

MAIDSTONE BOROUGH COUNCIL

CABINET

8 JUNE 2011

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Sue Whiteside

1. LOCAL DEVELOPMENT SCHEME PRIORITY DOCUMENTS

1.1 Issue for Decision

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

1.2 Recommendation of Director of Change, Planning and the Environment

1.2.1 That the Core Strategy DPD, Development Delivery DPD and Central Maidstone AAP comprise the key documents in a review of the Local Development Scheme.

1.2.2 That priority be given to preparing a Parking Standards SPD, a Landscape Character Assessment Guidelines SPD and an Affordable Housing SPD to provide the detail necessary for the implementation of Core Strategy policies.

1.3 Reasons for Recommendation

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

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

for comment or suggested revisions.

1.3.3 This report recommends changes to the local development documents programmed in the adopted LDS (2009) that will form the basis for a review.

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

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

1.3.5 The 2009 LDS¹ incorporates the following development plan documents (DPD) and area action plans (AAP):

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

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

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

Core Strategy DPD

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

¹ <http://www.maidstone.gov.uk/pdf/LDS%20Combined.pdf>

Gypsy and Traveller Pitch Allocations DPD

- 1.3.8 The purpose of the Gypsy and Traveller Pitch Allocations DPD was to allocate land to meet the pitch target that was due to be determined through the South East Plan Partial Review. The supply of gypsy and traveller pitches has long been a local issue for the Council, so an independent DPD prepared in advance of the Core Strategy was intended to address the urgent need as identified in the Gypsy and Traveller Accommodation Assessment (GTAA). Future need for pitches beyond 2016 would be addressed in the Land Allocations DPD.
- 1.3.9 Alongside the government's announcement that it intended to revoke regional strategies, it was also confirmed that the South East Plan Partial Review would not be completed. It will be the responsibility of local authorities to set their own pitch targets in DPDs based on evidence. The Council has already given consideration to a local pitch target, and the draft Core Strategy sets a target of 71 pitches to be provided between 2006 and 2016 as well as setting the criteria for determining planning applications for pitches on previously unidentified sites.
- 1.3.10 Due to the time that has elapsed since work on the DPD commenced, a number of private pitches have been provided through the grant of planning permission or by appeal, and it is possible that the numerical target of 71 pitches by 2016 will be met through the granting of planning permissions. However, securing a suitable site(s) for public pitch provision is a challenge and the subject of ongoing work (as discussed elsewhere on this agenda).
- 1.3.11 Furthermore, as the Core Strategy will confirm the pitch target to 2016, any DPD that allocates land for gypsy and traveller pitches cannot be produced in advance of the adoption of the Core Strategy. Work on the DPD can commence at an earlier stage but Public Participation consultation cannot be undertaken before the Core Strategy is adopted.
- 1.3.12 The option to prepare an independent DPD for gypsy and traveller accommodation remains, although there is now an opportunity to consider a more efficient and cost effective approach to meeting need. Proposals to update the LDS include bringing forward the production of the Land Allocations DPD (under a new title of Development Delivery DPD) so it would now be timely to allocate pitches in the Development Delivery DPD. An updated evidence base to assess accommodation needs to 2026 will be prepared prior to the preparation of the DPD. The identification and development of a public site(s) can be pursued outside of the DPD process, so the merging of DPDs would not result in a delay to public pitch provision in the period to 2016.

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

Town Centre Regeneration AAP

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

Maidstone Urban Extension AAP

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

Land Allocations DPD

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

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

Supplementary Planning Documents

- 1.3.18 The Core Strategy is the key LDF document, but it is a broad policy framework document. Subsequent DPDs and AAPs will strengthen the policy framework, but a suite of SPDs will also be required to add detail to Core Strategy policies as well as other DPDs. There are a number of options for SPD production, but it is crucial to prioritise those SPDs that will be required to deliver the Core Strategy.
- 1.3.19 The Planning Tariff SPD will no longer be required due to the introduction of the community infrastructure levy. The Council has prepared an Infrastructure Delivery Plan and will develop a charging schedule to set its community infrastructure levy.
- 1.3.20A **Parking Standards SPD** and the **Landscape Character Assessment Guidelines SPD** will need to be prepared as soon as practical after the adoption of the Core Strategy to add detail to policy. Similarly, an **Affordable Housing SPD** will be required to expand on the detail of the Core Strategy affordable housing policy, which will supersede the currently adopted Affordable Housing DPD.
- 1.3.21 The adopted LDS (2009) refers to a Parking *Strategy* SPD but the parking strategy is a document that will underpin the Sustainable Transport Strategy. The Parking *Standards* SPD will set out local parking standards for both new residential and commercial development, acknowledging national guidance but informed by local demand, accessibility levels and smarter transport choices identified in the Sustainable Transport Strategy.
- 1.3.22 Further Character Area SPDs and an Air Quality SPD are desirable but are not critical to Core Strategy delivery. Priority can be given to the production of these SPDs and others once key documents are adopted.

