

AGENDA

SPATIAL PLANNING STRATEGY ADVISORY GROUP MEETING



Date: Tuesday 16 April 2013
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Burton, Mrs Gooch, Harwood, Lusty
(Chairman), Moss and Mrs Wilson

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information

Continued Over/:

Issued on 8 April 2013

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

7.	Minutes of the meeting held on 5 March 2013	1 - 11
8.	Report of the Director of Change, Planning and the Environment - Statement of Community Involvement 2013 - Adoption	12 - 51

MAIDSTONE BOROUGH COUNCIL

SPATIAL PLANNING STRATEGY ADVISORY GROUP

MINUTES OF THE MEETING HELD ON 5 MARCH 2013

Present: Councillor Lusty (Chairman) and
Councillors Burton, Mrs Gooch, Harwood, Moss and
Mrs Wilson

Also Present: Councillors Newton, Paine and Paterson

35. APOLOGIES FOR ABSENCE

There were no apologies for absence.

36. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

37. URGENT ITEMS

The Chairman stated that, in his opinion, the update report of the Head of Planning should be taken as an urgent item as it contained proposed changes to the amended Maidstone Borough Local Plan policies set out in Appendix B to the report of the Director of Change, Planning and the Environment relating to the Maidstone Borough Local Plan 2011-2031.

38. NOTIFICATION OF VISITING MEMBERS

Councillor Paine indicated his possible wish to speak on all items on the agenda.

Councillor Paterson indicated her wish to speak on the report of the Director of Change, Planning and the Environment relating to the Maidstone Borough Local Plan 2011-2031.

Councillor Newton was in attendance.

39. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

40. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied.

41. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

42. MINUTES OF THE MEETING HELD ON 22 JANUARY 2013

RESOLVED: That the Minutes of the meeting held on 22 January 2013 be approved as a correct record and signed subject to the addition of the following paragraph to Minute 33 relating to the Landscape Character Assessment 2012 to emphasise Members' concerns about the document:-

Members were concerned that despite understanding how the Landscape Character Assessment was meant to be used, there was room for misinterpretation by other people. The National Planning Policy Framework, for example, puts great emphasis on landscape scale policies, whereas the Landscape Character Assessment deals on a site by site basis, which negates that aspect of landscape planning.

43. LOCAL DEVELOPMENT SCHEME 2013-2015

The Group considered the report of the Director of Change, Planning and the Environment concerning the revision of the Local Development Scheme 2013-2015 to take account of the Cabinet's decision to delay the Core Strategy programme to enable the Officers to undertake further work on the evidence base. It was noted that the revision afforded the opportunity to merge the Core Strategy and Development Delivery documents into one document, bringing forward the adoption date of Development Delivery without causing further delay to the Core Strategy timetable.

The Group supported the recommendations set out in the report, accepting that there were no advantages to continuing with the production of two local plans for the Core Strategy and Development Delivery rather than a single Maidstone Borough Local Plan, and that the retention of the current plan period to 2026 would most likely lead to the need for an early review of the Maidstone Borough Local Plan following examination.

RESOLVED to RECOMMEND to the CABINET:

1. That the amalgamation of the Core Strategy Local Plan and the Development Delivery Local Plan, to be called the Maidstone Borough Local Plan, be approved.
2. That the plan period for the Maidstone Borough Local Plan 2011 to 2031 be approved.
3. That the Local Development Scheme 2013-2015, attached at Appendix A to the report of the Director of Change, Planning and the Environment, be adopted to come into effect from the date of adoption.

44. MAIDSTONE BOROUGH LOCAL PLAN 2011-2031

The Group considered the report of the Director of Change, Planning and the Environment concerning the Maidstone Borough Local Plan 2011-2031. Specific consideration was given to:-

- The initial draft results of updated consultants' reports that identified the Borough's housing and employment needs, and the setting of a working housing target.
- The key issues arising from the public consultations in relation to the policies covered by the report, the Officers' responses to these issues and amended Local Plan policies; the adoption of strategic site allocation policies for development management decisions; and the retention of junction 8 of the M20 motorway as a strategic development location until the work on employment demand and supply is completed.
- Proposed changes to the affordable housing requirement for new development as a result of viability work and updated targets for Gypsy and Traveller and Travelling Showpeople accommodation as a result of the rolling forward of the Local Plan period.
- The infrastructure priorities for development, secured through planning conditions and legal agreements.

The Officers circulated an update report setting out proposed changes to the amended Maidstone Borough Local Plan policies set out in Appendix B to the report (copy attached as Appendix A to these Minutes).

The Group gave detailed consideration to the recommendations set out in the report.

With regard to recommendation (ii), and in response to comments by Members, the Head of Planning undertook to make available to the Cabinet the five year housing land supply position for a target of 11,080 dwellings should strategic sites be adopted.

With regard to recommendation (iii), and in response to comments by Members, the Head of Planning circulated a breakdown (by policy) of the number of people who had responded to the public consultations in relation to the policies which were the subject of the report, and undertook to make this information available to the Cabinet together with further details of the representations made. However, in so doing, the Head of Planning sounded a note of caution as to the weight to be attached to representations where no reasons had been given. In relation to policy SS1, issue 1 of the consultation statement, and in response to comments by Members, the Head of Planning undertook to amend the statement to make reference to quality of life issues and the impact on the wider community.

With regard to recommendations (iv) and (v), and in response to concerns expressed by Members, the Head of Planning undertook to make available to the Cabinet a more accurate plan showing clearly the areas allocated to medical facilities, retail redevelopment and structural landscaping at Newnham Park (policy SS4).

With regard to policy CS10 (Affordable Housing), the Head of Planning advised the Group that due to viability concerns and administrative issues, he wished to amend his recommendation (vii) to increase the threshold at which affordable housing is required from one unit to ten units.

During the discussion, and in response to questions by Members, the Officers explained the process for identifying the improvements to local transport infrastructure required to support housing and employment growth, and to mitigate existing deficiencies, and outlined potential funding sources, including Section 106 contributions depending on the applications put forward.

The Group also wished to make a recommendation to the Cabinet relating to the proposed deletion from policy CS6 (Sustainable Construction Standards) of the planned step up in requirements to Code for Sustainable Homes Level 5 from 2016.

RESOLVED to RECOMMEND to the CABINET:

1. That approval be given to a working target of 14,800 dwellings for the Maidstone Borough Local Plan period 2011 to 2031 until such time as the work identifying the Borough's housing land supply and the identification of environmental constraints is completed.

Note: The Group noted that it is anticipated that the SHLAA process will reduce this figure. A "call for sites" exercise was undertaken recently and 160 residential sites have come forward. Transport modelling work will be carried out in relation to some of these sites.

2. That the Council be recommended to revoke the moratorium on the release of greenfield housing sites allocated in the Maidstone Borough-Wide Local Plan 2000 because the reasons for the moratorium no longer apply.

Note: In making this recommendation, the Group wished to place on record its concern that policy support for regeneration of previously developed sites still requires additional work.

3. That the key public consultation issues relating to the policies that are the subject of the report of the Director of Change, Planning and the Environment be noted.

However, since the Group considers that the Officer analysis of the submissions is partial and gives undue weight to developers and statutory consultees over local residents, and cannot agree the recommended changes to the policies set out in the schedule attached as Appendix A to the report at this time because it does not have enough detail to enable it to do so, the Cabinet should review each policy change individually.

As an example,

Policy CS7, Issue 6 of the Consultation Statement - The plan change to increase the walking and cycling target to 22.5% by 2031 is queried as being excessive with significant implications for transport modelling.

4. That amended policies CS5 to CS13 and SS1, SS1b, SS1c, SS2, SS2a, SS2b, SS2c and SS4 (attached at Appendix B to the report of the Director of Change, Planning and the Environment and as amended by the update report) be approved for public consultation at the publication stage of the Local Plan process (Regulation 19) subject to the following:-

Policy SS1c – Off Site – Add new paragraph 11 – Contribute to the enhancement of the natural network between Fullingpits Wood and Oaken Wood/Ditton Common to the west.

Policy SS2c – 40 metre width is queried at this location because structural landscaping is more important than open space.

