

# AGENDA

## JOINT LOCAL DEVELOPMENT DOCUMENT ADVISORY GROUP AND LEISURE & PROSPERITY OVERVIEW & SCRUTINY COMMITTEE MEETING



Date: Monday 21 February 2011

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Barned, Burton, Chittenden, English,  
Mrs Gibson, Harwood, Horne, Mrs Joy,  
Lusty, Marchant, Nelson-Gracie, Paine,  
Pickett, Robertson, Mrs Smith, Thick,  
J.A. Wilson and Mrs Wilson

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1. Apologies for Absence
2. Urgent Items

**Continued Over/:**

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**Issued on 11 February 2011**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242**. To find out more about the work of the Cabinet, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

3. Notification of Substitute Members
4. Notification of Visiting Members
5. Election of Chairman for the Meeting
6. Disclosures by Members and Officers
7. Disclosures of Lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information
9. Report of the Director of Change, Planning and the Environment - Core Strategy 2006-2026: Next Steps 1 - 17
10. Report of the Director of Change, Planning and the Environment - Infrastructure Delivery Plan Progress 18 - 29
11. Report of the Director of Change, Planning and Environment - Core Strategy Consultation Spring 2011 30 - 40

## **MAIDSTONE BOROUGH COUNCIL**

### **JOINT MEETING OF THE LOCAL DEVELOPMENT DOCUMENT ADVISORY GROUP AND THE LEISURE AND PROSPERITY OVERVIEW AND SCRUTINY COMMITTEE**

**21 FEBRUARY 2011**

### **REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT**

**Report prepared by Sue Whiteside**

#### **1. Core Strategy 2006-2026: Next Steps**

##### **1.1 Issue for Decision**

- 1.1.1 To consider the progress of the Core Strategy Development Plan Document since June 2009 when the programme for preparing the DPD recommenced (Appendix A), and the next steps to public participation.
- 1.1.2 To consider amendments to the draft vision and objectives previously agreed by the Local Development Document Advisory Group (Appendix B).
- 1.1.3 To consider the issue of including a local connection criterion in the Core Strategy policy for gypsy and traveller accommodation.

##### **1.2 Recommendation of Director of Change, Planning and the Environment**

- 1.2.1 That the Local Development Document Advisory Group and the Leisure and Prosperity Overview and Scrutiny Committee:
  - i. Note the amendments to the draft spatial vision and objectives for the Core Strategy as set out in paragraph 1.3.18 of this report and suggest any further revisions; and
  - ii. Recommend to Cabinet that the Core Strategy policy for gypsy and traveller accommodation does NOT include a local connection criterion.

### 1.3 Reasons for Recommendation

- 1.3.1 The purpose of the report is to summarise the progress of the Core Strategy since the programme for its preparation was restarted in June 2009, and to explain the current position and next steps leading to the approval of the Core Strategy for public participation and beyond. A summary of progress is attached at Appendix A.
- 1.3.2 The report revisits the draft vision and objectives which Members first considered at a meeting of the Local Development Document Advisory Group (LDDAG) in June 2010, the arising amendments being attached for information purposes to a subsequent report to the Group on 26 July 2010. The agreed draft vision and objectives are attached as Appendix B. Members are requested to consider proposed amendments to the vision and objectives, which have arisen as a result of ongoing work on the Core Strategy.
- 1.3.3 This report also addresses the issue raised by Members of LDDAG, Leisure and Prosperity Overview and Scrutiny Committee, and Planning Committee to consider including a local connection criterion in the Core Strategy policy for gypsy and traveller accommodation.

#### **Progress to Date**

- 1.3.4 Appendix A sets out a chronology of events that have occurred since the Core Strategy programme restarted in June 2009. This includes a number of Member meetings, presentations and workshops; the completion and publication of new studies and reports that augment the Core Strategy evidence base; and the changes in national planning policy since the election of the coalition government in May 2010.
- 1.3.5 A number of Core Strategy issues have been debated at Member meetings and workshops during the past 18 months. These include:
- The format and content of the Core Strategy;
  - The Core Strategy draft spatial vision and objectives;
  - The development of a settlement hierarchy for Maidstone borough and the designation of rural service centres;
  - The development of a green and blue infrastructure strategy for the borough;
  - Policy directions and the setting of a boundary for the town centre;
  - Draft generic core policies, including those for design, sustainable development and climate change, economic development, housing mix, affordable housing, local needs housing, gypsy and traveller accommodation, a green and blue network, and biodiversity;
  - The approach to setting a numerical target for gypsy and traveller accommodation;

- Development of a methodology to enable the Council to set a local dwelling target and determine a distribution pattern for development; and
- The testing of development scenarios to establish preferred targets for housing and employment together with a development distribution, which will underpin the spatial policies of the Core Strategy in advance of its publication for public participation.

1.3.6 Meanwhile, additional studies and reports have been published that inform and support Core Strategy policies. These include the Sustainability Appraisal Scoping Report, updates on retail and employment land demand, population and labour supply forecasts, the Town Centre Study, the Water Cycle Study, and the Strategic Housing Market Assessment. All of these documents can be viewed and downloaded from the LDF page of the Council's website.

1.3.7 Initial survey work has been completed for a borough wide Landscape Character Assessment, which is currently subject to stakeholder consultation; and the evidence base for Core Strategy Sustainability Policies will be published shortly. As part of the appraisal process for testing development scenarios, further work has also been ongoing through consultations with infrastructure providers and transport modelling. Additional reports attached to this agenda update Members on these aspects of the Core Strategy evidence base.

1.3.8 Members have received a number of reports and updates on proposed changes to the planning system by the coalition government. The Localism Bill was published on 14 December 2010 and is expected to be enacted in 2011/12. The Bill retains the LDF system and gives scope for the setting of local development targets and the preparation of neighbourhood development plans.

1.3.9 At the meeting of the Cabinet on the 9 February 2011 it was agreed:-

- That a local housing target of 10,080 dwellings and a development distribution for new housing attached to the Cabinet report be agreed for the period 2006 to 2026 as the basis for the initial Core Strategy consultation document; and
- That a decision on the distribution of employment land be deferred to enable officers to:
  - a) undertake further work on updating employment data to a base date of 2010;
  - b) investigate opportunities for alternative potential employment sites that can support a dispersed pattern of development better suited to the housing locations to replace a critical mass of

employment land of 11 hectares at J8 of the M20 motorway; and

- A report would be made back to Cabinet in April when the draft Core Strategy will be considered for publication participation.

1.3.10 On the additional work that is required this will include:-

- Updating the Employment Land Review;
- Reviewing the assumptions in the Economic Development Strategy;
- Reviewing the assumptions around employment sites across the borough; and
- Putting together a complete picture that encompasses all additional employment including retail, offices, light industrial, general industrial, warehousing, etc. between 2006 and 2011 and provision for the period from 2011 to 2026.

The outcome of this work will then be presented to Cabinet in April as part of the Core Strategy report.

### **The Spatial Vision and Objectives: Balancing Urban & Rural Development and the Phasing of Brownfield and Greenfield sites**

1.3.11 The draft spatial vision and objectives were initially considered by LDDAG in June 2010. Since then, the development of a local strategy for setting a dwelling target and distributing development has led to a move away from the South East Plan indicative target of 90% of new housing in or adjacent to the urban area. The draft strategy which was considered by Cabinet on 9<sup>th</sup> February 2011 sought to balance the need for regeneration of the urban area with the need to expand the roles of the rural service centres to support the continuing viability aspirations of those sustainable settlements.

1.3.12 Taking account of the number of dwellings completed to date, land with planning permission, known brownfield sites and a contribution from unidentified windfall sites in the latter part of the plan period, between 2006 and 2026 approximately 79% of the 10,080 dwelling target is proposed to be provided in or adjacent to the urban area. This figure could be higher depending on the amount of brownfield windfall sites that materialise in the early part of the plan. It is recommended that the vision and objectives be amended to acknowledge this shift.

