined and this has been noticed by residents as demonstrated by satisfaction scores. Fly-tipping (NI 196) also failed to achieve the annual target but is moving in the right direction from 'Not effective' in 2009/10 to 'Effective' for 2010/11.

Overall, the Revenues and Benefits section has performed well during 2010/11. However, two indicators have marginally missed their annual targets; satisfaction with the benefits service (KPI 055) and the percentage of benefit claims calculated correctly (KPI 056). Although the satisfaction rate remains high, performance has dropped from 96% to 93.42%. Analysis of the survey results shows that there has been an increase in the number of respondents stating that they are neither satisfied nor dissatisfied with the service. The percentage of claims calculated correctly has also marginally missed the target. A high priority is given to ensuring the accuracy of benefit decisions and regular feedback is provided to staff.

Performance for some areas of the Museum is also down but to be expected as 40% of the building was closed due to the East Wing refurbishment. Usages (KPI 037) are down 10% to 722.5 visits per 1,000 population and only £51,820 was raised during 2010/11 against the target of £330,000. Council officers are still actively seeking external funding.

Data Quality

The Council's Data Quality Policy which has been updated for 2011-15 to take into account the changes in service planning, reporting of NIs and BVPIs. The policy was previously reviewed and published as part of the Best Value Performance Plan, it will now go to Cabinet in July as a Policy Framework Document.

Alternatives considered and why rejected

Having a comprehensive and relevant set of performance targets is vital to ensure that the Council delivers the priorities and outcomes set for the next four years. It is important to look at these measures and set targets that reflect the Council's overall aim of continuous improvement.

During 2010 the Government abolished the National Indicators (NIs) set as part of its programme on reducing the data burden for local government. This year we have reduced the number of outcomes in the

Strategic Plan and the number of performance indicators in line with the message from central government and to allow focus on priority areas.

Previously the Local Authority had a duty to produce a Best Value Performance Plan setting out the annual out-turns for all performance indicators and targets for the next three years. In 2009 this duty was removed it is still considered best practice to produce an annual performance report as well as set and publish targets for the next three years.

Background Papers

Strategic Plan 2011-15
Performance Plan 2010-13

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: 15 June 2011

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 08 June 2011

LOCAL DEVELOPMENT SCHEME PRIORITY DOCUMENTS

Issue for Decision

To consider and approve the development plan documents (DPD), area action plans (AAP) and supplementary planning documents (SPD) prioritised in the report of the Director of Change, Planning and the Environment as the basis for preparing an amended Local Development Scheme.

Decision Made

1. That it be agreed that the Core Strategy DPD, Development Delivery DPD and Central Maidstone AAP comprise the key documents in a review of the Local Development Scheme.
2. That it be agreed that priority be given to preparing a Parking Standards SPD, a Landscape Character Assessment Guidelines SPD and an Affordable Housing SPD to provide the detail necessary for the implementation of Core Strategy policies.

Reasons for Decision

The Council is required to produce a Local Development Scheme (LDS) that sets out the range of DPDs it is proposing to prepare together with a work programme over a minimum three year period. Although there is no duty to include a programme for the production of SPDs, the identification of key SPDs that are a priority to deliver Core Strategy policies provides clarity for the public.

The government has stressed the importance of keeping local development schemes up-to-date. The LDS must be agreed and submitted to the Secretary of State, and the scheme will come into effect when the Council receives notification from the Secretary of State. There is no longer a requirement to submit the LDS to GOSE for comment or suggested revisions.

The report of the Director of Change, Planning and the Environment recommends changes to the local development documents programmed in the adopted LDS (2009) that will form the basis for a review.

Maidstone's LDS was first adopted in 2005, and was amended in 2007 and 2009. There have been a number of events since 2009 that have resulted in delays to the LDS programme and led to the need for a review of the scheme:

- A deferment of the Core Strategy DPD timetable to enable the Council to set a locally derived housing target;
- A delay to the Gypsy and Traveller Pitch Allocations DPD programme as a result of the need to set a locally derived pitch target;
- Amendments to national planning policy statements; and
- Proposed changes to the plan making system emerging through the Localism Bill and the government's Plan for Growth.

The 2009 LDS² incorporates the following development plan documents (DPD) and area action plans (AAP):

- Core Strategy DPD
- Gypsy & Traveller Pitch Allocations DPD
- Town Centre Regeneration AAP
- Maidstone Urban Extension AAP
- Land Allocations DPD.

The 2009 LDS also confirms that the Council will give consideration to prioritising a number of supplementary planning documents (SPD) including:

- Planning Tariff SPD
- Parking Strategy SPD
- Landscape Character Area Assessment SPDs
- Character Area Assessment SPDs
- Air Quality SPD.

Core Strategy DPD

The Core Strategy DPD, which sets the Council's spatial vision and objectives for future development in the borough, is the lynchpin of Maidstone's local development framework (LDF) and its adoption is a priority for the Council.

Gypsy and Traveller Pitch Allocations DPD

The purpose of the Gypsy and Traveller Pitch Allocations DPD was to allocate land to meet the pitch target that was due to be determined through the South East Plan Partial Review. The supply of gypsy and traveller pitches has long been a local issue for the Council, so an independent DPD prepared in advance of the Core Strategy was intended to address the urgent need as identified in the Gypsy and Traveller Accommodation Assessment (GTAA). Future need for pitches beyond 2016 would be addressed in the Land Allocations DPD.