Policy SS4

1. Following paragraph 5.12, add:-

Detailed plans for the structural landscape elements of the development, together with a mechanism for the future protection and long term management of the landscape scheme, must accompany any planning application(s) in order to ensure that structural landscape boundaries are not eroded and that the focus on enhancement of biodiversity and local landscape protection is maintained. Detailed landscape plans must include the location of new wetlands and planting, and show the linkages between structural landscape areas. The impact of infrastructure, including lighting, drainage and internal roads, on biodiversity and landscape must be addressed through mitigation measures.

2. Following policy SS4 (11), add:-

Detailed plans for the structural landscape elements of the development, together with a mechanism for their future protection and management, are to be submitted with any planning application(s).

3. Make specific provision for replacement landscaping on the Bearsted Road frontage and enhancement of landscaping on the western boundary of the Newnham Park site to soften the impact of development on the AONB.
4. Paragraph 5.16, amend to clarify existing retail site floor space.

5. Amend the plan on page 153 of the agenda to show clearly the areas allocated to medical facilities, retail redevelopment and structural landscaping at Newnham Park.

Strategic Site Allocation Policies – Off site infrastructure improvements should not necessarily be restricted to the measures set out in the policies.

Note: Since Counsel's opinion in relation to the Bridge Nursery site is awaited, the Group did not wish to make a judgement on the allocation of the site for residential development at this time (policy SS1a).

5. That strategic site allocation policies SS1, SS1b, SS1c, SS2, SS2a, SS2b, SS2c and SS4 (attached at Appendix B to the report of the Director of Change, Planning and the Environment and as amended by the update report) be adopted for development management decisions subject to the further amendments set out in recommendation 4 above.

6. That until such time as the new Strategic Economic Development Land Availability Assessment is available, land at junction 8 of the M20 motorway should not be retained as a strategic development location for employment (policy SS3).

7. That notwithstanding recommendation 4 above, the following amendments to policy CS10 (Affordable Housing) be approved:-

A 15% affordable housing provision on previously developed land within the urban area;

A 30% affordable housing provision on greenfield sites in the urban area and at the urban periphery;

A 40% affordable housing provision in the rural area and at rural settlements;

The threshold at which affordable housing is required be increased to ten units; and

The deletion of the reference to Gypsy and Traveller accommodation contribution within this policy.

8. That to reflect the extension of the new Local Plan period to 2031, the following amended targets for Gypsy, Traveller and Travelling Showpeople accommodation in policy CS12 be approved:-

Gypsy and Traveller Accommodation – 187 pitches
Travelling Showpeople Accommodation – 11 plots

9. That subject to "public realm" being ranked higher as number 4, with the re-numbering of the other priorities for residential development,

and regard being had to site specific needs, the infrastructure priority list as set out in paragraph 1.12.5 of the report of the Director of Change, Planning and the Environment be approved, and that amended policy CS14, attached at Appendix B to the report, as amended, be approved for public consultation (Regulation 18) in October 2013.

10. That the Officers be requested to research the evidence base to ascertain whether a Code for Sustainable Homes Level 5 can be achieved from 2016.

45. LONG MEETING

Prior to 10.30 p.m., before consideration of the report of the Director of Change, Planning and the Environment regarding the pro formas to be used for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

46. PRO FORMAS FOR THE ASSESSMENT OF POTENTIAL DEVELOPMENT SITES

The Group considered the report of the Director of Change, Planning and the Environment on the pro formas to be used for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation. It was noted that a separate pro forma would be used to assess sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation, but all pro formas would have the same criteria to ensure sites were assessed in a transparent and consistent manner. The pro formas closely followed the protocol prepared by the Kent Planning Policy Forum for undertaking SHLAAs in Kent, but were tailored, where appropriate, to local circumstances.

The Chairman advised the Group that at a meeting he had attended the previous day with Officers and Parish Councillors representing rural service centres, it had been suggested that the impact on schools and transport should be included on the pro formas. In this regard, the Officers explained that schools formed part of infrastructure assessments and the final conclusions for sites. However, it was agreed that the pro formas could be strengthened in how they assessed transport by the inclusion of the following in a further bullet point in the Access (Highways) section:-

Impact of development on the wider highway network

The Group supported the adoption of the proposed criteria for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople

accommodation subject to a review of the pro formas to ensure consistency across the documents and the inclusion of the following bullet point in the Access (Highways) section on all three pro formas:-

Impact of development on the wider highway network

RESOLVED to RECOMMEND to the CABINET MEMBER FOR PLANNING, TRANSPORT AND DEVELOPMENT: That the proposed criteria for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation, as set out in the pro formas attached at Appendix A to the report of the Director of Change, Planning and the Environment, be approved subject to a review of the pro formas to ensure consistency across the documents and the inclusion of the following bullet point in the Access (Highways) section on all three pro formas:-

Impact of development on the wider highway network

47. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.

Spatial Planning Strategy Advisory Group – 5 March 2013

Report of Director of Change, Planning and the Environment
Maidstone Borough Local Plan 2011-2031

Recommendation (iv) – Proposed changes to policy

Officer proposed amendments

Policy SS1, Par. 3.11, SPSAG report page 118.

Second sentence:

After “nearby” add “**open**”.

Add new final sentence:

“In particular this will apply to the necessary provision of formal play space for children, which the council will expect to be provided in appropriate locations, the details of which will be agreed in the development briefs.”

Policy SS1a, Par. 3.13, SPSAG report page 120.

First sentence:

After “2000” add “**for housing and open space**”.

Second sentence:

After “will” add “**now be developed primarily for housing and**”.

Policy SS1a, Par. 3.14, SPSAG report page 120.

First sentence:

Replace “allocated” with “**identified**”.

Policy SS1a, Par. 3.18, SPSAG report page 120.

Final sentence:

Replace “language” with “**approach**”.

Policy SS2, Par. 4.7, SPSAG report page 134.

Final sentence:

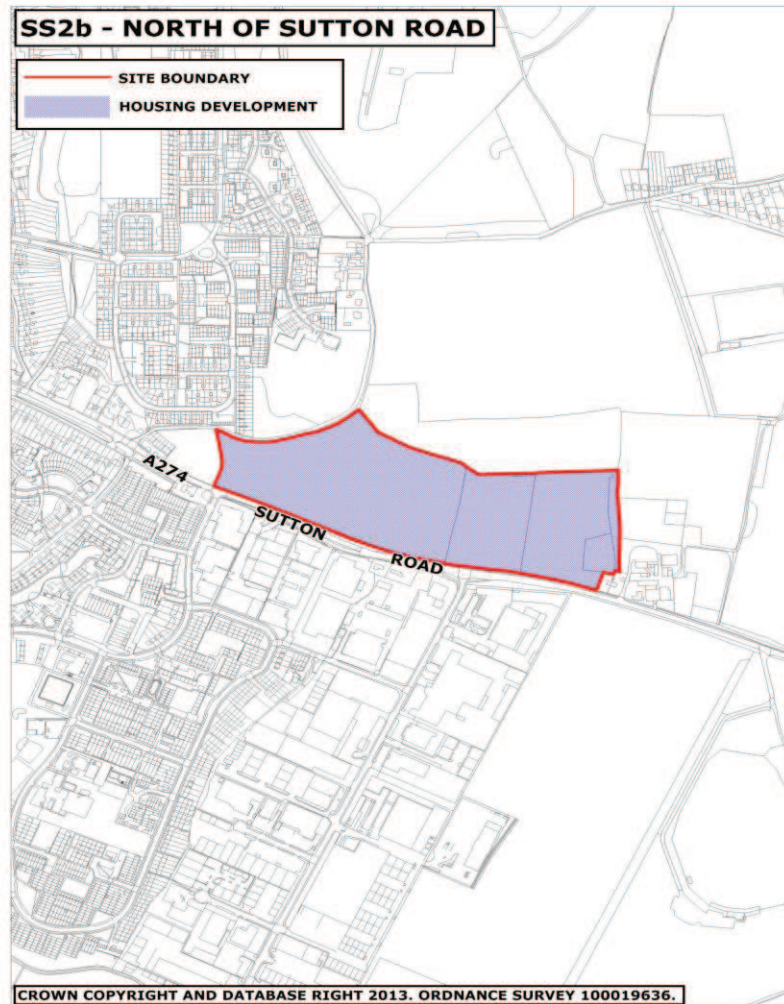
After “new provision” **replace comma with full stop. Delete remainder of sentence.**

Add new final sentence:

“In particular this will apply to the necessary provision of formal play space for children, which the council will expect to be provided in appropriate locations, the details of which will be agreed in the development briefs.”