1.3.13 The second issue relates to the phasing of greenfield sites after 2016. In recent years dwellings have been built on high density brownfield sites within the urban area and the town centre, in accordance with government policy. Thus, the housing mix has focused on flatted development which, in turn, has affected the provision of family

housing.

- 1.3.14 The Strategic Housing Market Assessment (2010) concludes that the greatest demand for housing throughout the borough is for family housing. The Council's current land supply largely comprises brownfield sites but this imbalance can be addressed through the Core Strategy and is assisted by the new PPS3: Housing (June 2010), which deletes the national indicative density of 30 dwellings per hectare so local authorities can set their own density ranges, and removes private residential gardens from the definition of previously developed land.
- 1.3.15 The draft vision currently states that greenfield sites, well related to existing urban areas, will be phased after 2016. However, the Core Strategy will not be adopted until autumn 2012, and LDF documents that allocate specific sites for development must follow the Core Strategy. Therefore, DPDs or AAPs that allocate land for development could not be adopted before 2014. Given the lead in time to develop sites, the plan making process is likely to result in the development of greenfield sites from around 2015/16, therefore naturally phasing the release of greenfield sites. However, it is recognised that where there is firm evidence to demonstrate a local need at a Rural Service Centre that cannot be met through a local needs housing site, a proportion of suitable greenfield housing development may be permitted before 2014, in advance of allocating specific sites in site allocations documents that will follow the Core Strategy. Any such proposals will need to cater for the physical and social infrastructure needed in the Rural Service Centre area.
- 1.3.16 Previously developed land will continue to materialise throughout the plan period but the high percentage of brownfield development experienced in the recent past will not be able to be sustained. Nonetheless, a borough wide target of 60% brownfield development throughout the plan period (2006 to 2026) to meet government policy aspirations is not unreasonable.
- 1.3.17 The currently identified supply of brownfield housing sites will assist regeneration of the urban area in the first half of the plan period and unidentified brownfield sites, together with the preparation of an Area Action Plan for regenerating the town centre, will support regeneration in the latter period. Given the natural phasing of sites through the plan making system, the impact of short to medium term economic conditions on the housing market, and the need to ensure the spatial strategy is flexible and deliverable, it is recommended that the vision is amended to delete reference to phasing greenfield sites after 2016.
- 1.3.18 The draft spatial vision and objectives have been reproduced in full for Members' convenience at Appendix B. It is recommended that the following amendments (emboldened) to the second paragraph of the

vision and to objectives (b) and (e) be agreed as follows.

*"The Core Strategy will help in delivering sustainable growth and regeneration while protecting and enhancing the borough's built and natural assets. Regeneration will be prioritised and delivered at the urban area of the county town first to make best use of brownfield land. ~~so the release of~~ Greenfield sites, well related to existing urban areas, will be **phased developed from 2015/2016**. Development will be led by a sustainable and integrated transport strategy, together with necessary strategic and local infrastructure."*

b) *"To focus new development at Maidstone urban area with:*

- *~~99%~~ **80%** of new housing built within and adjacent to the urban area of Maidstone, appropriate sustainable greenfield development being well located to the existing urban area*
- *The aim of providing 60% of new housing across the plan period on previously developed land and through the conversion of existing buildings*
- *New employment allocations in Maidstone town centre strictly coordinated and targeted with opportunities on the most suitable greenfield sites only.*

e) *To consolidate the roles of Harrietsham, Headcorn, Lenham, Marden and Staplehurst as rural service centres with successful village centres, as the focus of the network of rural settlements, with retained services, **new housing** and regenerated employment sites*

1.3.19 The draft vision and objectives have not been considered by Members in the context of all Core Strategy policies, so there are no specific recommendations to Cabinet.

### **Policy for Gypsy and Traveller Accommodation: Local Connection Criterion**

1.3.20 Members have previously resolved that consideration be given to the inclusion of a local connection criterion in the Core Strategy Gypsy and Traveller Accommodation policy. A suggestion made was that the criterion could be framed in similar terms to a rural exceptions policy approach for which occupancy of the social housing is limited to those with a residence, employment or close family connection. Legal advice has been sought on the matter and the key conclusions are set out as follows.



1.3.21 First, local connection criteria are explicitly identified as unacceptable in the current Circular 01/06 Planning for Gypsy and Traveller Caravan Sites because, as a nomadic people, gypsies will not always have links to a locality.

1.3.22 Further, the legal opinion is that there is a reasonably clear argument that the proposed approach is indirectly discriminatory under the terms of the Equality Act (2010). The advice warns that the approach would be treating the gypsy and traveller community in a different way to those seeking conventional private housing in the borough: *"unless a requirement of an unmet local need will be applied to all applications for and allocations of bricks and mortar accommodation (other than, for example, just rural exception sites) there seems to me to be a reasonably clear argument that this is indirectly discriminatory."*

1.3.23 Counsel concludes that the approach *"is only likely to be free from challenge under the Equalities Act 2010 if local need is sufficiently widely drawn to take into account the cultural preference for nomadism and the historic under provision of sites, and it is not applied more onerously to gypsy and traveller applications than to bricks and mortar applications."* Such a widely drawn definition is unlikely to meet the objectives in setting it.

1.3.24 Whilst the Circular is known to be under review, the requirements of the Equalities Act will remain. It is therefore recommended that the emerging Core Strategy policy should not include a local connection criterion.

1.3.25 On 9<sup>th</sup> February 2011 Cabinet agreed a gypsy and traveller pitch target of 71 pitches for the period 2006 to 2016 for inclusion in the public participation draft of the Core Strategy. Importantly, this target is derived from the assessment of locally arising need only. Making provision for sites that meet a target set in an up-to-date adopted Core Strategy will place the Council in a much stronger position to defend appeals on unsuitable sites, irrespective of need.

### **Next Steps**

1.3.26 On 9 February 2011 Cabinet agreed the target and development strategy for housing, which has been based on sound evidence and developed with input from a variety of stakeholders, including infrastructure providers and Members. The strategy will underpin the spatial policies of the draft Core Strategy, which will include a strategy and policies for all land uses. Cabinet is expected to approve the document for consultation in April.

1.3.27 As highlighted above further work was also requested on the employment land and employment figures at the Cabinet meeting. This

has commenced and will be incorporated in the Cabinet report on the 13 April.

1.3.28 In addition to published evidence, the Core Strategy will be accompanied by a supporting document containing much of the detail as to how the strategy and certain policies evolved, as well as the draft Infrastructure Delivery Plan and draft Integrated Transport Strategy.

1.3.29 It is important to remember that public participation is the starting point for the strategy and there are a number of further stages the Core Strategy will undergo before it can be adopted. Following consultation in spring, the Core Strategy can be amended before publishing for the next round of consultation (the "Publication" version of the DPD). There can only be minor amendments to the plan between Publication and submission of the document to the Secretary of State. However, if a major amendment following Publication was justified, the Council can undertake additional public consultation before submission. The programme for these steps (excluding the need for additional consultation) is set out below.

<b>Core Strategy Stage</b>	<b>Dates</b>
Cabinet approval of draft Core Strategy	13th April 2011
Public participation (6 weeks)	28 <sup>th</sup> April to 17 <sup>th</sup> June 2011
Cabinet approval of Publication version	10 <sup>th</sup> August 2011
Publication consultation (6 weeks)	26 <sup>th</sup> August to 10 <sup>th</sup> October 2011
Council approval of Submission version	14th December 2011
Submission	December 2011
Examination	April 2012
Receipt of Inspector's Report	July 2012
Council adoption of Core Strategy	September 2012

#### 1.4 Alternative Action and why not Recommended

1.4.1 Members could proceed with the inclusion of a local connection criterion in the Core Strategy gypsy and traveller accommodation policy but this approach is contrary to Counsel advice and there would be a high risk that the Core Strategy would be found unsound at examination.