Alongside the government's announcement that it intended to revoke regional strategies, it was also confirmed that the South East Plan Partial Review would not be completed. It will be the responsibility of local authorities to set their own pitch targets in DPDs based on evidence. The Council has already given consideration to a local pitch target, and the draft Core Strategy sets a target of 71 pitches to be provided between 2006 and 2016 as well as setting the criteria for determining planning

² <http://www.maidstone.gov.uk/pdf/LDS%20Combined.pdf>

applications for pitches on previously unidentified sites.

Due to the time that has elapsed since work on the DPD commenced, a number of private pitches have been provided through the grant of planning permission or by appeal, and it is possible that the numerical target of 71 pitches by 2016 will be met through the granting of planning permissions. However, securing a suitable site(s) for public pitch provision is a challenge and the subject of ongoing work (as discussed elsewhere on this agenda).

Furthermore, as the Core Strategy will confirm the pitch target to 2016, any DPD that allocates land for gypsy and traveller pitches cannot be produced in advance of the adoption of the Core Strategy. Work on the DPD can commence at an earlier stage but Public Participation consultation cannot be undertaken before the Core Strategy is adopted.

The option to prepare an independent DPD for gypsy and traveller accommodation remains, although there is now an opportunity to consider a more efficient and cost effective approach to meeting need. Proposals to update the LDS include bringing forward the production of the Land Allocations DPD (under a new title of Development Delivery DPD) so it would now be timely to allocate pitches in the Development Delivery DPD. An updated evidence base to assess accommodation needs to 2026 will be prepared prior to the preparation of the DPD. The identification and development of a public site(s) can be pursued outside of the DPD process, so the merging of DPDs would not result in a delay to public pitch provision in the period to 2016.

This approach would result in staff resource and cost savings. The process for a DPD requires staffing resources and budget to fund at least three consultation stages and an independent examination. Not all time/costs involved can be avoided but there would be significant reductions, particularly for administration, consultation events and examination costs. The primary risk to incorporating pitch allocations in the Development Delivery DPD is if there is a delay to preparing this DPD given its wide remit but, balancing the benefits and risks of combining DPDs, this approach is thought appropriate and an independent Gypsy and Traveller Pitch Allocations DPD is not proposed to be included in the review of the LDS.

Town Centre Regeneration AAP

Priority will be given to the production of the Town Centre Regeneration AAP following the adoption of the Core Strategy. However, it is recommended that this document is renamed the Central Maidstone AAP to allow some flexibility to incorporate pertinent sites adjacent to the town centre boundary.

Maidstone Urban Extension AAP

The Core Strategy no longer proposes an urban extension or strategic development area as part of its strategy for the distribution of development. Consequently, the Maidstone Urban Extension will not be included in the revised LDS.

Land Allocations DPD

In the 2009 LDS, the Land Allocations DPD is programmed to commence in 2013. The recommended removal of other DPDs from the updated LDS presents an opportunity to bring this DPD forward, which will capitalise on the vast amount of work undertaken for the Core Strategy. The Land Allocations DPD will contain site specific allocations for all land uses, as well as designated areas of protection.

There is a further option to include development management policies in this document, which were outside the scope of the 2009 LDS. However, the saved Maidstone Borough Wide Local Plan policies, which form part of the development plan, are increasingly becoming outdated as further government guidance and planning policy statements are published. In addition to the Spatial Policy team, staff resources from other departments have been identified to assist in this task. This approach will provide an up-to-date policy framework for development management processes. Given the wide scope of this document, it is thought appropriate that it be renamed the Development Delivery DPD.

Supplementary Planning Documents

The Core Strategy is the key LDF document, but it is a broad policy framework document. Subsequent DPDs and AAPs will strengthen the policy framework, but a suite of SPDs will also be required to add detail to Core Strategy policies as well as other DPDs. There are a number of options for SPD production, but it is crucial to prioritise those SPDs that will be required to deliver the Core Strategy.

The Planning Tariff SPD will no longer be required due to the introduction of the community infrastructure levy. The Council has prepared an Infrastructure Delivery Plan and will develop a charging schedule to set its community infrastructure levy.

A Parking Standards SPD and the Landscape Character Assessment Guidelines SPD will need to be prepared as soon as practical after the adoption of the Core Strategy to add detail to policy. Similarly, an Affordable Housing SPD will be required to expand on the detail of the Core Strategy affordable housing policy, which will supersede the currently adopted Affordable Housing DPD.

The adopted LDS (2009) refers to a Parking *Strategy* SPD but the parking strategy is a document that will underpin the Sustainable Transport Strategy. The Parking *Standards* SPD will set out local parking standards for both new residential and commercial development, acknowledging national guidance but informed by local demand, accessibility levels and smarter transport choices identified in the Sustainable Transport Strategy.

Further Character Area SPDs and an Air Quality SPD are desirable but are not critical to Core Strategy delivery. Priority can be given to the production of these SPDs and others once key documents are adopted.

LDS Programme

Consequently, it is thought appropriate that the revised LDS programme prioritises the production of the following documents:

- Core Strategy DPD
- Development Delivery DPD
- Central Maidstone AAP
- Parking Standards SPD
- Landscape Character Assessment Guidelines SPD
- Affordable Housing SPD.

A subsequent report will recommend adoption of a revised LDS, and seek approval to submit the LDS to the Secretary of State.

Alternatives considered and why rejected

The LDF must contain a Core Strategy DPD and a Proposals Map, and the Council has a duty to maintain an up-to-date LDS. The Council could confine its LDS programme to the production of a Core Strategy only but this approach is not recommended. Although the Core Strategy will set a policy framework, it will not deliver the level of detail necessary to implement all of its policies and strategies. The alternative approach would exacerbate a growing policy framework vacuum for development management processes, and would impact on the Council's ability to plan for its growth in a sustainable manner.

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: 15 June 2011