SS2b allocation, Land North of Sutton Road, proposed amendment to site boundary, page 142

Amend the site boundary for Land North of Sutton Road to align with the site boundary for the local plan allocation (2000) as follows:



Policy SS2c, Par. 4.22, SPSAG report page 143.

First sentence:

Before "Bicknor Wood" add "**The ancient woodland at**".

Second sentence:

After "to meet" add "**the ancient woodland at**".

After "which is" add "**immediately north of**" and delete "~~adjacent to~~".

Policy SS2c, Par. 4.23, SPSAG report page 143.

Final sentence:

At start of sentence, add **"It is important to ensure that appropriate open space is provided on site and that"**. Amend "dwellings will be" to "dwellings are".

Policy SS2c(ii), SPSAG report page 144.

After "woodland belt" delete "~~of at least~~" and add **"ranging from a minimum of 40 metres to"**

Policy SS2c(5), SPSAG report page 144.

After "woodland belt" add **"ranging from"** and delete "of".

After "metres" add **"to 80 metres"**.

Policy SS4, Par. 5.16, SPSAG report page 148.

Move sentence "In order to assess the impact of the proposals on the town centre, a retail impact assessment will be required for both comparison and convenience goods" to new paragraph 5.16a and add:

"In determining the overall impact of the retail proposals, a measured adverse impact of more than 3% on town centre turnover is unlikely to be acceptable."

Policy SS4, Par. 5.16, SPSAG report page 148.

Replace "criterion" with **"threshold"**.

Policy SS4(7), SPSAG report page 150.

Amend to read:

"The cumulative quantum of retail floorspace will be restricted to the provision of up to 300m² above that which already exists. Any additional retail floorspace above this limit must be **of an out of town format that is** complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location.

Policy SS4(8), SPSAG report page 150.

Amend to read:

"Submission of a retail impact assessment for both comparison and convenience goods, to be approved by the Borough Council, ~~in order to assess the impact of retail area proposals~~ **which clearly demonstrates that the retail development has no significant adverse impact** on the town centre.

Agenda Item 8

MAIDSTONE BOROUGH COUNCIL

SPATIAL PLANNING STRATEGY ADVISORY GROUP

16 APRIL 2013

REPORT OF THE DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Emma Boshell

1. STATEMENT OF COMMUNITY INVOLVEMENT 2013 - ADOPTION

1.1 Issue for Decision

1.1.1 To consider the responses and proposed changes to the Statement of Community Involvement Consultation Draft 2012 (attached at Appendix A).

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

That the Spatial Planning Strategy Advisory Group recommends that the Cabinet Member for Planning, Transport and Development:

- i. considers the responses and proposed changes to the Statement of Community Involvement Consultation Draft 2012 (attached at Appendix A); and
- ii. adopts the Statement of Community Involvement 2013 (attached at Appendix B).

1.3 Reasons for Recommendation

1.3.1 The reasons for the recommendation are set out in the attached report of the Director of Change, Planning and the Environment (Appendix D).

Proposed Changes to the Statement of Community Involvement

Chapter	Page	Paragraph number	Proposed change
Introduction	2	1.8	1. Delete reference to the South East Plan as it was partially revoked on 25 March 2013. 2. Reword second sentence – ‘The development plan for Maidstone includes adopted local plans (formerly or otherwise known as development plan documents) and neighbourhood plans.’
	2	1.9	3. Delete reference to the Core Strategy and Development Delivery local plans as we have now moved towards producing a single local plan.
Key principles of community involvement	4	2.2	4. Bullet point 3 – replace ‘jargon’ with ‘technical terminology’. 5. Bullet point 4 – replace ‘reign’ with ‘rein’. 6. Bullet point 5 – add to end of sentence ‘for example the use of letters.’
	4/5	2.3	7. Reword second sentence – ‘Planning regulations require a number of statutory bodies (including parish councils) to be consulted and these are listed in Appendix 1 and Appendix 2.’ 8. Insert footnote to reference the regulations. 9. Add to bullet point list – ‘Local nature conservation groups e.g. Kent Wildlife Trust and the Medway Valley Countryside Partnership.’ 10. Add to bullet point list – ‘Countryside management groups e.g. Kent Downs AONB Unit.’
Maidstone local planning policy framework	8	Table 3.1	11. Under ‘The council will’ list insert – ‘Post messages on the council’s Facebook and Twitter pages about the document we are preparing.’
	9 11	Table 3.2 Table 3.6	12. Under ‘The council will’ list insert – ‘Post messages on the council’s Facebook and Twitter pages about the document we are consulting on.’
	8-12	All tables	13. Insert the council’s website address (www.maidstone.gov.uk) in tables 3.1-3.6.
Planning applications	15	4.5	14. Insert ‘Particularly’ at the beginning of the sentence so it reads ‘Particularly for major proposals’.
	15	4.6	15. Delete ‘other’ so it reads ‘For all proposals’.
	16	4.10	16. At the end of the paragraph, insert – ‘Where councillors (including parish councillors) are involved in pre-application discussions, they must adhere to the Maidstone Borough Council Planning Code of Conduct.’

APPENDIX A

	16	4.11	17.Delete reference to the late night Planning Duty Desk service.
	18	Table 4.3	18.Rename 'Table 4.4' and insert new 'Table 4.3' setting out the procedure for consulting the public on applications for works to protected trees and trees in a conservation area.
	16-18	All tables	19.Insert the council's website address (www.maidstone.gov.uk) in tables 4.1-4.4.
Glossary	20	N/A	20.Add 'Annual monitoring report'. 21.Add 'Development plan'. 22.Development plan document – delete reference to the Core Strategy. 23.Add 'Local development scheme'. 24.Add 'Local planning policy framework'. 25.Add 'Major proposal'. 26.Add 'Householder proposal'.
Appendix 2	22	7.1	27.Insert Appendix 2 – list of statutory consultees for planning applications.

This document is produced by

MAIDSTONE BOROUGH COUNCIL

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The borough of Maidstone is a fantastic place to live, and we want everyone who lives or works here to feel as though they have a stake in the area.

To generate that sense of 'belonging', we must make sure communities and businesses can shape the places in which they live, work and trade. This means engagement, with the council, at all steps of the planning process - from policy formation to individual planning applications. The Statement of Community Involvement is our means to achieve this.

We want residents, businesses, parish councils and other groups to have their say in the development of the borough - as well as their local areas. We want developers, with exciting applications, to talk to us about ways we can help their businesses and clients thrive within the borough. Likewise we want to hear from communities about ways we can tackle problems in the built environment, improve our areas, and enforce development rules.

We want people to have power - and plenty of opportunities - to tell us what they like, and don't like, about plans, policies and applications. People who engage with us must walk away feeling that their points have been heard and considered.

Our duty is to ensure the means for proper consultation are in place. Our responsibility is to listen to the things you tell us, and use your responses to shape and improve the borough, for the benefit of all.



Councillor Stephen Paine

Cabinet Member for Planning, Transport and Development

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What is a Statement of Community Involvement?

1.1 The Statement of Community Involvement (SCI) sets out how and when stakeholders and the local community can participate in the preparation of local planning policy documents and planning applications. All local planning authorities are required to prepare an SCI under the Planning and Compulsory Purchase Act (2004). Whilst it is a statutory document, the council recognises that engagement with the local community, particularly early on, is an essential part of the planning process and can enable communities to shape the area where they live. The council has a duty to follow these procedures.

Why is it being reviewed?

1.2 The existing SCI was adopted by the council in 2006 but recent changes to planning legislation affecting how the council produces local plans and how it consults about planning applications, along with improvements in consultation methods, have meant that the document is now out of date and in need of reviewing.

1.3 The council recognises the importance of community engagement, especially as communities are being encouraged to have more involvement in deciding the future of the places where they live and work through the rise of localism and neighbourhood planning. Engagement at an early stage allows communities to shape and influence local plan policies and the geographical pattern of future development, and the council encourages local communities to get involved. Engagement with the development industry is equally important, allowing local communities, developers and the council to work together and to build a shared approach to local planning.

1.4 Many people get involved with the planning system when they want to make changes to their home, or when a planning application has been made which will affect a neighbouring property and they want to comment on that application. It should be stressed that there is a difference between 'consulting' statutory bodies and 'notifying' members of the public of planning applications. The council expects a response from statutory bodies whereas this involvement is voluntary for members of the public.