#### 1.5 Impact on Corporate Objectives

1.5.1 The content of the report impacts on the key priorities of the Sustainable Community Strategy and the draft Strategic Plan, particularly those relating to a decent place to live and reducing the level of deprivation.

## 1.6 Risk Management

- 1.6.1 Undertaking public participation in advance of the enactment of the Localism Bill and the abolition of regional strategies with prescribed dwelling targets carries some risk. If this part of the Localism Bill falls then the Council would need to revisit its strategy and re-consult on a new option for a target of 11,080 dwellings (as currently set out in the South East Plan). Additionally, undertaking consultation prior to the abolition of the South East Plan targets may result in the receipt of objections to the Core Strategy housing target on the grounds of non conformity with the regional strategy, and possible judicial review.
- 1.6.2 The government purported to revoke regional strategies in July 2010, but a successful High Court challenge by housing developer CALA Homes re-established the South East Plan. A second challenge by CALA Homes to the government's position that the intention to revoke regional strategies was a material consideration to be taken into account when making planning decisions was lost. Therefore the intended abolition of the regional strategy can be considered by the local planning authority in making decisions. However, pending the abolition of regional strategies the South East Plan remains part of the Development Plan, although the government's intention to revoke strategies is a material consideration. The weight given to any material consideration depends on individual circumstances and it is for the decision maker to decide the appropriate weight. (CALA Homes has indicated it will appeal to the Court of Appeal).
- 1.6.3 At this stage of the Core Strategy process, the risk of judicial review is relatively low because (a) public participation is an early stage of engagement with the public and stakeholders and (b) the government's intention to revoke regional strategies is a material consideration. There will be a higher risk at Publication stage when the Council undertakes consultation on the strategy it proposes to submit to the Secretary of State for examination because, until the regional strategy is revoked, the core strategy should be in general conformity with it. The timing of Submission of the Core Strategy will depend on the progress of the Localism Bill.
- 1.6.4 Considering all matters, it is recommended that the Council proceeds with the Core Strategy programme outlined in paragraph 1.3.29 and engages with the public to develop the plan. During consultation the Council will consider and appraise any proposals made before moving towards Publication. A decision to advance to the following stages of the plan making process can be taken at the appropriate time. Officers will keep a watching brief on the matter and inform Members of any developments.

## 1.7 Other Implications

1.7.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

X

1.7.2 The recommendation in this report accords with legal advice received to exclude a local connection criterion in the gypsy and traveller accommodation policy.

1.8 Relevant Documents

None

1.8.1 Appendices

Appendix A: Chronology of events relating to the Core Strategy DPD  
Appendix 2: Core Strategy draft spatial vision and objectives

1.8.2 Background Documents

Local Development Document Advisory Group Reports 28 June 2010  
and 26 July 2010  
Cabinet report 9 February 2011

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because: .....

.....

Wards/Parishes affected: .....

.....

**Chronology of Events relating to the Core Strategy Development Plan Document**

<b>Date</b>	<b>Meetings</b>	<b>Member Presentations/ Workshops</b>	<b>Publication of New Evidence</b>	<b>Government Planning Policy Changes</b>
29 June 2009	Cabinet – Decision to restart Core Strategy programme			
August 2009			Retail Needs Assessment Study	
22 September 2009	LDDAG – Development of a settlement hierarchy for Maidstone borough			
September 2009			Employment Land Review (update)	
11 November 2009		Presentations on employment, housing and retail needs		
02 December 2009	LDDAG – Sustainability Appraisal Scoping Report	Presentation on the water cycle strategy	Sustainability Appraisal Scoping Report	
24 February 2010	LDDAG – Format and content of the Core Strategy; designation of rural service centres; development of a green and blue infrastructure strategy; town centre policy directions for the Core Strategy			
February 2010			Town Centre Study	
March 2010			Strategic Housing Market Assessment	
16 June 2010		Establishment of Core Strategy Members Working Group as a cross-party		

<b>Date</b>	<b>Meetings</b>	<b>Member Presentations/ Workshops</b>	<b>Publication of New Evidence</b>	<b>Government Planning Policy Changes</b>
		sounding board to aid communication and discuss spatial planning policy issues		
28 June 2010	LDDAG – Core Strategy draft vision and objectives	Presentation on the initial findings of the landscape character assessment		
30 June 2010		Presentation on the demise of the regional strategy, emergence of a new planning system, and impact on the Core Strategy		
June 2010			Water Cycle Study	
June 2010				PPS3: Housing – deletes national indicative minimum density of 30 dwellings per hectare; removes private residential gardens from the definition of previously developed land
06 July 2010				Secretary of State attempts to revoke regional strategies and the imposed housing targets
26 July 2010	LDDAG – Core Strategy draft core policies			
23 August 2010		Presentation and workshop on the methodology for setting a local housing target and the approach to determining the distribution of development		
13 September 2010	LDDAG			

Date	Meetings	Member Presentations/ Workshops	Publication of New Evidence	Government Planning Policy Changes
14 September 2010 15 September 2010 22 September 2010 29 September 2010	Leisure & Prosperity O&S Cabinet Leisure & Prosperity O&S Cabinet Approval of the methodology for setting a local housing target and the testing of 5 development scenarios for a dwelling target and distribution of development; approval of the approach to setting a numerical target for gypsy and traveller pitches to 2016			
25 October 2010		Workshop to establish Members' priorities for 30 elements that would assist in the testing of development scenarios		
October 2010			Sensitivity Tests: Retail Needs Assessment Study	
October 2010			Demographic and Labour Supply Forecasts	
10 November 2010				Action to revoke regional strategies challenged and, following judicial review, the Secretary of State's decision of 6 July is quashed
14 December 2010				Localism Bill published – proposed abolition of regional strategies; retention of LDF system; scope for



Date	Meetings	Member Presentations/ Workshops	Publication of New Evidence	Government Planning Policy Changes
06 January 2011		Workshop on proposed housing and employment targets and the distribution of development to take forward as the basis for drafting the Core Strategy for public participation		neighbourhood planning; confirmed introduction of CIL. Bill expected to be enacted within 6 to 9 months; regulations to be rolled out over time; new National Planning Policy Framework excluded from the Bill (therefore non statutory)
07 February 2011				High Court ruling on regional strategies: the government's intended abolition of regional strategies is a material consideration when making planning decisions.
09 February 2011	Cabinet agree a local housing target of 10,080 dwellings (2006-2026) and a development distribution that will underpin preparation of the draft Core Strategy for public participation; also agree a target of 71 pitches (2006-2011) for gypsy and traveller accommodation			

**Draft Core Strategy Spatial Vision and Objectives**  
**As agreed at the Local Development Document Advisory Group meetings**  
**28 June 2010 and 26 July 2010**

Draft Spatial Vision:

*By 2026 Maidstone will be a vibrant, prosperous and sustainable community benefiting from an exceptional and unique urban and rural environment. The Core Strategy will help in delivering sustainable growth and regeneration while protecting and enhancing the borough's built and natural assets.*

*Regeneration will be prioritised and delivered at the urban area of the county town first to make best use of brownfield land, so the release of greenfield sites, well related to existing urban areas, will be phased after 2016. Development will be led by a sustainable and integrated transport strategy, together with necessary strategic and local infrastructure.*

*The establishment of a multi-functional green and blue network of open spaces, rivers and water courses will safeguard biodiversity and define the urban character of Maidstone while offering access to the countryside, which will be valued in its own right. The character and identity of all rural settlements will be maintained by directing suitable development and supporting infrastructure to the rural service centres of Harrietsham, Headcorn, Lenham, Marden and Staplehurst.*