LDS Programme

- 1.3.23 Consequently, it is recommended that the revised LDS programme prioritises the production of the following documents:
- Core Strategy DPD
 - Development Delivery DPD
 - Central Maidstone AAP
 - Parking Standards SPD
 - Landscape Character Assessment Guidelines SPD
 - Affordable Housing SPD.
- 1.3.24 Cabinet approval of the above list of local development documents is sought. A subsequent report will recommend adoption of a revised LDS, and seek approval to submit the LDS to the Secretary of State.

1.4 Alternative Action and why not Recommended

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

1.5 Impact on Corporate Objectives

1.5.1 The local development documents in the LDS deliver the spatial objectives of the Sustainable Community Strategy and the Strategic Plan. They also have regard to objectives set out in other Council documents, such as the Economic Development Strategy, Housing Strategy and Regeneration Statement.

1.6 Risk Management

1.6.1 The adoption of the DPDs/SPDs set out in the revised LDS will reduce the risk of inappropriate development and will provide a clear policy direction to landowners, developers, officers, Members, and the public. The following table identifies the risks and mitigation measures involved in creating a new programme for the LDS.

Risk	Likelihood	Impact	Mitigation Measures
The Secretary of State rejects the amended LDS	Low	Unlikely to affect the Core Strategy programme but could impact on the timetable for other DPDs/AAPs.	Fewer DPDs/AAPs are programmed in the LDS, reducing risk of rejection. Continued officer engagement with the Planning Inspectorate.
An incomplete evidence base	Low	Would delay the preparation of DPDs/AAPs.	Core Strategy evidence base will be in place for Regulation 25 consultation. To ensure resources for further studies are commissioned at an early stage.
The Core Strategy found	Medium	The programme for other DPDs/AAPs would be delayed.	Legal advice taken to ensure the Core Strategy is in general

Risk	Likelihood	Impact	Mitigation Measures
unsound			conformity with the South East Plan. PINS and PAS reviews undertaken. Use of soundness self-assessment tool kit.
Delays as a result of decision making processes	Medium	Would delay the preparation of DPDs/AAPs.	Successful programme management and setting of realistic deadlines.
Insufficient staff resources to deliver the LDS	Medium	LDS prepared on the basis of a fully staffed team, so loss of resources would delay the preparation of DPDs/AAPs.	Spatial Policy team fully staffed at present due to the employment of consultants on short-term contracts. Staff resources from other departments will assist in delivering the LDS.
Insufficient funding to deliver the LDS	Medium to low	LDF budget normally sufficient to deliver LDS but funding of contract staff to cover Spatial Policy team absences will place a strain on the budget.	To manage the budget efficiently and effectively, and to report any likely deficiencies at an early stage.
The introduction of new planning regulations for the LDF delaying the programme	Medium	Possible delays to the LDS programme.	Likely to be transition arrangements so officers will keep a watching brief and respond quickly to changes.

1.7 Other Implications

1.7.1

1. Financial	X
2. Staffing	X
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 The number of DPDs/AAPs proposed will impact on the LDF budget, as will the approach taken to producing documents (in-house resources and/or the use of consultants). There are significant savings on production and examination costs by reducing the number of DPDs/AAPs from five in the 2009 LDS to three in the proposed revision of the LDS. The employment of consultants on short-term contracts will affect the LDF budget so the early identification of any deficiencies is critical.

1.7.3 The LDS has been prepared on the assumption that current staffing levels with appropriate skills will continue. Consultants and contractors will be engaged as required, for example, to prepare specialist evidence to support DPDs/AAPs and/or to cover staff absences.

1.7.4 Legal advice on specific aspects of DPDs/AAPs will be sought as required.

1.8 Relevant Documents

1.8.1 Appendices

None.

1.8.2 Background Documents

None

IS THIS A KEY DECISION REPORT?

Yes

No

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

This is a key decision report that has not appeared in the Forward Plan. The report is necessary at this stage to ensure consistency with the emerging Core Strategy Public Participation draft, and to amend a range of document references and information that has been updated in recent weeks.

This is a Key Decision because: It affects all wards and parishes

Wards/Parishes affected: All wards and parishes