1.5 Whilst current methods of consultation are sufficient, the council recognises a need for continual improvement on existing opportunities for stakeholders and the local community to get involved in the planning process in order to improve the effectiveness of plan making and development management. This will be achieved by:

- Providing early opportunities for people to participate in time to shape the development of policy;
- Further development of a flexible and accessible consultation process;
- Drawing on valuable local knowledge and experience;
- Improving everyone's understanding of the planning process; and
- Joined up thinking.

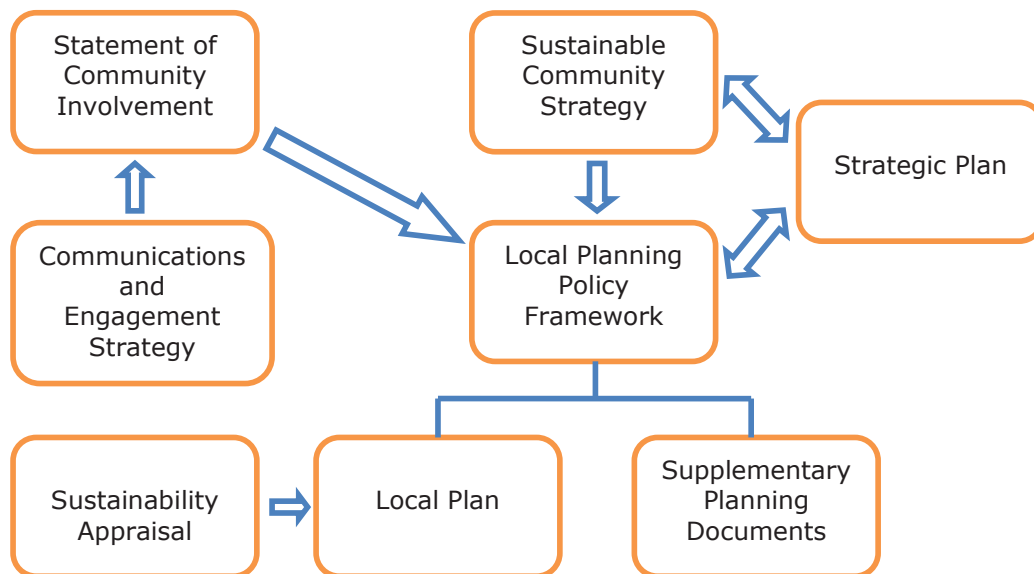
1 . Introduction

2

How does the SCI fit in with the development management and plan making processes?

1.6 All planning applications are subject to a period of public consultation and the SCI sets out how and when members of the public can get involved, and how they can find out about a decision. In addition, applicants or their agents are encouraged to approach and include the local community to discuss development proposals before an application is made. Chapter 4 sets out the development management procedures the council will follow to involve the community in planning applications.

1.7 The following flow chart sets out how the SCI fits in with the plan making process.



1.8 The local plan makes up part of the development plan which is central to the planning system and which guides the decision making process for development proposals. The development plan for Maidstone includes adopted local plans (formerly or otherwise known as development plan documents) and neighbourhood plans.

1.9 The local planning policy framework is made up of the local plan and supplementary planning documents. The local plan is the plan for the future development of Maidstone, and this document sets out the spatial vision, objectives and key policies for the delivery of the framework. Local plans and supplementary planning documents must be prepared in accordance with plan making regulations⁽¹⁾, which set out the form and content of documents and the various stages of public consultation. Local planning policy framework documents create a policy framework against which planning applications can be assessed and land allocated for development.

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

1.10 In addition, the local planning policy framework delivers the spatial objectives of the Sustainable Community Strategy and the Strategic Plan, which are other documents the Council is responsible for producing.

Sustainable Community Strategy 2009-2020

1.11 The Sustainable Community Strategy (SCS) is the overarching strategy for promoting and improving the well being of Maidstone. The strategy sets out the needs and wishes of the community in the form of a vision and objectives. Significant weight is given to the importance of community engagement and public consultation resulting in a cross-cutting objective:

"Public agencies and their partners to undertake a programme of continuous community engagement and work with communities to resolve their issues at the community level."

1.12 The SCS and the local planning policy framework are closely linked. The production of local planning policy documents build upon the key themes of the strategy and these documents are the principal mechanism for delivering the land use and spatial elements of the strategy.

Strategic Plan 2011-2015

1.13 The Strategic Plan identifies three priorities for Maidstone:

- For Maidstone to have a growing economy;
- For Maidstone to be a decent place to live; and
- Corporate and customer excellence.

1.14 In order to achieve these aims the council recognises that there is a need for meaningful involvement in planning issues and clear standards for when and how engagement will take place.

1.15 The local planning policy framework is a key tool for delivering the spatial objectives of the Strategic Plan, which are objectives that influence development and change in the borough.

Communications and Engagement Strategy 2011

1.16 This strategy sets the overall context and approach to how the council communicates with stakeholders and the local community. It follows the council's adopted principles for consultation which state that consultation should be informative, inclusive and listened to. The SCI shares these principles.

2 . Key principles of community involvement

4

The council's objectives

2.1 The council's main objectives for successful public participation in planning are:

- To involve stakeholders at the earliest opportunity, in time to shape preparation work;
- That consultation takes place before decisions are made and in the open;
- To develop and improve a flexible and accessible consultation process;
- Everyone should have an opportunity to be involved if they choose;
- Draw on local knowledge to improve decision making and help the realistic implementation of decisions;
- Provide a greater deal of certainty for all involved through a plan led system; and
- That the planning system should help implement the communities' vision for the area.

2.2 The council also recognises that there can be barriers to effective public participation and will work hard to address and overcome these where possible. The main constraints are:

- **Cost** - complex community involvement exercises can be costly and labour intensive in the preparation, attendance and follow up. These costs need to be balanced with the complexity of the subject matter of the consultation document and the extent of the area covered by proposals;
- **Managing expectation** - it is important that the council can deliver its objectives for community involvement but there is also a need to ensure that the local community does not become overloaded with consultation exercises;
- **Technical terminology** - although the current planning system seeks to open up the process, there are still many technical terms and expressions. Plain English will be used wherever possible, and non-technical summaries produced;
- **External constraints** - it is sometimes not possible to give a 'free rein' to an issue due to national policy or other 'rules' which are beyond the control of the council. Where these are known, the council will make these clear from the outset; and
- **Technology** - the use of e-technology makes communication and involvement in a complex process much easier. However, the council recognises that not all of the community has access to computers, the internet or email, and therefore traditional methods of consultation will continue to be utilised, for example the use of letters.

Who is the community?

2.3 There are many individuals and groups in the local community who will be given the opportunity to be involved in the preparation of local planning policy documents and comment on relevant planning applications. Planning Regulations⁽²⁾ require a number of statutory bodies (including parish councils)

2 The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Development Management Procedure) (England) Order 2012

to be consulted and these are listed in Appendix 1 and Appendix 2. Other consultees specific to Maidstone include the general public, wider community, hard to reach groups and local stakeholders, specifically:

- Amenity and local resident groups;
- Neighbourhood forums (where a Neighbourhood Plan area is identified);
- Individuals;
- Chamber of commerce;
- Local employers;
- Housing associations;
- Schools and colleges;
- Landowners, developers and planning agents;
- Gypsies and Travellers;
- Travelling Showpeople;
- The urban community;
- The rural community;
- Local cultural, sport and recreational groups;
- Local nature conservation groups e.g. Kent Wildlife Trust and the Medway Valley Countryside Partnership; and
- Local countryside management groups e.g. Kent Downs AONB Unit.

Why engage with the community?

2.4 The council recognises that community engagement on planning matters is beneficial to all parties involved. Some of these benefits include:

- Transparency of proposals;
- Gathering local knowledge;
- An opportunity to shape and influence local plan policies and the geographical pattern of future development;
- The ability to resolve areas of conflict at an early stage;
- A greater understanding of the council's aims and objectives, and greater focus on the priorities identified by local communities;
- Increased confidence and communication between the council and the local community and stakeholders;
- An increased understanding of how planning policies are developed and how they are linked to each other and to other documents produced by the council; and
- Achieving value for money.

2.5 The council also recognises that there is a balance to be struck when engaging with the local community. Consultation fatigue is to be avoided whilst ensuring that hard to reach groups are included. In the production of local planning policy documents the council will develop a consultation programme to ensure that expectations are managed.