*Employment skills will be expanded to meet an improved and varied range of local jobs, and there will be a better balanced housing market to meet the community's needs. Development will be of high quality design, and constructed in a sustainable manner to respond to climate change and protect the environment and biodiversity.*

Draft Spatial Objectives:

- a) *To provide for xxxxx new homes and xxxxx new jobs, primarily in skilled employment uses, in the borough alongside developing learning opportunities.*
- b) *To focus new development at Maidstone urban area with:*
  - *90% of new housing built within and adjacent to the urban area of Maidstone, appropriate sustainable greenfield development being well located to the existing urban area*
  - *The aim of providing 60% of new housing across the plan period on previously developed land and through the conversion of existing buildings*
  - *New employment allocations in Maidstone town centre strictly coordinated and targeted with opportunities on the most suitable greenfield sites only.*
- c) *To transform the offer, vitality and viability of Maidstone town centre, including office, retail, further and higher education, leisure and tourism*

*functions, together with a significant enhancement to the built and natural environment.*

- d) To create sustainable, innovative and well designed new neighbourhoods of sufficient scale to achieve good levels of local services, green space, development mix, and strategic infrastructure in a timely manner, as well as creating opportunities for local power generation.*
- e) To consolidate the roles of Harrietsham, Headcorn, Lenham, Marden and Staplehurst as rural service centres with successful village centres, as the focus of the network of rural settlements, with retained services and regenerated employment sites.*
- f) To support new housing in the borough's smaller villages that meets local need and is of a design, scale, character, tenure and location appropriate to the settlement, and supports the retention of services and facilities.*
- g) To safeguard and maintain the unique character of the district's landscapes, including the Kent Downs Area of Outstanding Natural Beauty and distinctive local landscapes, whilst facilitating the economic and social well-being of these areas including the diversification of the rural economy.*
- h) To respect and enhance the character, extent and biodiversity of green spaces and the aquatic environment within and around built areas, together with the linkages between the spaces.*
- i) To ensure that new development takes account of the need to mitigate and adapt to climate change and improve air quality by locating development to minimise energy use; to promote travel patterns that reduce the need to travel by car; to develop a greater choice of sustainable transport measures, particularly in the urban area; to support water and energy efficiency measures in existing development; and to encourage renewable energy sources and sustainable drainage solutions in new development.*
- j) To ensure that any new development is designed to a high quality and makes a positive contribution to the distinctive character of the area in which it is situated, including the protection of the built and natural heritage and its biodiversity.*
- k) To provide for the type of future housing that meets the changing needs of the borough's population, including provision for an ageing population and family housing, affordable housing at x%, and accommodation that meets the local needs of the gypsy and traveller community.*
- l) To ensure that key infrastructure and service improvements needed to support delivery of Core Strategy objectives and policies are brought forward in a co-ordinated and timely manner, and that new development makes an appropriate contribution towards any improvements required as a result of such new development.*

# Agenda Item 10

## **MAIDSTONE BOROUGH COUNCIL**

### **JOINT MEETING OF THE LOCAL DEVELOPMENT DOCUMENT ADVISORY GROUP AND THE LEISURE AND PROSPERITY OVERVIEW AND SCRUTINY COMMITTEE**

**21 FEBRUARY 2011**

#### **REPORT OF DIRECTOR OF CHANGE, PLANNING AND ENVIRONMENT**

**Report prepared by Tony Fullwood & Louise Taylor**

#### **1. INFRASTRUCTURE DELIVERY PLAN**

##### 1.1 Issue for Decision

1.1.1 None

##### 1.2 Recommendation of the Director of Change, Planning and the Environment

To consider the progress made on the Infrastructure Delivery Plan.

##### 1.3 Reasons for Recommendation

###### Introduction

- 1.3.1 There is a need to ensure infrastructure supports growth and for this reason an infrastructure delivery plan (IDP) will accompany the Core Strategy.
- 1.3.2 Infrastructure includes physical infrastructure (such as transport projects, Maidstone town centre public realm improvements and sports centres); social infrastructure (such as schools, libraries; youth facilities and adult social services) and green infrastructure (such as play spaces, parks and sports pitches).
- 1.3.3 In preparing the Infrastructure Delivery Plan it is important to be able to identify the infrastructure requirements which result from the level and distribution of development proposed in the Core Strategy – and their cost implications. In order to establish whether such infrastructure is likely to be deliverable, it is also necessary to examine potential sources of funding. The Infrastructure Delivery Plan is

consequently an important source of evidence in terms of meeting the Local Development Framework test of soundness related to delivery.

- 1.3.4 This report updates Members on the current outline cost estimates for infrastructure to support the Core Strategy and the potential sources of funding. The report also sets out the next steps in developing the Infrastructure Delivery Plan. This will include Member involvement in the opportunity for consultation about local infrastructure priorities and in prioritising the key infrastructure requirements to serve the Core Strategy. Members will therefore be involved at 'grass root' neighbourhood consultations; strategic decision making regarding prioritising local infrastructure and discussions with key partners such as Kent County Council.

#### The Cost of Infrastructure

- 1.3.5 The Government expects local authorities to undertake timely, effective and conclusive discussion with key infrastructure providers when preparing a Core Strategy.
- 1.3.6 During the development of the preferred Core Strategy housing and employment targets and distribution, the Borough Council has been liaising closely with key infrastructure providers to determine their specialist perspective on the consequent infrastructure demands. This has included Kent County Council (Education; Transport; Libraries, Adult Education and Youth and Adult Social Services); Borough Council Services (Parks and Leisure and Economic Development); Kent Police; Mid Kent College; University of Creative Arts; Primary Care Trust; emergency services (Fire, Police and Ambulance) and Utility companies.
- 1.3.7 Infrastructure providers currently estimate that the infrastructure required to support the Core Strategy proposed level and distribution of development at Maidstone urban area would cost approximately £150m. For all of the Rural Service Centres the total cost is estimated to be approximately £4m. The broad costs for each category of infrastructure are contained in the Appendix to this report. Further refinement and potential prioritisation of these projects will take place as the Core Strategy and the Infrastructure Delivery Plan evolve.

#### Potential Funding Sources

- 1.3.8 The funding of infrastructure will be made up of a number of components:
- Existing resources already available (Section 106 contributions);
  - The New Homes Bonus;

- Mainstream public funding; and
- The Community Infrastructure Levy.

Each of these items is addressed in the following sections.

Existing resources potentially available (Section 106 contributions)

- 1.3.9 Information has been collated on the existing resources potentially available through Section 106 contributions. Some contributions are linked to specific projects but others are less specific. The research indicates that some £7m would be available from schemes with planning permission. Almost all of this resource is attributable to the Maidstone urban area. If all these planned schemes are implemented, this funding would be available for infrastructure projects.

New Homes Bonus

- 1.3.10 The Government consultation on the New Homes Bonus was completed on 24 December and no outcomes have been published from this exercise.
- 1.3.11 The consultation document states that the first year of the New Homes Bonus would be paid for all dwellings completed (recorded on the Council Tax Base) in the period Oct 2009-2010, and would be paid in financial year 2011/12. In other words it is intended to count what was completed last year. The same process continues in subsequent years.
- 1.3.12 The Government proposes to link the level of grant for each additional dwelling to the national average of the council tax band for the following six years. There would also be an enhancement for each additional affordable home. However, the Government also proposes that as the bonus gets close to a ceiling figure (the details of which are not known) it may be top sliced from the money Local Planning Authorities receive from Central Government. In addition local authorities will have freedom to decide how to spend this resource.
- 1.3.13 For the purposes of the Infrastructure Delivery Plan, no account has been taken of the proposal to split the Bonus 80% to the districts and 20% to the County Council as it is felt that this is irrelevant in calculating the total sum of money available for infrastructure.
- 1.3.14 Local authorities will have the freedom to spend New Homes Bonus revenues according to local wishes - for example, improving play areas, transport improvements, town centre regeneration etc. However, the Government expects local councillors to work closely with their communities - and in particular the neighbourhoods most

affected by growth - to understand their priorities for investment and to communicate how the money will be spent and the benefits it will bring. Consequently, there is likely to be pressure to spend income from this source in the settlements accommodating growth.

