

MAIDSTONE BOROUGH COUNCIL

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

21 FEBRUARY 2011

REPORT OF THE DIRECTOR OF CHANGE, PLANNING AND ENVIRONMENT

Report prepared by Darren Bridgett

1. CORE STRATEGY CONSULTATION SPRING 2011

1.1 Issue for decision

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

1.2 Recommendation of the Director of Change, Planning and Environment

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

1.2.2 Reasons for recommendation

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

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

1.2.5 Background and introduction

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

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

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

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

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

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

1.3 The approach to the consultation

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

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

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

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

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

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

- Otham; and
- Staplehurst.

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

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

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

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

- 1.3.20 The likely costs of the various elements of the consultation are currently being explored with the Communications team. The Council is considering cost effective solutions that offer real value for money in reaching members of the public and necessary stakeholders. The most expensive elements of the consultation will be:
- Local newspaper advertisements;
 - Posters and leaflets; and
 - Copies of the Core Strategy document.

1.3.21 Prominent advertisements will be included in local newspapers, advertising the dates, times and places of the consultation events. This represents an efficiency as it is already standard practice to use newspaper notifications for planning information.

1.3.22 All printing jobs will be sent via the print management system for the most cost effective solution.

1.3.23 Early estimates suggest that the Core Strategy consultation will cost in the region of £5,500 to £6,000 plus officer time.

1.4 Alternative action and why not recommended

1.4.1 The extent of change in national guidance that has occurred since the 2007 Preferred Options consultation means that the Council needs to pursue a wide and rigorous consultation before progressing to any later more formal regulations-led consultation stages.

1.4.2 Although the format and extent of the spring 2011 consultation will not be as formally structured by planning regulations, failure to consult widely would raise questions of legitimacy over the Council's strategy.

1.4.3 Employing a widespread stage of public consultation would enable the Council to adjust its strategy should significant issues arise. If the Council proceeded straight to the later stages of consultation (Publication) there is a possibility that the Core Strategy process could be delayed. The period between Publication and Submission cannot be used to amend the Core Strategy significantly, so any major changes would necessitate a repeat of the Publication stage. With the proposed consultation approach, major changes can be incorporated if necessary, prior to Publication.

1.5 Impact on corporate objectives

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

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

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

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

1.7 Other implications

1.7.1

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

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

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

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

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

1.8 Relevant documents

None.

Background documents

Statement of Community Involvement, Maidstone Borough Council, 2006

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

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

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

Is this an Urgent Key Decision? Yes

Reason for Urgency

n/a