

## **MAIDSTONE BOROUGH COUNCIL**

### **LOCAL DEVELOPMENT DOCUMENT ADVISORY GROUP**

**26 JULY 2010.**

#### **REPORT OF HEAD OF SPATIAL PLANNING**

**Report prepared by Michael Thornton and Sue Whiteside**

#### **1. CORE STRATEGY – PUBLIC CONSULTATION**

##### 1.1 Issue for Decision

1.1.1 To consider the part draft of the Core Strategy (**Appendix A**) and make comment before it is further evolved. As outlined previously, this is being drafted in sections and a full draft of the document will be brought to future meetings for further comment and finally, approval for recommendation to Cabinet.

1.1.2 To note that the Regional Strategy has now been Revoked and that significant change to the plan making system is to be introduced to parliament by the new Government in the "Localism Bill".

1.1.3 To consider some important potential implications of this and measures to maximise the opportunities this offers and mitigate the delaying effect of these changes, to ensure the prompt and proper advancement of the Maidstone Core Strategy and other LDF documents to meet the Council's requirements.

##### 1.2 Recommendation of Head of Spatial Planning

1.2.1 **That the Advisory Group considers the partial draft of the Core Strategy attached as Appendix A and, in particular, the Core Policies section. Members are requested to make comments for the refinement and improvement of this document. Further complete and revised drafts will be presented to the Advisory Group before it recommends a complete draft document to Cabinet for public consultation.**

1.2.2 **That the Advisory Group notes that the new Government Revoked the Regional Strategy on 6 July, and the outline of the initial proposals for changing the plan making system as in section B below, and agree the adjustments in work programme and actions of mitigation as outlined in section C.**

1.2.3 **That the Advisory Group recommends to Cabinet that the LDF Core Strategy process should be advanced to public consultation at the earliest opportunity, consistent with having proper regard to the opportunities now presented to the Council in the development of the Core Strategy. Further reports on these matters will be presented to future meetings of LDDAG.**

1.3 Reasons for Recommendation

**A. Background**

1.3.1 On 25 June 2009 the Advisory Group (and subsequently Cabinet) agreed a response to the representations received to the Core Strategy preferred options consultation conducted in early 2007. A statement of the likely direction of the necessary modification of the preferred option was agreed (Key Considerations in the Development of the Core Strategy, appendix 2 to that report), as well as a detailed response to the representations from KIG (appendix 1 to that report). A new LDF work programme with the Core Strategy and a Gypsy and Travellers sites DPD first, followed by a prioritized list of SPDs.

1.3.2 In subsequent meetings the Advisory Group considered the development of the supporting evidence base and the Core Strategy document. In February 2010 a content and structure of the Core Strategy was agreed, and in June 2010 a draft Spatial Vision and Objectives were considered. The attached **Appendix A** is a partial draft of the Core Strategy that has been revised to reflect changes discussed at the June meeting. The partial draft includes:

- introductory sections
- further revised draft Spatial Vision and Objectives
- draft Core Policies (with some exceptions).

1.3.3 The key matters and approach adopted in the introductory sections and Core Policies are addressed in section C below.

1.3.4 The draft excludes the Spatial Strategy and Spatial Policies section and the Key Diagram and some important targets and figures. This includes the district house building target, the Gypsy and Traveller pitch figure and other matters. These will follow in subsequent drafts. Their completion is now complicated by recent changes introduced by the new Government that now must be evaluated before these elements are agreed and are presented for public consultation. These recent changes and a response are outlined below.

## **B. Revocation of the Regional Strategy and new Government proposals**

The new Government has signalled intention to radically change the planning system<sup>1</sup>. The details of the new system are as yet unclear but on 6 July the Secretary of State Revoked the Regional Strategies and the Government's Chief Planner issued advice on some of the immediate issues that arise from this announcement. The advice is short and clear in the form of questions and answers and so is attached in full at **Appendix B**.

- 1.3.5 Little further comment on this is necessary, it is clear (Q&A No.5) that LPAs "should continue to develop LDF Core Strategies...reflecting local peoples aspirations and decisions on important issues...", and furthermore, (Q&A No.7) that where DPDs are being prepared, LPAs may decide to review or revise their emerging policies in the light of the revocation, whilst ensuring that the requirements for soundness and other policy requirements under current legislation are met.