- 1.3.15 As the New Homes Bonus proposals are still in draft form, it is not advisable to project the potential income for infrastructure from this source at this stage. Estimates will need to be made with the Council's finance team as the Government proposals are clarified.

#### Mainstream public funding

- 1.3.16 Existing plans, strategies and expenditure commitments of the key partners have been regularly reviewed – especially given the current financial climate, reprioritised and are uncertain, particularly to 2026. Budgets are normally only set for a period of 3 – 5 years, and may be subject to change on an annual basis.
- 1.3.17 The Government recognises that the budgeting processes of different agencies may mean that less information may be available when the Core Strategy and Infrastructure Delivery Plan are being prepared than would be ideal. There is a need to meet with providers to ensure that the most up to date assumptions of mainstream government capital funding for local infrastructure projects are used. For example, Kent County Council assume that the Local Transport Plan should deliver new transport projects in the Borough to the value of £200,000 per annum, generating a mainstream transport funding of £3m for the remainder of the plan period. Similar up to date assumptions are required from other partners in infrastructure delivery.

#### Community Infrastructure Levy

- 1.3.18 The Community Infrastructure Levy (CIL) came into force in April 2010 and it has been confirmed as continuing by the coalition Government. It allows local authorities to raise funds from developers undertaking new building projects in their area.
- 1.3.19 Under the system of planning obligations only six per cent of all planning permissions brought any contribution to the cost of supporting infrastructure, when even small developments can create a need for new services. The levy would ensure that all but the smallest building projects make a contribution towards additional infrastructure that is needed as a result of their development.
- 1.3.20 The levy is intended to fill the funding gaps that remain once existing sources (to the extent that they are known) have been taken into account.

- 1.3.21 The money can be used to fund a wide range of infrastructure that is needed as a result of development.
- 1.3.22 However, the levy will be reformed by the coalition Government to ensure neighbourhoods share the advantages of development by receiving a proportion of the funds councils raise from developers. Local charging authorities will be required to allocate a meaningful proportion of the levy revenues raised in a neighbourhood to be spent in the neighbourhood. These are intended to be passed directly to the local neighbourhood so community groups can spend the money locally on the facilities they want, either by contributing to larger projects funded by the council, or funding smaller local projects like park improvements, playgrounds and cycle paths. Local authorities will need to work closely with neighbourhoods to decide what infrastructure they require, and balance neighbourhood funding with wider infrastructure funding that supports growth. They will retain the ability to use the levy income to address the cumulative impact on infrastructure that may occur further away from the development.
- 1.3.23 Charging authorities wishing to charge the levy must produce a **charging schedule** setting out the levy's rates in their area. Charging schedules will be a new type of document within the folder of documents making up the local authority's Local Development Framework, sitting alongside the Local Development Plan. Charging schedules will not be part of the statutory development plan. It is intended to produce a Charging Schedule to accompany the Publication stage of the Core Strategy.
- 1.3.24 Government guidance on CIL charging procedures explains that charging authorities must express CIL rates in terms of cost per m<sup>2</sup> because CIL will be levied on the gross internal floorspace of the net additional liable development. The definition of liable development is not confined to residential development and can be applied to other forms of development such commercial buildings. If the economic viability of development is marginal, zero or negative then the Council can choose not to charge CIL. The Council can also elect not to charge CIL on development by charities and for charitable purposes. The Council will need to consider these factors as it prepares its charging schedule.
- 1.3.25 Charging authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area. They will need to draw on the infrastructure planning that underpins the development strategy for their area. Charging authorities will use that evidence to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy upon the economic viability of



development across their area. In practice, charging authorities may need to sample a limited number of sites in their areas.

- 1.3.26 Case Studies for the Appraisal of Development Contributions for Maidstone Borough Council (June 2006) shows how additional s106 contributions, over and above a 40% affordable housing requirement, impact on a range of site sizes and types on the basis of £5,000 increments up to £15,000 per dwelling. In the majority of cases, even if 40% affordable housing and a total infrastructure cost of £15,000 per dwelling is assumed, the redevelopment value of sites far exceeds the current use value and development would be likely to come forward.
- 1.3.27 In preparing the charging schedule it will be necessary to test the viability of different levels of CIL on different site sizes and on brownfield and greenfield developments. Nevertheless as a working assumption, if the Community Infrastructure Levy was set at £15,000, a total of some £30m would be raised at Maidstone urban area based on the number of dwellings still to be permitted. It should be born in mind that the more development that is permitted prior to the local CIL being adopted, the less funds will be available for local infrastructure.
- 1.3.28 It is more likely that infrastructure directly associated with development in the Rural Service Centres will be funded by Section 106 Agreements.
- 1.3.29 From April 2014 or the adoption of a CIL charging schedule, whichever is earlier, there will be some restrictions on the use of s106 obligations to provide pooled funding for infrastructure.

#### Phasing

- 1.3.30 Whichever the source of funding, there will always be a need to collect sufficient resources prior to expenditure taking place. This will result in expenditure being phased over the plan period. This is particularly the case in relation to the New Homes Bonus which takes 6 years from the completion of a house until full funding is received by the local authorities. There would be less of a delay with the CIL and 106 Agreements. This is likely to mean a time lag between development taking place and provision of the supporting infrastructure.

#### Next Steps

- 1.3.31 Local planning authorities should provide sufficient detail on the infrastructure requirements of the Core Strategy and identify the agencies responsible to deliver specific projects.

- 1.3.32 The Borough Council will prepare an outline Infrastructure Delivery Plan to accompany the Draft Core Strategy based on the responses supplied by the infrastructure providers.
- 1.3.33 Targeted consultation will take place through Parish and Town meetings to identify local infrastructure priorities as part of the consultation stage of the Draft Core Strategy. Members will also have the opportunity to participate in these meetings.
- 1.3.34 Further viability tests will be undertaken by specialists to take into account up to date land values and development costs for different sizes and types of site prior to the Publication Core Strategy.
- 1.3.35 Potential funding sources will be updated following post consultation amendments to the New Homes Bonus scheme; the clarification of the Community Infrastructure Levy and further dialogue with providers to ensure that the most up to date assumptions of mainstream government capital funding for local infrastructure projects are being used.
- 1.3.36 Taking into account local priorities and the resources likely to be available, local infrastructure projects to support the Core Strategy will need to be prioritised. This will involve an all-Member Workshop following the consultation period. This would be followed by discussions with the Core Strategy Members Working Group.
- 1.3.37 More sophisticated modelling will be undertaken of infrastructure delivery based on all of the updated information, and the Infrastructure Delivery Plan will be prepared to accompany the Core Strategy Publication document. It is also intended to produce a Charging Schedule at this stage as the basis for the local Community Infrastructure Levy.

### Conclusions

- 1.3.38 The legislative and financial background for Infrastructure Delivery Planning is evolving rapidly. However, the conclusion from dialogue to date with infrastructure providers indicates that using current assumptions the total cost to deliver the key infrastructure projects to support the Core Strategy is likely to be achievable.
- 1.3.39 In Maidstone urban area and the Rural Service Centres, a combination of current 106 Agreements; mainstream funding; Community Infrastructure Levy and the New Homes Bonus should raise significant contributions towards infrastructure provision subject to the risks identified with each source of funding. This would contribute towards the total estimated unprioritised infrastructure

project costs of some £150m in Maidstone urban area and some £4m in the Rural Service Centres. Once local priorities are set it is likely that only the key infrastructure projects necessary to support the Core Strategy would be delivered through the funding sources identified.