Duty to cooperate

2.6 The 'duty to cooperate' as set out in the Localism Act (2011) requires local planning authorities, county councils and other public organisations to engage with one another and consider joint approaches to plan making.

2 . Key principles of community involvement

2.7 Maidstone is centrally located within Kent and shares its boundaries with five other local authorities: Ashford, Medway, Swale, Tonbridge and Malling and Tunbridge Wells. Kent County Council is also a major service provider. It is important for the council to communicate with its partner organisations, particularly regarding cross-boundary and county-wide issues. The council also takes part in regular discussions through the following forums:

- Kent Planning Officer Group (KPOG);
- Kent Planning Policy Forum (PPF);
- Kent House Building Industry Joint Liaison Committee; and
- Maidstone Borough Council Developers Forum.

2.8 The council will continue to work closely with its partners to deliver planning in Maidstone and fulfil the requirements under the duty to cooperate.

Community involvement in the Local Planning Policy Framework

3.1 The 2012 Town and Country Planning Regulations require all local authorities to meet a minimum level of community involvement and to specify a number of organisations which must be consulted if the council considers that they will be affected. These are known as statutory consultees and general consultation bodies and are listed in Appendix 1.

3.2 In addition, the council maintains a consultation database of approximately 1,500 contacts who have either commented on, or expressed an interest in being involved with, the production of Maidstone's local planning policy documents.

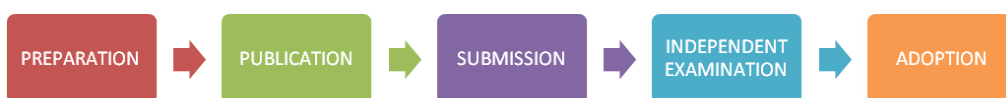
3.3 This database will be used to keep registered individuals, organisations and groups informed on the development and production of any local planning policy documents. New contacts will be added to the database as requested. The Data Protection Act will be followed to ensure that personal data is kept secure and personal details are not disclosed.

3.4 The council also publishes a bi-annual newsletter, Planning Viewpoint, which notifies contacts of important stages of the local planning policy framework and the council's progress on specific documents. It also informs contacts of any upcoming consultations. The newsletter is sent electronically or in hard copy to every contact on the consultation database. The distribution of Planning Viewpoint is also a useful tool for the council to keep contact details on the database up to date.

Stages of community involvement and consultation

3.5 There are several stages to the plan making process and the level of engagement with the community differs depending on the type of document being produced. Local plans are subject to a minimum of two rounds of public consultation (preparation and publication) and independent examination, whereas supplementary planning documents can be adopted after a single round of public participation. The plan making process for each type of document is set out below.

The Plan Making Process for Local Plans



3.6 Local plans go through five stages of plan making. The following tables set out what the council will do at each stage of the process, and how stakeholders and the public can get involved.

3 . Maidstone Local Planning Policy Framework

PREPARATION

The council will:	Engage with key stakeholders (including parish councils) in the preparation of the document.
	Place information in the local press and on our website (www.maidstone.gov.uk) about the document we are preparing.
	Post messages on the council's Facebook and Twitter pages about the document we are preparing.
	Make the document available on our website, in The Gateway and in local libraries.
	Make printed copies of the document available at a reasonable charge.
	Notify all statutory consultees including specific and general consultation bodies.
	Contact you directly either by email or letter if you are on our consultation database to advise you of the document we are preparing.
	Hold general and targeted café conversations, public exhibitions and/or meetings for the community to discuss the issues with you to gain an understanding of your views and/or to explain the proposals.
	Manage expectations, explaining the scope of the document, what you can influence and how you can get involved.
	Acknowledge, publish, consider and respond to all comments received.
Where appropriate, make changes to the document in response to public consultation.	
You can:	Ask to be added to our consultation database so you can be advised of future stages of the plan making process. You will need to provide your full name and postal address as a minimum, and an email address if you have one. Contact the Spatial Policy team at ldf@maidstone.gov.uk or phone 01622 602736.
	Influence decision making.
	Submit comments on the proposals contained in the document and make suggestions on further issues you would like addressed.

Table 3.1

PUBLICATION

The council will:	Prepare and publish a final draft of the document and consult on it for a minimum six week period.
	Prepare and publish accompanying documents as required (e.g. Sustainability Appraisal).
	Place information in the local press and on our website (www.maidstone.gov.uk) about the document we are consulting on.
	Post messages on the council's Facebook and Twitter pages about the document we are consulting on.
	Make the document available on our website, in The Gateway and in local libraries.
	Make printed copies of the document available at a reasonable charge.
	Notify all statutory consultees including specific and general consultation bodies.
	Contact you directly either by email or letter if you are on our consultation database to advise you of the document we are consulting on.
	Acknowledge, publish and consider all comments received.
	Where appropriate, make changes to the document in response to public consultation.
You can:	Comment on the final draft of the document.

Table 3.2

SUBMISSION

The council will:	Publish full details of the submission of the document on our website (www.maidstone.gov.uk) and in the local press.
	Prepare and publish a submission statement that sets out who has commented on the document, how people were invited to submit comments, the main issues raised and how these issues have been addressed.
	Make the document available on our website, in The Gateway and in local libraries.
	Notify all statutory consultees including specific and general consultation bodies.

	Contact you directly either by email or letter if you are on our consultation database to advise you of the document we are submitting.
	Publish all comments received at the publication stage.
You can:	View the submitted document.

Table 3.3

INDEPENDENT EXAMINATION

The council will:	Publish full details of the Examination of the document on our website (www.maidstone.gov.uk) and in the local press.
	Notify all statutory consultees including specific and general consultation bodies.
	Contact you directly either by email or letter if you are on our consultation database to advise you of the examination.
You can:	If you submitted comments about the document at an earlier stage, you may be able appear at the public examination to speak in support of, or against, the document, at the discretion of the Inspector.

Table 3.4

ADOPTION

The council will:	Publish the Inspector's recommendations and amend the document where necessary.
	Publish full details of the adoption of the document on our website (www.maidstone.gov.uk) and in the local press.
	Adopt and publish the final document.
	Prepare and publish an adoption statement.
	Notify all statutory consultees including specific and general consultation bodies.
	Contact you directly either by email or letter if you are on our consultation database to advise you of the adoption of the document.
	Review our documents regularly to ensure that they are up to date and accurately reflect the needs of the community.
You can:	View annual monitoring reports to see how policies and land allocations in adopted documents are performing.

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Table 3.5

The Plan Making Process for Supplementary Planning Documents



3.7 Supplementary planning documents go through two stages of plan making. The following tables set out what the council will do at each stage of the process, and how stakeholders and the public can get involved.

PUBLIC PARTICIPATION

The council will:	Engage with key stakeholders who have specific knowledge and expertise of the subject matter.
	Place information in the local press and on our website (www.maidstone.gov.uk) about the document we are consulting on.
	Post messages on the council's Facebook and Twitter pages about the document we are consulting on.
	Make the document available on our website, in The Gateway and in local libraries.
	Make printed copies of the document available at a reasonable charge.
	Notify all statutory consultees including specific and general consultation bodies.
	Contact you directly either by email or letter if you are on our consultation database to advise you of the document we are consulting on.
	Carry out focused engagement with the local community depending on the type of document we are preparing.
	Acknowledge, publish, consider and respond to all comments received.
	Where appropriate, make changes to the document in response to public consultation.
You can:	Ask to be added to our consultation database. You will need to provide your full name and postal address as a minimum, and an email address if you have one. Contact the Spatial Policy team at ldf@maidstone.gov.uk or phone 01622 602736.

	Comment on the document.
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Table 3.6

ADOPTION

The council will:	Adopt and publish the final document.
	Prepare and publish an adoption statement.
	Notify all statutory consultees including specific and general consultation bodies.
	Contact you directly either by email or letter if you are on our consultation database to advise you of the adoption of the document.
	Review our documents regularly to ensure that they are up to date and accurately reflect the needs of the community.
You can:	View the adopted document.