## **C. Implications and necessary adjustments**

- 1.3.6 Changes to the dwelling target and changes in the method of infrastructure funding may not make a significant difference to the fundamental issues and challenges that need to be resolved in the Maidstone Core Strategy nor the ultimate pattern of future development in the borough, but it could make very significant difference to the phasing and methods of delivery. Two points in particular:
- 1.3.7 **Phasing** – the 25 June 2009 statement (see 1.3.1 above) on the likely necessary modifications to the Core Strategy preferred option, signalled that there was a potential need to include contingency housing sites allocation in the Core Strategy, for implementation from around 2014/15, to ensure a continuous five year supply of housing before the Land Allocations DPD had had an impact. However, house completions in 2009-10 of 581 proved far greater than had been cautiously projected in our housing trajectory for this difficult economic period. This in itself has reduced the contingency risk – reducing the scale of and delaying any shortfall. Even a very modest adjustment to the target or the timing and nature of future planning policy documents would impact on the need for this contingency in the Core Strategy. I do not wish to promote "contingency sites" unnecessarily and before these matters can be resolved.

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<sup>1</sup> Coalition Government Manifesto, and Open Source Planning and Control Shift – Conservative Green Papers

1.3.8 **Gypsy and Travellers** - Grant funding for new public site provision has very recently been cut so it is now necessary for the authority to fund any provision of a small number of public pitches (on one or two sites) through an element of the affordable housing requirement applied to new housing sites. Core Strategy policy has been revised to achieve this (outlined in Appendix A of this report) but a suitable provision target must be evidenced and agreed to meet locally arising need. Furthermore to ensure that the strategy satisfies the "tests of soundness", the Gypsy and Traveller sites DPD can now only follow the adoption of the Core Strategy which will contain the necessary financial implementation mechanisms to ensure delivery. This will unavoidably delay the DPD.

1.3.9 **Urgent progress** – some authorities have decided to halt work on their LDFs until the situation is clarified. In Maidstone this would not be appropriate because:

- The strategy of the Local Plan is now over 10 years old, a clear sense of direction needs to be communicated to developers and communities. This will provide essential strategy context for further LDF documents or, just as important, guide the new style local plans when and if they are introduced.
- Policy gaps have opened up as parts of the Local Plan could not be "saved", as the Kent and Medway Structure Plan was revoked, and further gaps will open up as the South East Plan is revoked. PPSs and the planned NPSs are also likely to be greatly scaled back in the future.
- Members' aspirations to adopt new guidance to respond to current circumstances reveal a further shortfall in the coverage of policy and guidance – notably for a prioritised list of SPDs.

1.3.10 None of these shortfalls can be addressed until a Core Strategy is significantly progressed.

1.3.11 **Response** - On this basis, urgent work is in hand to review and revise aspects of the draft plan that is being prepared. This includes: a review the appropriate housing target and the implications of any change on strategy; to consider a locally derived local Gypsy and Traveller figure; a review the gaps that are created as the South East Plan is revoked; and the likely future methods of future infrastructure funding including developer contributions and tariff levy, new development incentives and reductions in mainstream government funding.

1.3.12 Not all these matters are appropriate for inclusion in a Core Strategy and will be for other future policy documents, but the Core Strategy must anticipate and provide the necessary basis of these.

1.3.13 **Timing impact** - it is important to progress this assessment further before the Spatial Strategy and key target figures to be included in the Plan are put into the public domain. It is anticipated that this may mean further Member consideration before the Core Strategy is released for public consultation, slightly later in the autumn. The scope to catch-up lost time will be evaluated. Any options and the financial resource implications will be presented for consideration in due course.

#### **D. Core Policies**

1.3.14 The Core Strategy includes a number of introductory chapters that explain the purpose of the document, how the public can engage in the consultation process, and what other documents and strategies have influenced the strategy. The document contains a spatial portrait of the borough, which teases out the key local issues that the strategy and supporting policies must address; followed by the spatial vision and objectives, which have been amended to reflect the views of the Advisory Group following an initial consideration of these elements at the Group's meeting held on 28<sup>th</sup> June. The more action orientated and directive spatial strategy and supporting spatial policies are omitted from this report, pending necessary further work to determine the borough's development targets, and consequently the spatial strategy. This report focuses on the more generic **core policies** that will deliver the strategy and set criteria against which planning applications will be determined.

1.3.15 The first four chapters of the Core Strategy are included in Appendix A to set some context within which Members can consider the core policies, although these early sections (and in particular the development targets contained in them) will evolve as the spatial elements of the strategy are refined.