#### 1.4 Alternative Action and why not Recommended

1.4.1 Following the acceptance of 10,080 dwellings and the preferred distribution of development, there is a need to demonstrate that key infrastructure can be delivered to support growth (a test of soundness for the document). Consequently, there is no reasonable alternative course of action other than to prepare an Infrastructure Delivery Plan.

#### 1.5 Impact on Corporate Objectives

1.5.1 The Infrastructure Delivery Plan will have a positive impact in making Maidstone a decent place to live and do business by delivering the necessary infrastructure to support change and growth.

1.5.2 By leveraging additional funding, the Infrastructure Delivery Plan should assist 'Corporate and Customer Excellence' with outcomes focusing on reducing deprivation and disadvantage and have value for money services that residents are satisfied with.

#### 1.6 Risk Management

1.6.1 The report is for noting. However, the risks of not producing a credible and robust IDP are that the Core Strategy could be found unsound, and that there is inadequate infrastructure to support the development of the Borough.

1.6.2 Currently there is significant uncertainty over the future funding mechanisms, particularly the new homes bonus and what Government funding will be made available in the medium term. In particular whether the new homes bonus funding will be subsumed in the base budget calculations after year one and therefore will diminish very quickly as the Council's Revenue Support Grant is reduced. Therefore the capital contribution will be significantly less than that quoted in the report. The Council has asked the government and the Local Government Association to clarify the position but as yet has not received a response.

## 1.7 Other Implications

### 1.7.1

1.	Financial	X
2.	Staffing	
3.	Legal	
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	X
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.7.2 Financial: There is significant uncertainty over future funding mechanisms that will be required to finance necessary infrastructure for new development, particularly relating to the New Homes Bonus. Based on the initial Government consultation document the maximum level of new home bonus funding that would be made available for Maidstone (provided the figure of 10,080 houses was delivered during the plan period could be in the region of £60m.

1.7.3 So far the Government has allocated £200m to cover the houses built in 2009/10. There were 128,680 homes built in England during the year so the average figure is £1,554 per property.

1.7.4 A figure of £250m per annum has been allocated for each of the other years set out in the Medium Term Financial Strategy. However, if funding was going to be made available as originally set out in the consultation document the overall figure should increase to £400m for year 2 to reflect funding for new houses built as well as those built in year 1 and providing house building remained constant would reach a steady state of around £1.2bn by year six.

1.7.5 The government has suggested that reward post year one would be paid through the formula grant (which is generally being reduced over the next four years) so unless this money is ring fenced (which is unlikely) the borough is unlikely to receive all the 'theoretical' new

homes bonus. Especially given the borough is viewed as being relatively prosperous compared to other authorities in England and designated a 'floor authority'

- 1.7.6 The Council has to take a pragmatic approach based on the government funding that has been indicated. Given the national funding of £200m for year 1 and £250m for subsequent years it has been assumed at this stage that the £800,000 provided in year one will increase by 25% to £1,000,000 per annum for the remainder of the plan period. This would provide an overall new homes bonus of around £15m. It may well be more than this but is unlikely to be up towards the theoretical figure of £60m.
- 1.7.7 As highlighted in the report the Council has written to both the Government and the Local Government Association to try and clarify the position but as yet has not received a response.
- 1.7.8 Therefore the three elements (aside from funding that partners may provide) of Section 106 contributions, the New Homes Bonus and the Community Infrastructure Levy would at present provide an overall pot of £52m. As a result the initial list of items in Appendix A will need to be revised significantly during the consultation period.
- 1.7.9 The clarity over the funding is highlighted throughout the report and officers will keep a watching brief on the matter and inform Members of any changes.
- 1.7.10 Environmental/Sustainable Development: In the development of its strategy for the distribution of development, together with the formulation of Core Strategy policies to achieve sustainable development and good design, the Council is seeking to minimise the impact of new development on the borough's high quality built and natural environment.

## 1.8 Relevant Documents

Case Studies for the Appraisal of Development Contributions for Maidstone Borough Council (June 2006)

1.8.1 Appendices: Indicative Infrastructure Costs

1.8.2 Background: None

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because: .....

.....

Wards/Parishes affected: .....

.....

## Indicative Infrastructure Costs

Infrastructure type	Total Cost for Maidstone Urban Area	Total Cost for Rural Service Centres
Transport	39,000,000	100,000
Primary Education	13,000,000	2,000,000
Secondary Education	0	
Library	500,000	
Adult Education	200,000	
Youth Facilities	1,000,000	600,000
Further and Higher Education	76,000,000	
Indoor Sport	4,000,000	
Kent Adult Social Services	800,000	
Kent Police	4,000,000	
Town Centre Public Realm Improvements	10,000,000	
Green Infrastructure	3,000,000	1,500,000
Primary Care Trust	Not available	Not available
<b>Total</b>	<b>£151,500,000</b>	<b>£4,200,000</b>

# Agenda Item 11

## **MAIDSTONE BOROUGH COUNCIL**

### **LOCAL DEVELOPMENT DOCUMENT ADVISORY GROUP** **AND** **LEISURE AND PROSPERITY OVERVIEW AND SCRUTINY** **COMMITTEE**

**21 FEBRUARY 2011**

### **REPORT OF THE DIRECTOR OF CHANGE, PLANNING AND** **ENVIRONMENT**

**Report prepared by Darren Bridgett**

#### **1. CORE STRATEGY CONSULTATION SPRING 2011**

##### 1.1 Issue for decision

1.1.1 To consider the Council's approach to consultation on the Core Strategy document and in particular any changes to the proposed methodology or additional approaches or revisions for Cabinet to consider.

##### 1.2 Recommendation of the Director of Change, Planning and Environment

1.2.1 That the Local Development Document Advisory Group and the Leisure and Prosperity Overview and Scrutiny Committee note the outline consultation programme and consultation methods presented within this report and make any recommendations to the Cabinet for consideration in the final consultation document.

##### 1.2.2 Reasons for recommendation

1.2.3 In arriving at the following list of recommendations existing best practice at a national level has been assessed and combined with approaches that have worked well in Maidstone in the past.

1.2.4 The aim has been to create a bundle of consultation approaches that provide a range of mediums and also caters for groups, individuals and organisations to feed their comments into the process.

##### 1.2.5 Background and introduction

1.2.6 It is vital that a comprehensive consultation programme is put in place with opportunities for a range of residents, businesses and any other interested parties to provide their thoughts and questions on the draft Core Strategy.