Table 3.7

Methods of community involvement and consultation

3.8 The council recognises that since the publication of the last SCI in 2006 there has been a great deal of development and improvement in the ways the council engages with the community, particularly involving the use of technology. It is recognised that whilst traditional methods of consultation are still utilised, when used in isolation they are not effective in attracting a broad range of responses from the local community. As such, the council has recently looked into using social networking sites, such as Facebook and Twitter, to communicate with residents. Over 3,000 people now receive regular updates from the council through these sites.

3.9 A variety of methods will be used at various stages of the planning process to enable community involvement in the local planning policy framework. These methods include, but are not limited to:

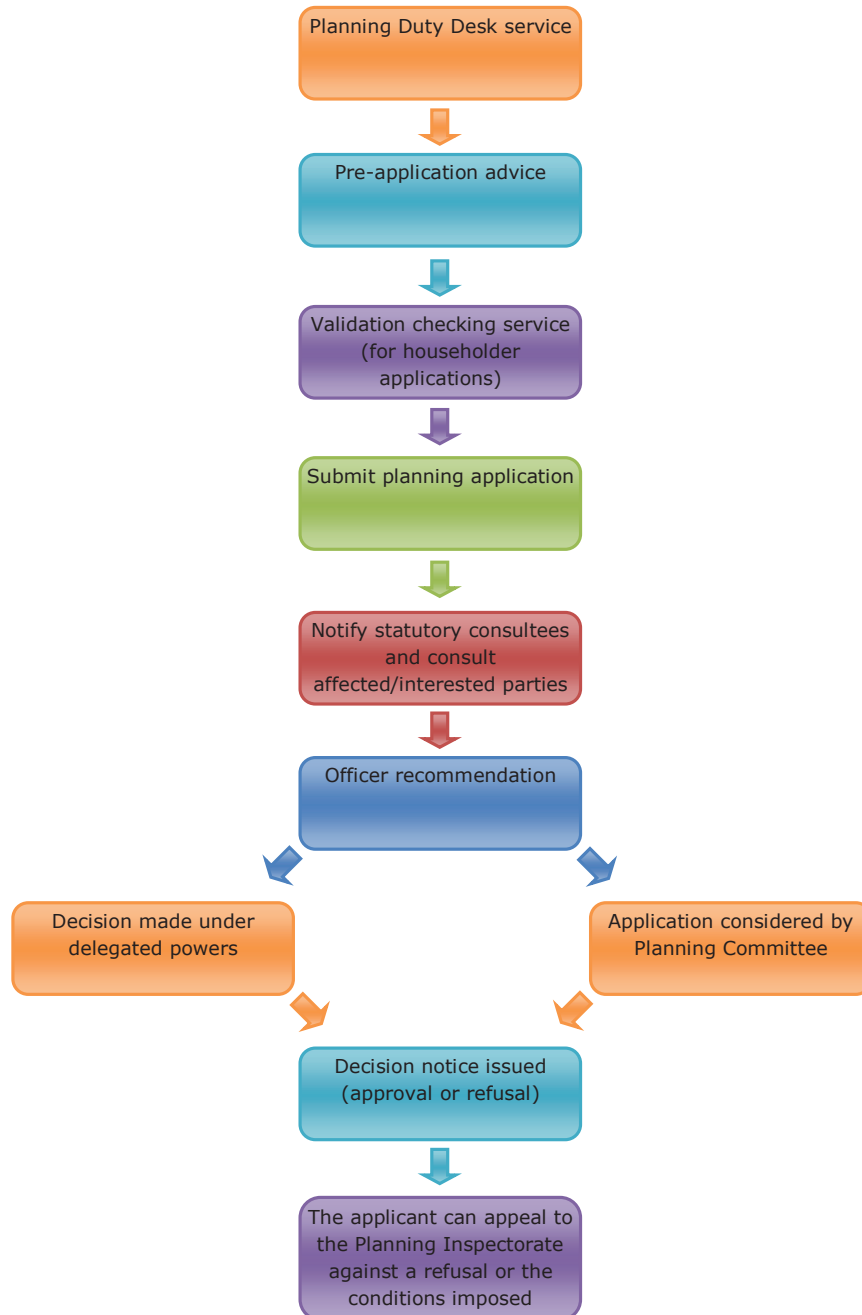
- **The website and consultation portal** - all consultation activities will be publicised through the council's website, both on the Local Plan pages and on its dedicated 'Have Your Say' consultation page. All local planning policy documents and background studies will be available for viewing and downloading, and the consultation portal will be available for people to read and comment on the consultation documents;
- **Inspection points** - documents will be made available for viewing at The Gateway and at local libraries during consultation periods;
- **Emails** - notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation database;
- **Letters** - notifications will be sent to statutory bodies, stakeholders, relevant groups and other individuals and organisations on our consultation database, who have not specified an email address;

- **Local newspapers** - all consultations will be publicised in the local press. Public notices will include details on when and where planning documents can be viewed, when and where consultation events are happening, the closing date for comments and where to send them;
- **Public exhibitions and roadshows** - larger consultation events may be promoted through public exhibitions or roadshows. These events have the ability to target members of the community who may not get involved through more formal methods;
- **Leaflets** - when appropriate, leaflets or flyers may be distributed separately, or with other council correspondence, to summarise detailed information about consultation events;
- **Questionnaires** - these will be available for all consultations and will be obtainable on the council's website, at consultation events, and at request. Completed questionnaires can be submitted as valid representations as they are useful to determine attitudes towards particular issues and options;
- **Community and resident meetings/groups** - use of pre-existing community and resident groups to target people with particular local interests;
- **Council meetings** - where appropriate, plans will be taken to relevant council meetings for feedback from local councillors; and
- **Facebook and Twitter** - all consultations will be advertised on our corporate Facebook and Twitter pages and will explain how you can get involved.

3.10 Ward members (local councillors) have an important role to play in engaging the public in the consultation process, both in representing the views of their local communities, and the local or expert knowledge they may have about a particular area.

Community involvement in planning applications

4.1 The following flow chart outlines the council's procedures when handling planning applications.



4.2 The National Planning Policy Framework (NPPF) came into force in March 2012 and places an emphasis on the importance of community involvement in planning applications. Paragraph 69 states:-

"Local planning authorities should aim to involve all sections of the community in the development of local plans and in planning decisions, and should facilitate neighbourhood planning."

4.3 The council recognises that discussion and consultation between a potential applicant and the local community is an important principle, whatever the size or type of development proposed. The council therefore encourages all applicants to follow the guidelines set out below, as well as observing what is considered an appropriate level of consultation for the type of application.

Community involvement and consultation at the pre-application stage

4.4 Paragraph 66 of the NPPF states:-

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."

4.5 Particularly for major proposals, the council encourages and can assist applicants or their agents to approach the local ward members, parish council and the local community in advance of making a formal application. This early consultation should be as open as possible, giving a genuine opportunity for the local community to influence the design and form of the development proposed. The scale of consultation should be comparable to the scale, location and type of application.

4.6 For all proposals, the council believes that discussions between potential applicants and their neighbours are valuable, whatever the size or type of development proposed. Sharing information on a proposal can often help overcome potential objections and may provide the opportunity for improvements to the design and layout.

4.7 The council therefore considers that all applications should demonstrate what consultation has taken place in the preparation of the planning applications.

4.8 Where development briefs are being prepared, the council and/or the developer are encouraged to consult with the local parish council and the local community. On large sites the brief may set out very general development principles and on smaller sites it may specify uses, massing of buildings and any particular uses essential to securing planning permission. It is therefore essential that the local community is involved in the process of developing the brief.

Pre-Application Advice

4.9 In addition to discussions between potential applicants and the local community/neighbours, the council offers a pre-application advice service to anyone considering a development proposal and welcomes discussions before submitting a planning application. Pre-application advice gives you an opportunity to identify and resolve any problems to help prevent costly and time-consuming amendments to schemes later, and can indicate whether the proposal is likely to gain consent or not. The council offers both written advice and advice involving meetings with officers, depending on the type of proposal. You can request

4 . Planning applications

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pre-application advice in writing or by email, ensuring that you submit the correct information and fee. Your enquiry will be allocated an appropriate planner and we will write to you confirming the advice given. This will usually be within 15 working days unless the proposal is particularly complex, when an alternative timescale will be agreed.

4.10 For major proposals, in many cases more than one meeting will be required. Once the principle of development has been established, local ward members and local parish council members will be invited to take part in the pre-application discussions. Where councillors (including parish councillors) are involved in pre-application discussions, they must adhere to the Maidstone Borough Council Planning Code of Conduct.