1.3.16 Core policies address the design of development, sustainable development and impact of climate change, sustainable transport, economic development and housing needs (including affordable housing, local needs housing and sites for gypsies and travellers), the creation of a green and blue network, and the delivery of strategic and local supporting infrastructure. Some key figures and elements of the core policies are omitted this time as they are deeply bound –up with the spatial strategy and targets that will follow later. Further, the text does retain references to the Strategic Development Area in various places although such references have been removed from the Vision statement following the last meeting of LDDAG. It is acknowledged that these references may also need to be replaced depending on the strategy and targets adopted.

1.3.17 The Core Strategy reflects government advice to keep documents simple and succinct and was previously being drafted to avoid repeating national and/or regional strategies and policies. Nevertheless, with the potential disappearance of the South East Plan and potential change and reduction in the system of national policy guidance, critical policy elements of this regional document will need to be reviewed and possibly replicated in Maidstone's core policies. Work on this continues. The Core Strategy also excludes material that can be found in other Council documents, such as the Sustainable Community Strategy or the Strategic Plan, although there are references to these documents throughout.

1.3.18 Members' views on the core policies set out in Appendix A, and any policy omissions, are sought.

#### 1.4 Alternative Action and why not Recommended

1.4.1 The Core Strategy programme could continue relying on all the current targets and the regional strategy but this would likely lead to an unsupported draft plan being generated, greatly increased risk of challenge and potentially abortive work and cost.

1.4.2 Rather than release the plan in sections, the process could have been delayed until a whole draft was ready, however, this would have led to increased delay.

1.4.3 Alternatively, the Core Strategy programme could be frozen until the government's new plan making proposals are in place. This action is not recommended because it would exacerbate the Council's position of having gaps in its policy framework when determining planning applications and other problems considered above.

#### 1.5 Impact on Corporate Objectives

1.5.1 The Core Strategy reflects the spatial elements of the Council's Sustainable Community Strategy, the Strategic Plan and the Economic Development Strategy.

#### 1.6 Risk Management

1.6.1 The report fully addresses the increased risk of challenge in period of uncertainty and the steps taken to mitigate risk.

1.6.2 Furthermore - a decision on the KIG appeal is still awaited. Advice recently published by PINS as a consequence of the suggested revoking of the Regional Strategy indicates that potentially the inquiry could be re-opened to consider any significant implications of this.

## 1.7 Other Implications

### 1.7.1

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

1.7.2 **Financial** –at this time it is prudent to assume that the Core Strategy will proceed under at least similar costs and timescales to previous estimate in the years 2010-11 and 2011-12. The increased uncertainty and risk of challenge and the need to refresh evidence may incur additional costs. These are being evaluated.

1.7.3 The profile of future spending may likely change subject to the changes introduced to the plan making system.

1.7.4 **Legal** – the report addresses the legal issues such as they are known at this time.

## 1.8 Conclusions

1.8.1 Despite the potential changes, it is critically important to continue the Core Strategy promptly but properly. The Advisory Group is recommended that the LDF Core Strategy process should be advanced to public consultation at the earliest opportunity, consistent with having proper regard to the likely impact, timing and form of changes to the plan making system, transition arrangements and other relevant guidance and advice.

1.8.2 This will delay the commencement of public consultation from an anticipated start in late September until late autumn – subject to further developments. Subsequently, the scope to catch-up progress

will be evaluated. Further reports on these matters will be presented to future meetings of LDDAG as a matter of urgency.

1.8.3 At this stage Members' views and comments on the draft core policies are being sought, and Members' feedback will inform future reports. The Core Strategy will be refined and presented in its entirety to the Advisory Group before recommending that Cabinet approves the document for public consultation.

1.9 Relevant Documents

1.9.1 Appendix A – part draft Core Strategy version dated 14 July 2010  
Appendix B – statement and correspondence relating to the Revocation of Regional Strategies – 6 July 2010

1.9.2 Background Documents

1.9.3 Maidstone draft Core Strategy - Preferred options report Jan 2007

<b><u>IS THIS A KEY DECISION REPORT?</u></b>		
No	<input type="checkbox"/>	<input type="checkbox"/>
If yes, when did it first appear in the Forward Plan?		
.....		
This is a Key Decision because: .....		
.....		
Wards/Parishes affected: .....		
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