- 1.2.7 It is proposed that two sets of consultation will take place during 2011/12. This paper focuses on the first of these which will commence once a final decision is taken by Cabinet on the draft Core Strategy.
- 1.2.8 What will the Council be consulting on at this stage
- 1.2.9 The 2011 Core Strategy consultation will be the first Core Strategy consultation since the Preferred Options were presented at the beginning of 2007. Since the 2007 consultation there have been amendments and proposed amendments to the planning system and these are summarised below:
- The 2008 Planning Act;
  - The 2010 Open Source Planning Green Paper;
  - The 2010 Local Growth White Paper; and
  - The 2010 Localism Bill.
- 1.2.10 Most importantly, the proposed amendments in 2010 reflect some significant changes to the planning system. The Localism Bill intends to abolish the entire regional strategy including its housing targets. The intention to remove the regional strategy is representative of the stated wider policy shift of decentralising power to the local level. Neighbourhood Development Plans (NDP) and Neighbourhood Development Orders (NDO) are also proposed as part of this policy shift.
- 1.2.11 Since 2007, the approach to the Core Strategy has itself changed substantially, in part as a response to the wider proposed changes in the planning system. Relative to the 2007 Preferred Options, the 2011 Core Strategy proposal will have:
- A Preferred Option housing target of 10,080, which was the council's original submission in 2007 but was then subsequently amended to 11,080 by the South East Plan;
  - A dispersed pattern of development that provides capacity across the borough and builds on existing infrastructure;
  - No plans for the South East Maidstone Strategic Link road (SEMSL) within this plan period;
  - A distribution of a significant proportion of housing to the rural service centres (RSC);
  - Promoting growth at the west of Maidstone urban area as part of the strategy; and
  - Been subject to a substantial decrease in the likely infrastructure and general Central Government funding, as well as wider adverse economic conditions.
- 1.2.12 The wide backdrop of significant change that the Core Strategy will have been prepared against means that this stage of consultation will be informal under the Public Participation stage, indeed regulations say that it is for the Council to determine the format of this consultation. The reasoning is that the set process cannot be unduly hurried when many of the policy changes will not have been formally consulted on previously.

- 1.2.13 Although more informal, for the reasons stated, the consultation will need to exceed the standards set out at later, more formal stages i.e. Publication and Submission.
- 1.2.14 The changes to the previous approach and the lack of prescription has made the process complex and the Borough Council will need to be clear about its justification for the new approach and ensure this is backed up by robust evidence.
- 1.2.15 The consultation will give every resident, business and interested party in the borough a clear opportunity to share their opinions on the draft strategy that has been agreed for consultation and to contribute to its ongoing development.
- 1.2.16 In addition there will be an opportunity to review the evidence base and to provide additional evidence for the Council to consider.
- 1.2.17 The consultation will follow the Council's and recognised good practice and allow six weeks for responses to be made. Although not prescribed for this stage, planning regulations require a minimum of six weeks' consultation for the formal stages of producing development plan documents (DPD).
- 1.2.18 Within the Council's adopted Statement of Community Involvement four primary types of consultation are identified. The Core Strategy consultation itself will feature elements of all of these. The Localism Bill itself is promoting more 'involve' and more 'empower'.

Level	What does it mean?	How are you informed?
Inform	Provide information so that public can understand issues	Keep you informed
Consult	Obtain public feedback on information provided	Keep you informed, listen to views and provide feedback on how this has influenced decision
Involve	Work with public throughout process to ensure that all views are considered	Work with you to ensure views are reflected in the alternatives developed
Empower	Partner with public in decision making and allow final decision to be made by them	We will incorporate your views into the decision making to the maximum extent and implement what you decide

- 1.2.19 Additionally, the National Planning Forum identifies ten principles for all planning consultations:
- A core activity and second nature (planning consultations that involve all of the community should be considered a natural phenomenon – everyone should automatically consider that they have the right to take part);

- An explicit process;
- Common ground;
- Start early and be clear what is on offer;
- Openness, honesty and trust;
- Inclusiveness;
- Build a shared responsibility for success;
- Identify the favoured options;
- Commitment to abide by outcomes; and
- Acknowledge and reward effort.

### 1.3 The approach to the consultation

1.3.1 Maidstone Borough Council's previous Core Strategy consultation process included a range of approaches and it is therefore suggested that the following are included:

1.3.2 **Informal Café Conversations** – these would take place around the borough in village halls, libraries, supermarkets and sports halls, and would be an open forum for residents and stakeholders to discuss and express their views on the document and the approach. Where possible, independent facilitators would be used to balance the discussions as equal forums between the Council and the consultees.

1.3.3 **Hard to reach groups** – for those that the Council considers 'hard to reach' e.g. people in areas of multiple deprivation or minority groups, the Council has experience of using existing contacts through its various community development activities. The Borough Council will also look to use its own database of contacts and the Mosaic database where possible to assist with trying to reach a variety of individuals and therefore the harder to reach groups.

1.3.4 **Partnerships and groups** – the Local Strategic Partnership (LSP) provides the basis of many of the Council's contacts and it is proposed that a specific event is organised for stakeholders to attend.

1.3.5 **Parish councils** – these provide a valuable link to the community in rural areas. In 2007 the parishes were invited to their own event at the Corn Exchange in Maidstone. Feedback has suggested that some of the parish councils did not consider this as robust a method of consultation as it could have been but clearly visiting every parish council is not going to be practical. Following the approval of the Core Strategy document (expected in early April 2011), members of the Spatial Policy team will attend parish council meetings (full, or planning specific, depending on the councils themselves) in areas that are most affected by the policy proposals. Presently, this could include but not limit to, the following parishes:

- Downswood;
- Harrietsham;
- Headcorn;
- Lenham;
- Langlely;
- Marden;

- Otham; and
- Staplehurst.

The Council will endeavour to hold these meetings as early in the process as possible, perhaps before the process begins; however, in parishes where the local ward member is standing for election on 5 May 2011 no meetings will be able to be held because of election rules.

- 1.3.6 **Non-parished areas** – particularly in the more urban areas, where parishes are not necessarily present, the Council will also look to take advantage of contacts with other organisations, notably resident associations and neighbourhood forums. Meetings with these organisations will take place as early as possible in the consultation period, dependent on logistical constraints. Areas where these consultations will need to take place include, but are not restricted to:
- North west Maidstone;
  - North east Maidstone; and
  - South east Maidstone.
- 1.3.7 **Dialogue** – Borough Council members will need to be involved in dialogue with their constituents concerning the content of the Core Strategy and what it could mean for their areas. The Localism Bill means that those neighbourhoods and communities that will accept development through the Core Strategy process could benefit from it with new and necessary forms of infrastructure provision. Communities, with the help of their ward members, will need to consider how development could be accommodated and how any financial incentives resulting from new development should be prioritised for the benefit of the whole area.
- 1.3.8 **Individuals** – questionnaires can prove effective for gaining opinions and views and also support some of the dialogues that have been outlined above. In the past the Council has used short and long questionnaires – the long questionnaire being document specific and the short questionnaire providing more of a snapshot of general opinions. While there was validity in using the short questionnaire, quite frequently comments were off topic, or just not in depth enough to be able to analyse in a coherent manner. It is therefore recommended that just the focused questionnaire will be used as part of the consultation.
- 1.3.9 **On line channels** – since 2006, Maidstone Borough Council has been using the collaboration and consultation software package Limehouse (now known as Objective) to publish its planning documents and to consult on them. Objective has become more popular in use over time, especially as it has been adopted by a wider range of local authorities (Maidstone was an early adopter).
- 1.3.10 All of the documents will be available on the website and there will be an opportunity to respond through the website with all representations available for the public to see.

- 1.3.11 In addition the Council will be providing a frequently asked questions (FAQs) section which will cover some of the more popular questions or observations that have been made along with brief responses as appropriate.
- 1.3.12 Other online opportunities such as Facebook, Twitter and the Council's YouTube channel will be explored to promote the consultation. The Council is currently looking at the possibility of adding tags at the end of all of its emails before and during the consultation so that every Maidstone email automatically provides details of what is happening.
- 1.3.13 **More traditional channels** – some consultees will choose to write to the Council or print off the questionnaires because it is easier for them, indeed it is important to remember that not all consultees have access to computers either. Those without access to computers will still be able to find hard copies of the document at all borough libraries and at the Maidstone Gateway on King Street, along with the paper questionnaires to take away.
- 1.3.14 In the past the Council has produced a video to summarise the issues for members of the public. The video was played at road shows throughout the borough for the entire period of the consultation. DVDs were also given to interested parties and a short version of the video was shown on the Council's website. The video achieved its goal, but it was a very cost intensive exercise which it is suggested is not repeated on the same scale due to budget constraints. However, the council does have internal expertise, which will be used to produce a YouTube video which will provide an overview of the proposals and the key issues at no expense.
- 1.3.15 Other options such as newspaper and radio advertising will also be used/explored.
- 1.3.16 Any correspondence that is posted should be addressed to:  
Ms S Whiteside  
Team Leader  
Spatial Policy Team  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ
- 1.3.17 When will the consultation take place?
- 1.3.18 The first phase of the 2011 consultation is scheduled for April, May and June 2011 and is being prepared with help from the Council's Communications team, who are also developing a communications plan. However, the consultation will only commence once the Cabinet has agreed a draft Core Strategy for consultation.
- 1.3.19 As highlighted above there is now a significant difference in the approach in 2007 and the plan making environment in 2011. This

document has not sought to explain the differences but instead built on successful approaches that have worked in the past and combined this with making the most of the latest technology. It will be essential that both local concerns and support are taken on board in preparing the final Core Strategy.