4.11 The council also offers a Planning Duty Desk service in The Gateway between 11am and 3pm each weekday. This is a free service and offers an opportunity to speak with a Planning Officer about your proposal. You can also call the Planning Duty Desk on 01622 602550.

Validation Checking Service

4.12 For householder applications, the council offers a validation checking service where you can have your application form and associated plans and documents checked by the Planning Duty Officer before formally submitting a planning application. This gives you an opportunity to identify and resolve any parts of the application that may be invalid, in order to prevent costly and time-consuming amendments later. This service is available in The Gateway for a small fee.

Methods of community involvement and consultation

4.13 The tables below list the standard procedures the council will follow in involving the community in planning applications.

MAJOR APPLICATIONS

How will the council tell you about it?	Each application will be advertised in the local newspaper.
	A site notice will be displayed on or near the site.
	Notification letters will be sent to adjoining neighbours.
	Statutory consultees will be informed in writing.
	The relevant parish council(s) will be informed in writing.
	A weekly list of applications and decisions is available to view on the council's website (www.maidstone.gov.uk).
How can you get involved?	Submit comments online, by email or in writing to the Development Management team. You must provide your name and address for your comments to be acknowledged or if you wish to be re-consulted. Please remember that any comments the council receives are treated as a public document and are

	available for the public to see. This may include publishing them on our website.
	You have 21 days to respond to the application.
	Where possible, speak at Planning Committee in line with the council's constitution.
	Access planning application decisions by checking the website or by calling the contact centre on 01622 602736.

Table 4.1

OTHER APPLICATIONS (including householder)

How will the council tell you about it?	Applications will be advertised in the local newspaper if they affect a listed building, conservation area, public footpath, or are not in accordance with the adopted development plan.
	A site notice will be displayed on or near the site.
	Notification letters will be sent to adjoining neighbours.
	Statutory consultees will be informed in writing.
	A weekly list of applications and decisions is available to view on the council's website (www.maidstone.gov.uk).
How can you get involved?	Submit comments online, by email or in writing to the Development Management team. You must provide your name and address for your comments to be acknowledged or if you wish to be re-consulted. Please remember that any comments the council receives are treated as a public document and are available for the public to see. This may include publishing them on our website.
	You have 21 days to respond to the application.
	Where possible, speak at Planning Committee in line with the council's constitution.
	Access planning application decisions by checking the website or by calling the contact centre on 01622 602736.

Table 4.2

APPLICATIONS FOR WORKS TO PROTECTED TREES AND TREES IN A CONSERVATION AREA

How will the council tell you about it?	A site notice will be displayed on or near the site.
	Notification letters will be sent to adjoining neighbours.
	Statutory consultees will be informed in writing.
	A weekly list of applications and decisions is available to view on the council's website (www.maidstone.gov.uk).
How can you get involved?	Submit comments online, by email or in writing to the Development Management team. You must provide your name and address for your comments to be acknowledged or if you wish to be re-consulted. Please remember that any comments the council receives are treated as a public document and are available for the public to see.
	You have 21 days to respond to an application for works to protected trees, and 14 days to respond to a notice for works to trees in a conservation area.
	Where possible, speak at Planning Committee in line with the council's constitution.
	Access planning application decisions by checking the website or by calling the contact centre on 01622 602736.

Table 4.3

APPEALS

How will the council tell you about it?	All consultees of the original application and those who commented on the application will be re-notified.
	If the appeal is to be heard by hearing or public inquiry, all those who responded to the original application, the relevant parish council, ward members, witnesses, objectors and neighbours will be re-notified, with information about the date, time and venue of the hearing. If it is a significant hearing/inquiry a site notice detailing the date, time and location of the hearing/inquiry will be displayed on or near the site.
	If the appeal is for a householder application, all consultees of the original application and those who commented on the application will be re-notified. However, you cannot send any further comments on the appeal to the Planning Inspectorate - your original comments will be forwarded to the Planning Inspectorate.
How can you get involved?	If you commented on the application, your comments will be forwarded to the Planning Inspectorate.

	You can attend and listen to a hearing or public inquiry.
	You can speak at the hearing/public inquiry at the discretion of the Inspector.
	Access appeal decisions by checking the website (www.maidstone.gov.uk) or by calling the contact centre on 01622 602736. If you were a consultee of the original application or you submitted comments the council will notify you of the decision in writing. Appeal decisions can also be obtained directly from the Planning Inspectorate.

Table 4.4

Annual monitoring report - an annual report which monitors and reviews the effectiveness of local policies, and establishes whether policy targets or milestones for local planning policy documents set by the Local Development Scheme have either been met or progress made towards meeting them.

Appeal - process by which a planning applicant can challenge an adverse decision. The appeal may be conducted in writing, by an informal discussion led by the Inspector, or by a formal public inquiry with cross-examination of witnesses.

Café conversations - informal engagement with the community at any stage in the plan making process to gain an understanding of local issues.

Consultation programme - a schedule which clearly sets out when and where the council will involve stakeholders and the community during a consultation.

Development management - the new name for Development Control. The act of determining planning applications (and similar) in conformity with the development plan and material considerations.

Development plan - the development plan for Maidstone includes adopted local plans, adopted DPDs and saved policies from the Maidstone Borough-Wide Local Plan 2000.

Development plan document (DPD) - now referred to as a local plan under The Town and Country Planning (Local Planning) (England) Regulations 2012, these are statutory documents produced by local planning authorities that must be taken into account in determining planning applications. Currently, planning permission must be granted in accordance with these documents unless material considerations indicate otherwise.

Hard to reach groups - groups of people who are traditionally more difficult to target during consultation exercises, for example older people, gypsy and traveller communities and people with a disability.

Hearing - a planning appeal hearing undertaken in a structured way but without the formality of a local inquiry.

Householder proposal - a proposal for works or extension to a single dwelling.

Local development scheme (LDS) - the LDS is a business programme or timetable listing the documents the council will produce under the local planning policy framework, and explaining how documents will be prepared and when they will be published.

Localism act - the Localism Act was published in 2011 and introduces new freedoms and flexibilities for local authorities and communities.

Local plan - the plan for the future development of the local area, drawn up by the local planning authority in consultation with the community.

Local planning policy framework - sets out the policies that determine where, when and how development takes places in the borough. All planning proposals that the council deals with are judged against these policies.

Major proposal - a residential planning proposal for 10 or more dwellings, or for a site of 0.5 hectares or more. Also a commercial proposal for 1,000m² of floorspace, or for a site of 1 hectare or more.

Neighbourhood plans - introduced under the provisions of the Localism Act 2011. Parish councils (or authorised groups of local individuals in unparished areas) are able to prepare statutory development plans against which planning applications will have to be assessed.

Planning inspectorate (PINS) - the Planning Inspectorate is responsible for processing planning and enforcement appeals and conducts examinations into local plans.

Public examination - an interrogatory process led by one or more members of the Planning Inspectorate, held to examine the soundness of a local plan.

Public inquiry - an independent inquiry carried out by the Planning Inspectorate assessing planning decisions made by the local planning authority allowing applicants the right to appeal against the refusal of permission/consent/enforcement proceedings. The inspector produces a decision after hearing evidence in person.

Stakeholder - an individual or organisation who has specific knowledge and/or expertise of the subject matter.

Statement of community involvement (SCI) - a document that sets out how and when communities will be involved in preparing development plans and processing planning applications.

Supplementary planning document (SPD) - there is no legal requirement to take these documents into account in determining planning applications, so their nature is to provide guidance to applicants wishing to develop land. The community will be involved in their preparation, but there is no independent examination of the document.

6.1 Listed below are the types of bodies, groups and organisations that the council will involve and consult with, where appropriate, during the preparation and development of its local planning policy documents. Please note that this is not an exhaustive list and will continue to be updated as the local planning policy framework takes shape.

Statutory Consultees

6.2 The specific consultation bodies which the 2012 Town and Country Planning Regulations require the council to consult are:

- Adjoining authorities - Ashford, Medway, Swale, Tonbridge and Malling and Tunbridge Wells;
- English Heritage;
- Kent and Medway NHS;
- Kent County Council;
- Kent Police;
- Natural England;
- Network Rail;
- The Environment Agency;
- The Highways Agency;
- The Homes and Communities Agency;
- Parish councils;
- Relevant communications providers;
- Relevant gas and electricity providers; and
- Relevant sewerage and water undertakers.

