

**MAIDSTONE BOROUGH COUNCIL**

**CABINET**

**12 OCTOBER 2011**

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

**Report prepared by Sue Whiteside**

**1. LOCAL DEVELOPMENT SCHEME 2011**

**1.1 Issue for Decision**

1.1.1 To consider the Local Development Scheme 2011 (attached as Appendix A) for submission to the Secretary of State, in accordance with Regulations 10 and 11 of the Town and Country Planning (Local Development) (England) Regulations 2004, as amended 2008 and 2009.

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

1.2.1 That, having regard to the views of the Local Development Document Task and Finish Scrutiny Panel, Cabinet adopts the Local Development Scheme 2011 (attached at Appendix A) and approves the document for submission to the Secretary of State.

1.2.2 That the Local Development Scheme 2011 formally comes into effect on the date of receipt of notification that the Secretary of State will not be issuing a Direction Notice.

**1.3 Reasons for Recommendation**

1.3.1 The Council is required to produce a Local Development Scheme, which sets out the range of development plan documents 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 On 8 June 2011 Cabinet approved the development plan documents (DPD) and area action plans (AAP) that would form the basis for preparing an amended Local Development Scheme (LDS) for

Maidstone. At the same meeting Cabinet prioritised the supplementary planning documents (SPD) required to provide the necessary detail to implement Core Strategy policies. These documents are listed below.

- Core Strategy DPD
- Development Delivery DPD
- Central Maidstone AAP
- Parking Standards SPD
- Landscape Character Guidelines SPD
- Affordable Housing SPD.

1.3.3 The amended LDS (2011) is attached at Appendix A. It contains a brief introduction to explain the local development framework (LDF), identify the documents that comprise the development plan, and a summary of the purpose of an LDS. A synopsis of the challenges for Maidstone sets the context within which the LDS documents are being prepared. In accordance with regulations, progress on the currently adopted LDS (2009) is reviewed, which includes an explanation of why the scheme must now be amended. It sets out amended LDS timetables the various stages of plan production and identifies key target dates or “milestones”. Risks to completing the LDS programme are identified, together with the steps that have been taken to minimise those risks. Document project plans set out the subject matter and general content of each DPD/AAP, and explain the arrangements for the production of documents. A glossary of terms is included to assist the reader with terms commonly used throughout the document.

1.3.4 The LDS documents are programmed to be delivered over 3½ years. The detailed timetable for the production of DPDs/AAPs is set out in the LDS programme and document project plans. The table below summarises proposed adoption dates.

	<b>Adoption Date</b>
Core Strategy DPD	March 2013
Central Maidstone AAP	August 2014
Development Delivery DPD	March 2015

1.3.5 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. The **Central Maidstone AAP** will provide for regeneration of defined areas within and adjacent to the town centre,

and will set out a policy framework to determine planning applications. The AAP will identify different land use “quarters” and will include site specific land allocations. The **Development Delivery DPD** will designate areas of protection, make site specific land allocations, and include Development Management policies that will assist in the determination of planning applications.

- 1.3.6 A **Parking Standards SPD** will set local parking standards for new commercial and residential development. The **Landscape Character Guidelines SPD** is required to develop a toolkit to assist with determining planning applications within the landscape areas identified in the emerging Landscape Character Assessment. An **Affordable Housing SPD** will deliver the detail of the Core Strategy affordable housing policy, which will supersede the currently adopted Affordable Housing DPD. These documents will be delivered within the lifespan of the LDS (2011).
- 1.3.7 Having regard to the views of the Local Development Document Task and Finish Scrutiny Panel, which will consider the LDS attached at Appendix A at its meeting on 20 September, Cabinet is recommended to adopt the LDS and to approve its submission to the Secretary of State.
- 1.3.8 Following submission, the Secretary of State has 4 weeks to decide whether to issue a Regulation 15(4) Direction, directing the local authority to make amendments to the LDS. If a Direction is issued, a further report will be presented to Cabinet.
- 1.3.9 Regulations state that local authorities must determine when a new or revised LDS will come into effect. It is therefore recommended that the Local Development Scheme 2011 formally comes into effect on the date of receipt of notification that the Secretary of State will not be issuing a Direction Notice.
- 1.4 Alternative Action and why not Recommended
  - 1.4.1 The LDF 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/AAPs set out in the revised LDS will reduce the risk of inappropriate development and will provide a clear policy direction to landowners, developers, Members, officers and the public.

1.6.2 In addition to the risks to the programme identified in the LDS (Appendix A), the Secretary of State could reject the submitted document. However, the production of DPDs/AAPs has been moderated, reducing the need for Independent Examinations (from 5 to 3) and thus minimising the risk of rejection. The LDS programme has undergone a realistic review but a focused management approach to regularly monitor and review the timetable will be crucial.

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 (timescales, in-house resources and/or the use of consultants). There are significant savings on production and examination costs through the reduction of 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. The LDS will be delivered in accordance with the Council's medium term financial strategy.

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

8 June 2011 Cabinet report: Local Development Scheme Priority Documents

##### 1.8.1 Appendices

Appendix A: Local Development Scheme 2011

##### 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?

September 2011

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

Wards/Parishes affected: All wards and parishes