- 1.3.20 The likely costs of the various elements of the consultation are currently being explored with the Communications team. The Council is considering cost effective solutions that offer real value for money in reaching members of the public and necessary stakeholders. The most expensive elements of the consultation will be:
- Local newspaper advertisements;
  - Posters and leaflets; and
  - Copies of the Core Strategy document.
- 1.3.21 Prominent advertisements will be included in local newspapers, advertising the dates, times and places of the consultation events. This represents an efficiency as it is already standard practice to use newspaper notifications for planning information.
- 1.3.22 All printing jobs will be sent via the print management system for the most cost effective solution.
- 1.3.23 Early estimates suggest that the Core Strategy consultation will cost in the region of £5,500 to £6,000 plus officer time.

#### 1.4 Alternative action and why not recommended

- 1.4.1 The extent of change in national guidance that has occurred since the 2007 Preferred Options consultation means that the Council needs to pursue a wide and rigorous consultation before progressing to any later more formal regulations-led consultation stages.
- 1.4.2 Although the format and extent of the spring 2011 consultation will not be as formally structured by planning regulations, failure to consult widely would raise questions of legitimacy over the Council's strategy.
- 1.4.3 Employing a widespread stage of public consultation would enable the Council to adjust its strategy should significant issues arise. If the Council proceeded straight to the later stages of consultation (Publication) there is a possibility that the Core Strategy process could be delayed. The period between Publication and Submission cannot be used to amend the Core Strategy significantly, so any major changes would necessitate a repeat of the Publication stage. With the proposed consultation approach, major changes can be incorporated if necessary, prior to Publication.

#### 1.5 Impact on corporate objectives

- 1.5.1 The corporate objectives are currently being amended through the Draft Strategic Plan 2011-2015. The Core Strategy consultation contributes to each of the three objectives proposed in the draft document and this

was set out in further detail in the report that came to Cabinet on 9 February 2011, this is summarised below:

- 1.5.2 **For Maidstone to have a growing economy:** Residents, businesses and stakeholders will have an opportunity to comment on how best to achieve a growing economy in the borough. The Core Strategy will also address the transport issues important to Maidstone, giving an opportunity to comment on the effectiveness of the proposed policies.
- 1.5.3 **For Maidstone to be a decent place to live:** Residents, businesses and stakeholders in the borough will have the best opportunity to comment on the policies that will shape how it will grow over the period until 2026.
- 1.5.4 **Corporate and customer excellence:** Part of this priority deals with delivering cost effective services to the right people in the right places at the right time. The Core Strategy consultation will focus on reaching the necessary residents, businesses and stakeholders and will ensure that nobody is disadvantaged because of where they live or who they are.
- 1.6 Risk management
  - 1.6.1 **Not proceeding to Publication stage** – as referred to at 1.4.3, employing this stage of public consultation would enable the Council to adjust its strategy should significant issues arise. Proceeding straight to the later stages of consultation (Publication) gives rise to the possibility that the Core Strategy process could be delayed. The period between Publication and Submission cannot be used to amend the Core Strategy significantly, so any major changes would require a repeat of the Publication stage. With the proposed consultation approach outlined in this report, major changes can be incorporated if necessary, prior to Publication.
  - 1.6.2 **Localism Bill and abolishing the South East Plan** – undertaking public participation in advance of the enactment of the Localism Bill and the abolition of regional strategies carries some risk. If this part of the Localism Bill falls then the Council would need to revisit its strategy and re-consult on a new option for a target of 11,080 dwellings (as currently required in the South East Plan). Additionally, undertaking consultation prior to the abolition of the South East Plan targets could result in objections to the Core Strategy housing target on the grounds of non-conformity with the regional strategy. This carries the risk of judicial review.

- 1.6.3 The government tried to revoke regional strategies in July 2010, but a successful High Court challenge by housing developer CALA Homes re-established the South East Plan. A second challenge by CALA Homes, to the government's position that the intention to revoke regional strategies was a material consideration to be taken into account when making planning decisions, was lost. Therefore the intended abolition of the regional strategy can be considered as material by Maidstone Borough Council when making decisions. However, pending the abolition of regional strategies the South East Plan remains part of the development plan. The weight given to any material consideration depends on individual circumstances and it is for the decision maker to decide the appropriate weight. (CALA Homes has indicated that it will take its case to the Court of Appeal).
- 1.6.4 At this stage of the Core Strategy process, the risk of judicial review is relatively low because; (a) public participation is at an early stage of engagement with the public, businesses and stakeholders and; (b) the government's intention to revoke regional strategies is a material consideration. When the Council undertakes Publication stage consultation on the Core Strategy there will be a higher risk, because this will be a much stronger reflection of the strategy that it proposes to submit to the Secretary of State for examination; and until the regional strategy is abolished the Core Strategy should still be in general conformity with it. The timing of Submission of the Core Strategy will depend in part on the progress of the Localism Bill.
- 1.6.5 Considering these matters, it will still be recommended that the Council proceeds with the Core Strategy programme and engages with the public to develop the plan. As part of the consultation the Council will consider and appraise any proposals made before moving towards Publication.
- 1.6.6 **Agreeing a strategy** – failure to agree a strategy for the Core Strategy document at the 13 April Cabinet meeting will mean that the consultation process is delayed.
- 1.6.7 **Election rules** – the Council needs to ensure in the lead up to and in the first week of the consultation (before 6 May 2011), that election rules are adhered to. This means specifically that members standing for re-election can not be involved in the consultation until after 5 May 2011 and that all Council communications must remain impartial.



1.7 Other implications

1.7.1

1. Financial	X
2. Staffing	X
3. Legal	
4. Equality impact needs assessment	X
5. Environmental/sustainable development	X
6. Community safety	
7. Human Rights Act	
8. Procurement	
9. Asset management	

1.7.2 Financial: The Local Development Framework budget can fund the Core Strategy consultation, including exhibitions, promotional materials and copies of the document.

1.7.3 Staffing: Over the six week period, the Spatial Policy Team will dedicate the majority of its time to the consultation, and other officers in the Council will contribute where appropriate/relevant.

1.7.4 Equality impact: The Core Strategy consultation process will engage with all the people in society regardless of class (perceived by themselves), gender, age, ethnicity, disability or sexuality.

1.7.5 Environment/sustainable development: One of the main remits of all national planning policy is to promote sustainable development. The Core Strategy will seek to deliver development in an environmentally acceptable and sustainable manner. This consultation will enable members of the public to comment as to the degree which they consider it does this.

1.8 Relevant documents

None.

Background documents

Statement of Community Involvement, Maidstone Borough Council, 2006

Community involvement in town and country planning, National Planning Forum, 2005

**NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED**

Is this a Key Decision?      Yes            No     

If yes, when did it appear in the Forward Plan?

Is this an Urgent Key Decision?      Yes           

Reason for Urgency

n/a