General Consultation Bodies

6.3 The 2012 Town and Country Planning Regulations also specify that the council must consult the following, where appropriate:

- Voluntary organisations including sport and leisure and environmental groups;
- Local racial, ethnic and national groups;
- Local religious groups;
- Local disability groups; and
- Local business groups.

7.1 The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires the council to consult specific consultation bodies when considering some planning applications.

7.2 The statutory consultees for Development Management include:

- Adjoining authorities - Ashford, Medway, Swale, Tonbridge and Malling and Tunbridge Wells;
- Kent County Council Highways;
- Parish councils;
- Natural England;
- Network Rail;
- The British Waterways Board;
- The English Sports Council;
- The Environment Agency;
- The Health and Safety Executive;
- The Historic Buildings and Monuments Commission for England;
- The Secretary of State for the Environment, Food and Rural Affairs;
- The Secretary of State for Transport; and
- The Theatres Trust.

7.3 However, the statutory consultees which need to be consulted vary depending on the type of application submitted, and the specific site circumstances. Therefore, the table within Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 should be referred to for more information.

Stage 1: Equality Impact Assessment

1. What are the main aims purpose and outcomes of the Policy and how do these fit with the wider aims of the organization?
The Statement of Community Involvement (SCI) sets out how and when stakeholders and the local community can participate in the preparation of local planning policy documents and planning applications. Engagement with the local community is an essential part of the planning process, particularly at an early stage, and can enable communities to shape the area where they live. The council has a duty to prepare an SCI and to follow the procedures set out in the document. The SCI meets the wider aims of the council for corporate and customer excellence, and supports the council's Corporate Equality Policy.
2. How do these aims affect our duty to:
<ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the act. • Advance equality of opportunity between people who share a protected characteristic and those who do not. • Foster good relations between people who share a protected characteristic and those who do not.
By undertaking public consultation in accordance with the processes set out in the SCI the duty will be met.
3. What aspects of the policy including how it is delivered or accessed could contribute to inequality?
The SCI seeks to address inequality through stakeholder engagement and public consultation.
4. Will the policy have an impact (positive or negative) upon the lives of people, including particular communities and groups who have protected characteristics ? What evidence do you have for this?
The SCI will have a positive impact upon all members of the public, including groups who have protected characteristics, by setting out the plan making and planning application stages for stakeholder engagement and public consultations, together with the range of consultation methods to suit all potential respondents.

If the answer to the second question has identified potential impacts and you have answered yes to any of the remaining questions then you should carry out a full EQIA set out as stage 2 below.

Stage 2: Equality Impact Assessment

Name of Policy/Service/Function
Purpose
What are you trying to achieve with the policy / service / function?
Who defines and manages it?
Who do you intend to benefit from it and how?
What could prevent people from getting the most out of the policy / service / function?

How will you get your customers involved in the analysis and how will you tell people about it?
Evidence
How will you know if the policy delivers its intended outcome / benefits?
How satisfied are your customers and how do you know?
What existing data do you have on the people that use the service and the wider population?
What other information would it be useful to have? How could you get this?
Are you breaking down data by equality groups where relevant (such as by

gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?

Are you using partners, stakeholders, and councillors to get information and feedback?

Impact

Are some people benefiting more – or less - than others? If so, why might this be?

Actions

If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?

Is it discriminatory in any way?

Is there a possible impact in relationships or perceptions between different parts of the community?
What measures can you put in place to reduce disadvantages?
Do you need to consult further?
Have you identified any potential improvements to customer service?
Who should you tell about the outcomes of this analysis?

Have you built the actions into your Service Plan or Policy Implementation Plan with a clear timescale?
When will this assessment need to be repeated?

MAIDSTONE BOROUGH COUNCIL

**CABINET MEMBER FOR PLANNING, TRANSPORT AND
DEVELOPMENT**

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

Report prepared by Emma Boshell

Date Issued: _____

1. STATEMENT OF COMMUNITY INVOLVEMENT 2013 – ADOPTION

1.1 Key Issue for Decision

1.1.1 To consider the responses and proposed changes to the Statement of Community Involvement Consultation Draft 2012 (attached at Appendix A), and to adopt the document attached at Appendix B to this report.

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

1.2.1 That, subject to the views of the Spatial Planning Strategy Advisory Group, the Cabinet Member for Planning, Transport and Development:

- i. considers the responses and proposed changes to the Statement of Community Involvement Consultation Draft 2012 (attached at Appendix A); and
- ii. adopts the Statement of Community Involvement 2013 (attached at Appendix B).

1.3 Reasons for Recommendation

1.3.1 Following approval from the Cabinet Member for Planning, Transport and Development, the Statement of Community Involvement Consultation Draft 2012 underwent a five week consultation, from 7 December 2012 to 11 January 2013. Whilst there is no longer a duty to consult the public on the statement of community involvement (SCI), it is considered good practice to do so.

1.3.2 A public notice was placed in the Kent Messenger on Friday 7 December 2012, the document was published on the council's website, and copies were placed in The Gateway and in local libraries. In addition to statutory consultees, residents, businesses and parish councils were notified that they have the opportunity to comment on

the document through the circulation of the council's Planning Viewpoint newsletter which went out to all contacts on the Spatial Policy consultation database. Representations were received via the online consultation portal, by email and by letter.

1.3.3 A total of 18 organisations and individuals responded to the consultation, submitting 28 comments. Out of these the majority were observations (14) and comments of support (13) with one objection to the document.

1.3.4 Key Issues arising from the Consultation Responses

1.3.5 There are four key issues arising from the consultation responses. These issues are highlighted below, with the proposed changes and additional minor amendments set out in Appendix A. The changes have been incorporated into the amended Statement of Community Involvement 2013 attached at Appendix B.

Statutory consultees for planning applications – whilst Appendix 1 of the SCI lists the statutory consultees the council consults during the preparation and development of its local planning policy documents, some respondents felt that the list of statutory consultees the council consults on planning applications was missing. It is therefore proposed to include this list of statutory consultees in Appendix 2.

Methods of consultation for applications for works to protected trees and trees in a conservation area – whilst the tables in Chapter 4 of the SCI list the consultation processes for major, householder and other planning applications, one respondent raised the issue that the consultation process for dealing with applications for works to protected trees and trees in a conservation area had not been addressed. It is therefore proposed to include an additional table listing the consultation process for these types of applications.

Involvement of local ward members in pre-application discussions – community involvement and consultation at the pre-application stage is set out in detail in Chapter 4 of the SCI. However, one respondent seeks guidance on how local ward members can get involved in pre-application discussions, particularly if they are members of Planning Committee. It is therefore proposed to include an additional sentence stating that, when involved in pre-application discussions, local ward members should adhere to the Maidstone Borough Council Planning Code of Conduct.

Clarification of terms – some respondents seek clarification of the terms used throughout the document. It is therefore proposed to include additional terms in the glossary.

APPENDIX D

In addition, it was suggested by the Head of Legal Services to complete an Equality Impact Assessment (EqIA) for the SCI. Attached at Appendix C, the EqIA ensures that the SCI does not discriminate against any disadvantaged or vulnerable people.

1.4 Alternative Action and why not Recommended

1.4.1 An alternative action is to retain the 2006 Statement of Community Involvement and not update it, but the document would then not reflect current legislation and practices.

1.5 Impact on Corporate Objectives

1.5.1 The SCI meets the council’s objectives of corporate and customer excellence, and supports the council’s Corporate Equality Policy.

1.6 Risk Management

1.6.1 There are no risks arising from the updated SCI. To retain the 2006 SCI could have legal implications as it does not accord with current practices.

1.7 Other Implications

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

1.7.1 There are no specific implications arising from the revisions to the SCI other than a requirement to undertake an equality impact assessment (attached at Appendix C). The SCI is a procedural document, focusing on how the council engages with the local community.

1.8 Relevant Documents

1.8.1 Appendices

Appendix A – Proposed changes to the Statement of Community Involvement Consultation Draft 2012

Appendix B – Statement of Community Involvement 2013

Appendix C – Equality Impact Assessment

1.8.2 Background Documents

1.8.3 None.

IS THIS A KEY DECISION REPORT?

Yes

No

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

5 March 2013

This is a Key Decision because: the SCI affects more than one ward.

Wards/Parishes affected: all wards and parishes.

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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